



RISK NOTE

SUBJECT: Registered Midwives with Hospital Privileges and Access to Health Records

This Risk Note is intended to provide guidance to registered midwives with hospital privileges seeking access to their client and infant records. Registered midwives have a right to access a complete copy of the client and infant charts, including foetal monitoring strips and images:

- without the client's consent any time the midwife is treating the patient or infant;
- if treatment is over, at any time the request meets the requirements of the bylaws of the hospital regarding medical staff rules; and
- with the client's consent, at any time.

Registered midwives also have a right to be copied on consultation reports that arise as a result of transferring care in accordance with medical staff rules. These consultation reports are relevant for continuity of care purposes.

Registered midwives can also access and review paediatric reports without the client's consent at any time if the registered midwife is involved in the care of the child. If the registered midwife is not involved in the care of the child she still may have access to the paediatric report with the consent of a parent.

If named in litigation the registered midwife is entitled to relevant records and reports, usually obtained through the lawyer acting for the hospital or in compliance with the hospital's medical staff rules.

Where a client has terminated her relationship with the registered midwife the midwife is still entitled, without the client's consent, to records created while the midwife was providing care.

If a registered midwife is being reviewed by a quality assurance committee, or an inquiry or disciplinary committee, the midwife is entitled to see whatever is put before such a committee that could be relevant to the care provided, including subsequent consultations and reports.

August 2013/reviewed and updated May 2017

Published by the Midwives Protection Program

It should be clearly understood that this document and the information contained within is not legal advice and is provided for guidance from a risk management perspective only. It is not intended as a comprehensive or exhaustive review of the law and readers are advised to seek independent legal advice where appropriate. If you have any questions about the content of this Risk Note please contact the Midwives Protection Program at MPP@gov.bc.ca