



RESPONSES TO INFORMATION REQUESTS (RIRs)

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Jamaica: Requirements and procedures for obtaining medical reports within Jamaica as well as from abroad; whether medical reports can be obtained through a proxy; if so, requirements and procedures; whether there is a national standard format for medical reports issued by all hospitals in the country; if so, the information contained therein; whether doctors have an obligation to report serious or crime-related injuries

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Obtaining medical reports

Sources indicate that Jamaica does not have legislation regulating access to information of medical reports [also referred to as medical records] (Jamaica 7 Dec. 2011; Attorney-at-law 5 Dec. 2011). In correspondence with the Research Directorate, a legal officer at the Jamaican Ministry of Health stated that the release of client information is regulated by an internal policy manual (Jamaica 23 Nov. 2011). The policy stipulates that to obtain copies of medical reports, patients must send a written authorization to either a hospital's chief executive officer or its director of Patient Services, or to the regional technical director of the Regional Health Authority that has jurisdiction over the hospital (ibid.).

In correspondence with the Research Directorate, a lawyer with a law firm in Kingston indicated that copies of medical reports can be obtained from both public and private hospitals, as well as from private medical practitioners upon written request by the patient (Lawyer 30 Nov. 2011). Similarly, an attorney-at-law with another Kingston law firm said that patients were to submit "a request ... along with a letter of consent authorising the disclosure of the patient's medical report" (Attorney-at-Law 5 Dec. 2011).

The Ministry of Health of Jamaica stipulates that the written authorization must have the following information:

- Name of the health facility to which the application is made;
- Name and address of the individual or institution to whom the information is to be given;
- Patient's full name, address and date of birth;
- Purpose for disclosure;
- Specific time period to be covered and the extent or nature of information to be released;

- Signature of the patient or his/her legal representative;
- Date at time of signature; and
- Signature of witness. (Jamaica 23 Nov. 2011)

The Ministry of Health also indicates that in cases where the patient is under 16 years of age, the signature of a parent, next of kin or legal guardian is required, as well as documentation to prove the relationship (ibid.). In all cases, letters of authorization become void after 60 days (ibid.).

The Ministry of Health legal officer stated that copies of medical reports are processed within 15 working days (Jamaica 12 Dec. 2011). However, if these are needed for emergency care, they are processed immediately or, if they are requested to evaluate the current care of a patient, within one working day (ibid.). Copies of reports are also issued in response to "Subpoenas and Depositions [a]s required" (ibid.).

Requests from abroad

Sources indicate that patients outside Jamaica can obtain copies of medical reports through a third person as long as the patient gives written consent (Lawyer 30 Nov. 2011; Attorney-at-Law 5 Dec. 2011; Jamaica 23 Nov. 2011). The legal officer indicated that although the policy manual does not contain specific guidelines for requests from abroad, the "practice" followed at hospitals is to request from the patient a letter of authorization, a copy of his or her identification card, and a fee for "processing" (ibid.). The letter of authorization must contain the patient's name, date of birth, address, purpose of the request and period of time to be covered in the report, and it must be signed by the patient and notarized (ibid.). The patient can indicate whether the copy of the medical record should be sent to his or her foreign address, or to a proxy in Jamaica (ibid.). Similarly, the lawyer said that medical reports can be sent to persons abroad provided the person gives written permission (Lawyer 30 Nov. 2011).

Format of medical report

Without making reference to either public or private hospitals, sources indicate that hospitals do not use a standard format for the medical report (Jamaica 23 Nov. 2011; Attorney-at-Law 5 Dec. 2011; Lawyer 15 Dec. 2011; ibid. 30 Nov. 2011). According to the legal officer, medical reports "contain information such as diagnosis, treatment given and personal information on the patient" (Jamaica 23 Nov. 2011). The lawyer added that reports contain the following information fields: addressee; name; date; file number; incident; past medical history; diagnosis; treatment; outcome/prognosis; and doctor's signature, name, position and qualifications (30 Nov. 2011).

Obligation to report injuries

Sources noted that doctors were obliged to report "only" cases specified in subsection 6(3) of the *Child Care and Protection Act 2004* (Jamaica 23 Nov. 2011; Lawyer 30 Nov. 2011), which stipulates the following:

A prescribed person who, in the discharge of that person's duties, acquires information that ought reasonably to cause that person to suspect that a child

- a. has been, is being or is likely to be, abandoned, neglected or, physically or sexually ill-treated; or
- b. is otherwise in need of care and protection, shall make a report to the Registry in accordance with the provisions of this section. (Jamaica 2004)

According to subsection 6(1) of the statute, the following are "prescribed persons":

- a. a physician, nurse, dentist or other health or mental health professional;
- b. an administrator of a hospital facility;
- c. a school principal, teacher or other teaching professional;
- d. a social worker or other social service professional;
- e. an owner, operator or employee of a child day care center or other child care institution;
- f. a guidance counsel; or
- g. any other person who by virtue of his employment or occupation has a responsibility to discharge a duty of care towards a child. (ibid.)

A child is defined in the Act as a "person under the age of eighteen years" (ibid.).

Barriers in obtaining copies of medical reports

The lawyer identified the "main barriers" to obtaining medical reports as being the high fees charged by private practitioners and the time it takes for processing the request (Lawyer 30 Nov. 2011). The lawyer added that the cost of reports from private practitioners can reach 60,000 Jamaican dollars (ibid. 1 Dec. 2011) (C\$706 [XE 1 Dec. 2011]) (Lawyer 1 Dec. 2011). According to the lawyer, reports from private practitioners can take anywhere from one week to one year to reach the requestor, depending on the case and the end use of the report, since practitioners are reluctant to go to court to provide evidence (Lawyer 1 Dec. 2011). Reports from public hospitals can take between one month and one year (ibid.). The lawyer concluded by saying that reports issued by public hospitals are not "very detailed" (ibid.).

The attorney-at-law, in an article published in the *Jamaica Observer*, indicated that health care providers can refuse to provide copies of medical records if there is a "real potential for harm to the patient or a third party" (*Jamaica Observer* 3 Mar. 2011). In such cases, patients can challenge the decisions in court (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Attorney-at-law, Kingston, Jamaica. 5 December 2011. Correspondence with the Research Directorate.

Jamaica. 12 December 2011. Ministry of Health, Legal Services. Correspondence from a legal officer to the Research Directorate.

_____. 7 December 2011. Ministry of Health, Legal Services. Telephone interview with a legal officer.

_____. 23 November 2011. Ministry of Health, Legal Services. Correspondence from a legal officer to the Research Directorate.

_____. 2004. *The Child Care and Protection Act 2004*.
<http://www.cda.gov.jm/downloads/Child_Care_and_Protection_Act_2004.pdf>
[Accessed 1 Dec. 2011]

Jamaica Observer. 3 March 2011. Christopher Kelman. "Right of Access to Medical Records." <http://www.jamaicaobserver.com/legal-notes-Mar-3_7458984> [Accessed 30 Nov. 2011]

Lawyer, Kingston, Jamaica. 15 December 2011. Telephone interview.

_____. 1 December 2011. Telephone interview.

_____. 30 November 2011. Correspondence with the Research Directorate.

XE. 1 December 2011. "Currency Converter Widget."
<<http://www.xe.com/ucc/convert/?Amount=60000&From=JMD&To=CAD>>
[Accessed 1 Dec. 2011]

Additional Sources Consulted

Oral sources: Attempts to contact representatives of Jamaica Medical Records Association, other law firms, Mobey Hope Hospital and Montego Bay Hospital were unsuccessful.

Internet sites, including: Amnesty International; The Caribbean Association of Medical Council; Factiva; Human Rights Watch; Medical Council of Jamaica; Jamaica — Ministry of Health, North East Regional Health Authority, South East Regional Health Authority, Southern Regional Health Authority, Western Regional Health Authority; World Health Organization.

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