



21 September 2023

To TCM service providers and all registered TCM practitioners

## **ADVISORY ON RETENTION OF MEDICAL RECORDS FOR TCM SERVICE PROVIDERS AND TCM PRACTITIONERS**

MOH and the TCM Practitioners Board (TCMPB) have received several queries and feedback from TCM service providers and TCM practitioners (TCMPs) on the retention periods of medical records by TCM service providers and TCMPs.

2. As TCM clinics and services are not licensed under the Healthcare Services Act (HCSA) and TCMP Act, there is no minimum retention period of patients' medical records stipulated by legislation. Nevertheless, keeping proper medical records and retaining them for an appropriate period are essential in ensuring appropriate treatment and continuity of care of patients seeking TCM treatment.

3. Referencing the updated national guidelines for retention periods of medical records issued to all licensees under the Private Hospitals and Medical Clinics Act (PHMCA) in 2022, and in consultation with TCMPB, this advisory provides the recommended guidelines for retention periods of medical records by TCM service providers and TCMPs. The availability of well-documented records also increases support for the TCM service provider(s)' and TCMP's defense in the event of malpractice and/or complaints of alleged negligence by patients.

### **Recommended Minimum Retention Periods of Medical Records**

4. TCM service providers and TCMPs are strongly advised to retain all original Medical Records for the corresponding minimum retention period as provided in Table 1.

**Table 1: Recommended Minimum Retention Period of Medical Records**

S/N	Category	Retention Period
1	Computerised / Electronic Medical Records	Patient's Lifetime + 6 years
2	Paper Records	6 years from last day of consultation or treatment, whichever is later (Unless High Risk Patients and/or Cases <sup>1</sup> )
3	Paper Records of High Risk Patients and/or Cases <sup>1</sup>	15 years from last day of consultation or treatment, whichever is later

5. Please refer to Annex A for more details, and a list of Frequently Asked Questions (FAQs) in Annex B, for reference.

6. We strongly advise all TCM service providers and TCMPs to develop or update your internal processes to align with the above advisory. Should you require any further information or clarification, please email us at [trad\\_compmed@moh.gov.sg](mailto:trad_compmed@moh.gov.sg).



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<sup>1</sup> "High Risk Patients and/or Cases" includes (i) patients who suffered complications during treatment, (ii) pending complaint cases, and (iii) patients who lacked mental capacity, or are suspected to have lacked mental capacity, at the time of the consultation or treatment.

## ADVISORY ON THE RETENTION PERIODS OF MEDICAL RECORDS FOR TCM SERVICE PROVIDERS AND TCMPs

### Application

1. The advisory on the retention periods of medical records apply to all TCM service providers and registered TCMPs.

### Definitions

2. In this advisory, unless the context otherwise requires:
  - (a) **“Computerised / Electronic Medical Records”** means all Medical Records entered into an electronic system and paper Medical Records which have been digitised into an electronic format. This includes information and/or data that is generated electronically and entered into Medical Records.
  - (b) **“High Risk Patients and/or Cases”** includes (i) patients who suffered complications during TCM treatment, (ii) pending complaint cases, and (iii) patients who lacked mental capacity, or are suspected to have lacked mental capacity, at the time of the consultation or treatment.
  - (c) **“Lifetime”** means a patient’s actual lifetime or 110 years where the actual time of death of the patient is unknown.
  - (d) **“Outpatient Records”** means Medical Records for outpatient visits at and/or services rendered by TCM service providers and TCMPs. This includes records of TCM tele-consultations and any other records, including home visits and home-based TCM consultations and treatment.
  - (e) **“Medical Records”** means a record containing the personal data and medical information of a patient that is maintained by the TCM service provider or the TCM practitioner in relation to the provision of TCM service(s) to the patient, and includes all TCM clinical encounters.
  - (f) **“Persons who lack mental capacity”** means a person who lacks mental capacity as defined in section 4 of the Mental Capacity Act 2008.
  - (g) **“Retention Period”** means the period of time that the Medical Records should be kept for, following:
    - (i) the last day of consultation or treatment, whichever is later;
    - (ii) the patient’s death,as applicable and stipulated in this advisory.

### **Retention of Computerised / Electronic Medical Records**

3. Where it is impractical to store electronically generated information and/or data entered into Medical Records in its entirety, we strongly advise TCM service providers and TCMPs to ensure that representative data of sufficient granularity is entered into the Medical Records and retained for the minimum Retention Period for purposes of documentation, care provision and review.

### **Retention of Paper Medical Records**

4. TCM service providers and TCMPs are strongly advised to develop appropriate retention and archival strategies for the storage of paper Medical Records.
5. Where TCM service providers and TCMPs convert original paper Medical Records into a digitised form through processes such as scanning or microfilming, such digitised records are to be regarded as Computerised / Electronic Medical Records. We strongly advise TCM service providers and TCMPs to ensure that such digitised records are retained for the remainder of the relevant Retention Period for Computerised / Electronic Medical Records.

### **Retention of Medical Records in Legal Proceedings**

6. Where legal or other dispute resolution (e.g. mediation) or disciplinary proceedings in relation to a patient's consultation or treatment have commenced or where it is reasonably foreseeable to TCM service providers and TCMPs that such proceedings may be commenced (e.g. a complaint has been made, there are related criminal investigations or proceedings, etc.), we strongly advise TCM service providers and TCMPs to ensure that the patient's complete Medical Records are retained, until the conclusion of such proceedings or as per the relevant Retention Period, whichever is later. Deliberate alterations and tampering of medical records when a case is under review will carry serious consequences for the TCM service provider and TCMPs.
7. For the avoidance of doubt, paragraph 6 applies to all types of Medical Records.

### **High Risk Patients and/or Cases**

8. TCM service providers and TCMPs are strongly advised to develop appropriate retention and proper documentation protocols for High Risk Patients and/or Cases.
9. TCM service providers and TCMPs are strongly advised to retain Medical Records of High Risk Patients and/or Cases for a minimum duration of 15 years from the last day of consultation or treatment, whichever is later.

10. As high-risk patients and/or cases<sup>1</sup> are more likely to be involved in internal investigations or legal action against them, it may be in the interest of the TCM service providers and TCMPs to retain medical records of these patients longer than the recommended retention period. This may be important in their defense against any legal or dispute resolution, or disciplinary proceedings, where applicable.

**FREQUENTLY ASKED QUESTIONS (FAQs) ON RETENTION OF MEDICAL RECORDS FOR TCM SERVICE PROVIDERS AND TCMPs**

**1. Does this advisory on retention of medical records for provision of TCM services apply to TCMPs in nursing homes and hospitals?**

This advisory on retention of medical records for outpatient TCM services are for TCMPs providing TCM services at TCM clinics not licensed under PHMCA or Healthcare Services Act (HCSA). The medical records of patients receiving inpatient acupuncture treatment as part of care protocol under nursing homes/hospitals will need to adhere to the national guidelines on retention of medical records for PHMCA and HCSA licensees.

Similarly for patients seeking acupuncture services at specialist outpatient clinics in hospitals, their medical records are retained by hospitals per national guidelines on medical record retention period.

For patients seeking TCM services on their own at outpatient TCM clinics located on the premises of nursing homes/hospitals, these TCM clinics operate independently of nursing homes/hospitals and hence, are strongly advised to refer to this set of advisory on retention period of TCM medical records.

**2. The TCM medical records are owned by TCM service providers which may be non-TCMPs, hence employed TCMPs will not be able to have the final say on how long the TCM medical records are kept in TCM clinics.**

Although the medical records are not kept nor owned by the employed TCMPs, TCMPs are strongly advised to convey the advisory on retention period of medical records for outpatient TCM services to their employers.

This advisory has also been disseminated to TCM organisations and associations, and they are strongly advised to disseminate this information to their member TCMPs and TCM service providers.

**3. Will there be any penalty for not abiding by the advisory on retention period of TCM medical records?**

There is currently no active enforcement and penalty. However, in the event of alleged malpractice, the availability of well-documented records increases support for the TCM service providers' and TCMPs' defence.

Hence, it is in the TCM service providers' and TCMPs' interest to retain the medical records for the period recommended, minimally.

However, deliberate alterations and tampering of medical records when a case is under review will carry serious consequences for the TCM service providers and TCMPs.