

**SUMMARY of the Decision of the Inquiries, Complaints and Reports Committee
(the Committee)**
(Information is available about the complaints process [here](#) and about the Committee [here](#))

Dr. Jae Koul Kim (CPSO# 71543)
Diagnostic Radiology
(the Respondent)

INTRODUCTION

The Complainant is in a management position with a diagnostic imaging company that purchased the Respondent's diagnostic imaging company. There is no doctor-patient relationship between the Respondent and the Complainant.

COMPLAINANT'S CONCERNS

The Complainant is concerned that the Respondent failed to meet his professional obligations with respect to proper storage and timely access to patient medical records in the Respondent's custody.

COMMITTEE'S DECISION

A General Panel of the Committee considered this matter at its meeting of November 4, 2020. The Committee required the Respondent to appear before a panel of the Committee to be cautioned with respect to breach of the College's *Medical Records Management* policy by failing to provide timely access to medical records.

COMMITTEE'S ANALYSIS

The Committee noted that the length of time to resolve the issue that occurred with access to patient medical records on data storage servers after the sale of the Respondent's business to the Complainant's company was far outside the timelines contemplated for provision of records in the College's policy on medical records management.

Further, the Committee noted, much of the underlying issue for the delay in rectifying the problem was related to financial considerations rather than an unforeseen power outage and COVID-19 delays. Timely resolution of the problems that occurred was open to the Respondent, yet he chose not to act promptly and pay for the necessary server upgrades. The Respondent did so despite the mandate set out in the College's policy on medical records management that physicians with custody or control of medical records must give all former partners and associates reasonable access to their patient medical records to allow them to prepare medico-legal reports, defend legal actions, or respond to an investigation, when necessary.

Given the Respondent's failure to take timely action to provide the Complainant access to the medical records in question as required, and considering the potential impact this delay may have had on timely patient diagnosis and management, the Committee decided to caution the Respondent.

The Committee took no action on the Complainant's concern that the records were not stored properly given that no new information was being added to the records, and the records were intact to the point of the power failure.