

***Health Information Act
Education for all Health PEI Staff***

August 2017

Health Information Act

- New legislation for PEI - rules for personal health information
 - ▶ Came into force July 1, 2017
- PEI Information & Privacy Commissioner has power to review complaints and order Health PEI to take actions
 - ▶ Violations of the Act are subject to fines and imprisonment

What stays the same for Health PEI?

- Collect, use and disclose personal health information only as required for purposes of care or treatment and to manage the health care system
 - ▶ Minimum amount + need to know basis
- Protect personal health information in your care
 - ▶ Keep passwords safe, lock filing cabinets, etc

What stays the same for Health PEI?

- Individuals have a right to review and/or receive a copy of their personal health information
 - ▶ Follow protocol (Preparation of Personal Information for Disclosure)
- Personal health information can be disclosed to law enforcement and where required by law
 - ▶ Follow Disclosure to Law Enforcement policy (form required)
 - ▶ Example of required disclosure: *Child Protection Act*

What's new in the Health Information Act?

- Applies to “personal health information”
 - ▶ Information relating to an individual’s health and health care
- Applies to public and private health care providers who collect, use or disclose personal health information
 - ▶ Referred to as “custodians” in the Act
 - ▶ Includes health care providers outside of Health PEI

What's new in the Health Information Act?

- Personal health information can be shared between custodians for the purposes of caring for a patient, client or resident
 - ▶ Sometimes referred to as “circle of care”
 - ▶ Consent can be implied (see next slide)
 - ▶ Not limited to within Health PEI
 - ▶ Limitations: minimum amount + need to know basis

What's new in the Health Information Act?

- Consent – definitions
 - ▶ Implied consent – we assume the individual consents
 - ▶ Express consent – we actively ask the individual if they consent
 - Can be verbal or written, but must be documented

What's new in the Health Information Act?

- Implied consent can be relied on for collection, use, or disclosure of personal health information for the purposes of care, in most circumstances
 - ▶ We have an obligation to make the public aware of our privacy practices
- Express consent is required for:
 - ▶ disclosure of personal health information to someone other than a health care provider, or
 - ▶ disclosure of personal health information for a non-health related purpose

What's new in the Health Information Act?

- Consenting on behalf of others
 - ▶ Substitute decision makers can consent to the collection, use or disclosure of personal health information if the individual is unable to consent
 - ▶ Family members or personal representative can consent to the collection, use or disclosure of personal health information on behalf of a deceased individual

What's new in the Health Information Act?

- Mandatory breach reporting
 - ▶ What is a privacy breach?
 - If personal health information is lost, stolen, accessed inappropriately or disclosed without proper authorization
 - ▶ What to do if you discover a breach?
 - Notify your Supervisor and create Privacy Breach incident in PSMS
 - ▶ With some exceptions, breaches must be disclosed to the individual and reported to the Commissioner

Health Information Act – Other Topics

- Research using personal health information
- Privacy Impact Assessments
- PEI Electronic Health Record
- Drug Information System

QUESTIONS?

Questions can be submitted to healthprivacy@ihis.org