



Health and Community Services

**The *Personal Health Information Act*
Facilitated Education Program**

**Participant Workbook
(Full-Day Session)**

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SECTION I: INTRODUCTION

In the spring of 2008, the *Personal Health Information Act* (PHIA) was passed by the Newfoundland and Labrador House of Assembly. The Act applies to both public- and private-sector custodians of personal health information, and establishes rules relating to the collection, use and disclosure of such information; the Act also provides individuals with the right to access and to request correction of their own personal health information.

The Act is available on the Government of Newfoundland and Labrador's website at:

<http://www.assembly.nl.ca/legislation/sr/statutes/p07-01.htm>.

(Please note that the copy of the Act and regulations made available in this policy development manual were prepared by the Office of the Legislative Counsel. As they are not published by the Queen's Printer they are not an official version of the laws of the Province. You should contact the Queen's Printer to obtain the official statement of the law.)

The purposes of the *Personal Health Information Act*, as defined in the Act, are as follows:

- *To establish rules for the collection, use and disclosure of personal health information that protect the confidentiality of that information and the privacy of individuals with respect to that information;*
- *To provide individuals with a right of access to personal health information about themselves, subject to limited and specific exceptions set out in this Act;*
- *To provide individuals with a right to require the correction or amendment of personal health information about themselves, subject to limited and specific exceptions set out in this Act;*
- *To establish mechanisms to ensure the accountability of persons having custody or control of personal health information and to safeguard the security and integrity of the personal health information in their custody or control;*
- *To provide for an independent review of decisions and resolution of complaints with respect to personal health information in the custody or control of custodians; and*
- *To establish measures to promote the compliance with this Act by persons having the custody or control of personal health information.*

Learning objectives

This session has been designed to provide you with an overview of the new legislation as well as an opportunity to think about situations in which health information is collected, used, stored, disclosed and protected. In addition, you may also participate in web-based learning modules to become aware of your responsibilities and obligations under the Act depending on your role you perform for your employer. In future, your organization may offer other sessions as part of their responsibility for ongoing education related to changes in policy, regulations or future legislative amendments.

The goal of the session is to provide you with the information and context to make good decisions regarding the collection, use, and protection of personal health information. At the end of the session, you will be able to:

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- 1) Demonstrate your understanding of the legislation's requirements for the collection, use, and protection of personal health information
 - 2) Apply the information acquired to appropriate examples relating to the collection, use, and protection of personal health information
 - 3) Incorporate best practices for the protection of personal health information in your job and in your workplace
 - 4) Contribute positively to the creation of a culture of privacy in your workplace through policy, education and awareness.

SECTION II: AGENDA

FULL DAY SESSION		
Time	Activity	Components
6 hours	Full day	9 am to 12 noon one hour lunch, 1 pm to 4 pm
9:00a 30 minutes	Introduction Review Agenda Identify learning expectations Participant introductions	
9:30a 15 minutes	Assessment Identify what participants know or don't know about privacy List any concerns about privacy legislation	
9:45a 1 hour	Legislation Overview Part One Custodian's Role Obtaining consent Collecting and using personal health information	
10:45a 15 minutes	Break	
10:45a 1 hour	Legislation Overview Part Two Disclosure of personal information Access & Correction of personal health information Security of personal health information	
11:45a 15 minutes	Conclusion Review key concepts Summarize	
12:00p 1 hour	Lunch Break	
1:00p 1 hour	Scenarios	
2:30p 30 minutes	PHIA Resource Review	
2:30p 15 minutes	Break	
2:45p 1 hour	Creating & supporting a culture of Privacy Developing & Implementing Policy for your Organization Addressing Concerns	
3:45p 15 minutes	Conclusion Evaluation & Reflection	

SECTION III: ASSESSMENT (10 MINUTES)

Let's think about what we know about privacy:

<i>Do you need a patient or client's consent to use their personal health information in a research study?</i>
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<i>Your patient or client is unconscious. How much can you tell his relatives about his condition?</i>
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<i>Can you send test results to doctors?</i>
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<i>Is it okay to use a patient's records to prepare their bill?</i>

<i>As a custodian, what are your responsibilities under the Act?</i>
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SECTION IV: SCENARIOS

1) A physician working at a hospital requires a series of blood tests for one of his patients. This situation will mean that the patient's personal health information will be made available to the nurse who cares for the patient and the laboratory technician who carries out the tests.

Question: Which one of the following statements is correct?

- A The nurse may assume implied consent but the laboratory technician will require express consent.
- B Both the nurse and the laboratory technician may assume implied consent.
- C Both the nurse and the laboratory technician will require express consent.

2) Jenny Brown has been admitted to hospital for surgery. Her ex-husband works in the radiology department. Jenny doesn't want him to see any of her health records.

Question: Can she limit her consent so that her ex-husband does not see her personal health information?

3) Sarah Chapman is a senior physiotherapist. She has been asked to provide an opinion on whether her group should invest in additional ultrasound machines. Sarah wants to gather evidence based on the use of the single machine they currently own. To gather this evidence she will have to use the records of all patients treated using ultrasound for the past year.

Question: Which one of the following statements is correct?

- A Sarah may use the records for this purpose.
- B Sarah may only do this if she has the express consent of all the patients involved.

4) Kathy Simmonds is the office manager for a group of dentists. One of the dentists has just completed treatment of a patient who had a broken tooth. Kathy now needs to use the patient's record to generate an itemized bill.

Question: Which one of the following statements is correct?

- A Kathy may use the records for this purpose.
- B Kathy may only do this if she has the express consent of the patient.

5) An individual at a community clinic fell while walking into the building. Sheila Brennan, a manager, has been asked to complete an occurrence report as part of quality and risk management processes aimed at improving safety. Sheila will need to use information about the care and treatment the individual received in relation to the fall to complete her report.

Question: Which one of the following statements is correct?

- A Sheila may use the records for this purpose.
- B Sheila may only do this if she has the express consent of the individual involved.

6) William Grant is suffering from lower back pain. He asks Dr Evans, his family doctor, to send copies of his X-rays and a note about his condition to his chiropractor.

Question: Is Dr Evans disclosing William's personal health information by sending the note and X-rays?

7A) Adam Green has been in a road accident involving a moose. He is unconscious and has been picked up by the ambulance service and taken to the emergency department of the nearest hospital. The paramedic on the ambulance has done an assessment of his vital signs.

Question: May the paramedic disclose the assessment results to the Emergency Room team?

7B) Adam Green is now in intensive care. He has not regained consciousness. Sarah Jones is the nurse manager on the inpatient unit. Adam's brother arrives to visit him and asks Sarah "How is my brother Adam Green doing?"

Question: May Sarah disclose this information to Adam's brother?

8) Janice Green is the manager at a large residential care home. She is archiving her residents' records and is packaging them up to be sent to an information manager specializing in storage of personal health information.

Question: May Janice send the records to the information manager for storage without the consent of individual residents?

9) Stephen Harrison is recovering from a stroke. He is discussing his treatment with an occupational therapist, Linda Fletcher. Linda is making notes on Stephen's progress. Stephen asks if he can read the notes.

Question: Which one of the following statements is correct?

- A Stephen does not have the right to see his notes.
- B Linda must refer Stephen to the contact person.
- C If her organization's policies allow, Linda may show Stephen the notes she has made.

10) Dr. Maitland is a physician working for a Regional Health Authority. He wants to check the accuracy of his own personal health information and his position means that he has access to all health records including his own.

Question: Does PHIA give Dr. Maitland the right to directly access his own records?

11) Neil Burton is a dental hygienist in a private dental practice. As he is walking through reception, he notices that patient records are clearly visible on the receptionist's computer screen. He is concerned that people who have come into the office may have seen them.

Question: What should Neil do?

- A He doesn't need to take any action.
- B Ask the receptionist to be more careful with her screen but not mention it to anyone else.
- C Ask the receptionist to be more careful with her screen and tell the head of practice (who is also the custodian).

Implementing PHIA: A Culture of Privacy

How will you create a culture of privacy in your organization?

- What are you doing now?
- What else do you need to do to meet the requirements of PHIA?

Implementing PHIA: Developing Policy

How will you develop new policies supporting privacy and protection of health information in your organization?

- What policies do you have in place now?
- What policies might be missing?
- What else do you need to meet the requirements of PHIA?

Implementing PHIA: Addressing Concerns

- *How will you hear about concerns?*
- *How will you help staff deal with questions?*
- *What do you need to meet the requirements of the Act?*