

Healthcare Professional Frequently Asked Questions about Health Information

What is considered personal health information?

Any information that is collected from a patient or on the behalf of a patient while they are receiving healthcare is considered personal health information. This information includes, but is not limited to patient's:

- Name, healthcare number, demographic information, and contact information.
- Family members, power of attorney and substitute decision maker.
- Clinical, diagnosis and intervention information.

What would be considered a privacy breach?

A privacy breach occurs when a person contravenes the *Personal Health Information Protection Act, 2004* (PHIPA) and any other related privacy legislation. Privacy breaches vary by degree based on the type and volume of information breached, and the intentions of those that cause the breach.

Examples of privacy breaches include, but are not limited to:

- Faxing patient information to an unintended recipient.
- A courier package containing patient information not being delivered to the correct address.
- An unencrypted USB key with patient information on it is lost.
- A patient reads another patients health information while waiting in observation area.
- A clinician talks about a patient with a friend or family member.
- Health records are placed in the recycling and not properly shredded.
- A clinician looks at the health records of a patient that they are not directly involved in the care of.
- A clinician shares health information that a patient has request to not be shared or accessed by anyone else.

What can I include in an email to other Clinicians or the Information and Technology Team about a specific patient?

When emailing any recipient, other than the patient themselves or their substitute decision maker, you should never include any personal health information in the email. This means you can not include the patients name or health card number.

When emailing a colleague or the IT team, it is recommend that you use the EMR's internal file number. The file number is unique to the patient and it only available in our EMR. If you are unsure where the file number is located, please reach out to the IT Team for assistance.

Can I share my EMR account with other members of my team?

No, you should never share your EMR account user name and password with anyone else. This also means that you should not log into the EMR using your account and allow others to use this computer.

The sharing of your credentials with others is wrong for two reasons. First, it is a breach of EMR User Terms and Agreement which you have signed and can result in you losing access to the EMR indefinitely. Second, if a breach was to occur while someone else is using your access credentials, you would still be held responsible for their actions.

How should I send patient records through the mail?

You can send patient records via mail either in paper (printed) format or on encrypted disc. This is important, when sending a disc, it should always be encrypted: if you are unsure how to do this, please reach out to the IT team for assistance.

When sending these records using mail, always ensure that you include tracking with the shipment. It is also recommended, depending on the information contained in the package, to include signature for delivery.

How much can we charge when we receive a request for patient records?

Patients have the right to have access to their patient records and this access cannot be affected by a patient's ability to pay. Nevertheless, healthcare providers have the right to be able to charge for the cost of time and materials that are associated with fulfilling the request. However, the charges cannot be considered unreasonable or prohibitive. Please refer to the Information and Privacy Commissioner's Office of Ontario's Orders HO-009 and HO-014 for clarification as to the reasonableness of fees.

How long do we have to complete a request from a patient or their representatives?

Any request made with regards to a patient's health information needs to be completed within 30 days of the request being received. If you or your staff are unable to complete the request within the 30 day period, you may notify those that made the request that you will require another 30 days (60 days in total) to complete the request. When notifying the recipient of the extension, you must provide an explanation for the extension. Regardless, you must complete the request within 60 days.

Can a patient lock down their whole chart?

<https://www.youtube.com/watch?v=Ud2RxCYkOv0> Under most circumstances, the patient has the right to lock down any portion of their chart. However, some information cannot be locked down either because it is required for the day-to-day business operations of the organization (i.e. billing, auditing, education, etc.) or because it could significantly affect the safety of the patient or those around them (including narcotic prescriptions). If you ever have any questions

regarding this or require any assistance, the Health Circles privacy team is here to assist you (705-721-0370 x2135 or accessprivacy@bcfht.ca).

Can patients record their conversations with a healthcare provider?

Legally, in Ontario, a conversation with any individual can be recorded with the consent of only one of the individuals involved in the conversation. However, given the nature of personal health information, at a minimum for a conversation to be recorded, the patient must provide their consent. However, a healthcare provider can choose to not take part of a conversation that is being recorded.

Under these circumstances, the patient may be able to record the clinical conversation, but cannot record other patients that are either waiting or receiving care.

How old does someone need to be in order to access or lock their health information?

A patient generally can be over the age of 12 years old to make decisions on their personal health information without the assistance of a substitute decision maker. While this is considered a general rule, it is dependent on your belief in the individual's ability to make decision within their best interest.

This means, if you believe them to be capable of making a privacy related decision, that a person under the age of 12 could make a privacy decision on their behalf. This also works the other way, if you believe that someone over the age of 12 does not have the ability to make a privacy decision that is informed and in their personal interest, then you can choose to not fulfill the request. If you ever have any questions regarding this or require any assistance, the Health Circles privacy team is here to assist you (705-721-0370 x2135 or accessprivacy@bcfht.ca).