

The Health Information Act and You

**A Primer for Pharmacy
Technicians**





Disclaimer

- As per the definition regarding bias or conflict of interest put forth in the Guidelines and Criteria for CCCEP Accreditation and as per Section 10.3, I am declaring that I have no real or potential conflict to disclose.



Agenda

- What is the Health Information Act (HIA)?
- HIA roles and responsibilities
- Recent cases



The Health Information Act (HIA)

- Alberta's privacy law for the health sector
 - Regulates Albertans' rights:
 - to access their own health information and
 - to request corrections
 - Regulates collection, use and disclosure of health information whenever a "health service" is provided
 - Confidentiality of health information
 - Reasonable measures to protect health information
 - If you aren't providing a health service (practicing pharmacy), the related information does not fall under HIA



Health Information is...

- Registration information
 - Names and ID numbers (e.g. AHCIP number)
 - Contact information
 - Payment information
- Diagnostic, treatment and care information
 - Includes drug information
 - Includes information about prescribed devices and equipment
- Health services provider information



Health services are...

- Services paid under Alberta Health Care Insurance Plan
- Services paid for by Alberta Health and Wellness
 - Includes Alberta Health Services (health regions)
- Pharmacy services, no matter who pays
 - Services provided in practice of pharmacy as defined in Pharmacy and Drug Act

Bill 52 – Health Information Amendment Act



- All health services included – not just public health sector
 - Pharmacy sector remains the same
- New provisions for Netcare
 - Audit requirements
- Minister can compel information
 - Consultation with Colleges before compelling info
- Health Information Repositories
- New classes of custodians to be named by Minister
 - Based on professions in Health Professions Act

Roles and responsibilities

Under the HIA





Custodians and affiliates

- HIA applies to “custodians”
 - Pharmacies and pharmacists
 - Alberta Health and Wellness
 - Alberta Health Services
 - Nursing homes
 - Health Quality Council of Alberta
 - Physicians
 - Others, as named in regulations
- Affiliates work for custodians

Who is the custodian in a pharmacy?



- HIA says pharmacies and pharmacists are custodians
 - Can cause confusion
 - Stores may have more than one pharmacist
 - Is the chain a pharmacy?
- Pharmacy and Drug Act
 - Pharmacy is the place where pharmacy is practiced
 - Licensee is clinical pharmacist with responsibility for pharmacy operations
- OIPC interpretation: the licensee is custodian and responsible for HIA in pharmacy
 - Licensee is a pharmacist and responsible for pharmacy practice on premises
- Exception: AHS, nursing homes are custodians in their own right
 - Pharmacists and technicians working at these institutions are affiliates



Licensee is custodian

- This means your chain head office is not a custodian
- This means the owner of the store is not necessarily the custodian (unless they are also licensee)
- This means there is one person responsible for HIA compliance in each pharmacy (licensee)
 - All others (pharmacists, technicians, assistants) in pharmacy are affiliates under HIA

What does this mean to Pharmacy Technicians?



- You are an affiliate to a custodian
 - Pharmacy licensee
 - Institution (AHS, nursing home, etc.)
- You need to follow custodian's HIA policies
 - Access requests from patients
 - Correction requests from patients
 - Collection
 - Use
 - Disclosure
 - Information security
- Only collect, use and disclose the amount of health information needed to do your job
- A custodian may delegate some HIA responsibilities to you
- Custodian is ultimately responsible for HIA compliance
 - Must ensure policies are in place
 - Must ensure affiliates are aware of and comply with HIA and policies

OIPC

Office of the Information & Privacy Commissioner



- Commissioner - Frank Work
 - an officer of the Legislative Assembly
 - Independent of government
- Has a broad range of responsibilities and powers, including enforcing:
 - Freedom of Information and Protection of Privacy Act (FOIP)
 - Personal Information Protection Act (PIPA)
 - Health Information Act (HIA)
- Commissioner does not make the 3 laws
- Government is responsible for legislation
 - PIPA & FOIP – Alberta Government Services
 - HIA – Alberta Health & Wellness



OIPC Portfolio Officers

- You are most likely to encounter portfolio officers in your job as we:
 - Investigate and mediate access, correction and privacy complaints
 - Review Privacy Impact Assessments
 - Provide advice and education on access and privacy issues in health sector

Recent cases





Recent Investigations

- Consider masking requests
 - H2008-IR-001
- Be aware of what your contractors are doing
 - H2008-IR-02
- Properly encrypted data = no notice when data goes missing
 - H2008-IR-003
- Don't disclose health information to foreign courts unless order has been recognized in Canada
 - H2009-IR-002
- Netcare is for healthcare, not personnel management
 - H2009-IR-003



Pharmacy sector linkages

- College of Pharmacists
 - Contact and consultation, as needed
- RxA
 - Contact and consultation, as needed
 - RxA model HIA policies
 - Streamlined Privacy Impact Assessment process for
 - Netcare
 - PPMI



Good news!

- Over the past 2 years, pharmacy sector compliance with HIA has improved
- Our office has reviewed and accepted over 400 pharmacy privacy impact assessments
 - Each PIA includes policies
- Very few privacy complaints about pharmacies <5/year

Thank you!



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