

<b>POLICY TITLE</b> Release of Personal Health Information	
<b>APPROVED BY:</b> ICHA Operations Committee	
<b>DATE APPROVED:</b> May 8 <sup>th</sup> , 2018	<b>CHAIR SIGNATURE: N/A</b>
<b>DATE REVIEWED/REVISED:</b>	

## 1.0 Introduction

As a Health Information Custodian it is the responsibility of the Inner City Health Associates (ICHA) to safeguard all medical information concerning a patient against unlawful disclosure.

All patients have the right to request access to their medical record. See ICHA’s Access Policy

Information concerning a patient that has received treatment at ICHA will be released in accordance with current legislation and as outlined below:

***Current Legislation:***

***Personal Health Information Protection Act, 2004, S.O. 2004, c. 3, Sched. A (PHIPA)***

***Personal Information Protection and Electronic Documents Act***

***Public Hospitals Act - R.R.O. 1990, Reg. 965***

***Mental Health Act, R.S.O. 1990, c. M.7***

***Child Youth and Family Services Act, S.O. 2017, C.14 Sched 1***

***Coroners Act, R.S.O. 1990, c. C.37***

***Health Care Consent Act, 1996, S.O. 1996, c. 2, Sched. A***

***Children's Law Reform Act, R.S.O. 1990, c. C.12***

## Designated Sites

ICHA oversees the release information at the following sites and ensures release in a timely manner for ongoing patient care at the following sites:

Main Office – 59 Adelaide St. E.

CATCH program

Covenant House

Inner City Family Health Team

And any other sites as designated which have the appropriate administrative support to copy and release records in compliance with ICHA’s policies and any requirements of PHIPA.

### 3.0 Policy

Virtual Office Assistant (VO) and administrative staff at designated sites will release records **for patient care/transfer of care purposes** as outlined in the following procedure. When the release is processed for **transfer of care purposes** the patient's Master Record will be updated indicating a change of status to "Transferred".

All other requests for release of information will be directed to ICHA's Privacy Officer or delegate for verification and when appropriate disclosure.

### 4.0 Procedure

#### 4.1 Procedure – Routine Disclosure:

1. All non-urgent requests require a completed consent form that will be uploaded onto the patient's record and the VO assistant notified via OSCAR messenger.
2. The VO assistant ensures the consent is valid and includes the following:
  - indicate that it is directed to Inner City Health Associates or Inner City Family Health Team for patients seen at that site only.
  - state what information is to be released
  - include patient's name and a second unique identifier i.e. date of birth of patient, health card number etc.
  - name person/facility to receive the information
  - original signature of patient, or signature of parent, legal guardian, or substitute decision maker where required
  - the date of the signature must be within 6 months of the date it was received
  - consent must be signed after treatment date
  - state the reason for the request E.G. transfer of care, consultation etc.

NOTE: ICHA's Privacy Officer can be consulted for questions related to the validity of any consent.

3. Once the consent is verified the VO will inform the site contact via OSCAR messenger that the record can be released or arrange release by the Virtual Office Assistant.
4. When the consent form does not name ICHA but only the site where the clinic is held –a new consent will need to be requested prior to any release of records.
5. When a consent form names an ICHA physician the records "authored" by that individual can be released with notation to the requestor that other records are available and they can be released with upon receipt of a consent form that directs ICHA to release the records.

6. Records are generally sent by OSCAR fax however Canada Post and use of a Courier is also acceptable.

#### 4.2 Procedure- Urgent Disclosure:

1. Urgent requests for disclosure of personal health information must be dealt with as soon as reasonably possible.
2. Urgent disclosures can be managed by a designated site or by the VO staff
3. To respond to an urgent request the following should be considered:
  - Verify patient - name and a second unique identifier i.e. date of birth of patient, health card number
  - The information is reasonably necessary to provide health care
  - The patient has not specifically instructed not to disclose information in certain circumstances
  - Requestor is encompassed under the “circle of care”
    - Other health care practitioners or groups of health care practitioners
    - Community service providers (defined in the Long-Term Care Act)
    - Community Care Access Corporations
    - Public or Private hospitals
    - Psychiatric Facilities
    - Independent Health Facilities
    - Homes for the aged, rest homes, nursing home, care homes and hospices
    - Pharmacies
    - Laboratories
    - Ambulance services
    - Centre’s, programs and services for community health or mental health whose primary purposes are providing health care

The people/organizations listed above are considered the patient’s “**Circle of Care**” and can provide health care to the patient, confidently assuming that they have consent to collect, use and disclose of the patient’s health information for that care, unless they know that the patient has expressly withheld or withdrawn consent. Specifically, the “**Circle of Care**” describes those who provide health care or assist in providing health care to a particular patient.

4. In the patient record document the name of the person/facility to whom the information was disclosed, the reason for disclosure and what was disclosed. Note: disclosures can be written or verbal

#### **4.3 Procedure- Deceased Individual's records:**

Refer all requests to ICHA's Privacy Officer.

#### **NOTE:**

All ROI requests must be replied to within 30 days of receipt. If more than 30 days are ICHA will need to respond, provide the requestor with written notice of an extension explaining when you will respond, and why the extension is needed. An extension cannot exceed an additional 30 days.

Children of any age are presumed to have the capacity to consent to disclosure of their personal health information. Do not presume capacity if it is not reasonable to do so in the circumstances. If there is a conflict between the child and the parent, the capable child's decision prevails with respect to the consent.

Patients may withdraw their consent at any time. Patients who want to withdraw their consent must notify, in writing that they no longer consent to the disclosure of their personal health information.