

 <p>Winnipeg Regional Health Authority Office régional de la santé de Winnipeg Caring for Health À l'écoute de notre santé</p> <p><b>POLICY</b></p>	<p><b>REGIONAL</b></p> <p>Applicable to all WRHA governed sites and facilities (including hospitals and personal care homes), and all funded hospitals and personal care homes. All other funded entities are excluded unless set out within a particular Service Purchase Agreement.</p>		Level:  <b>1</b>
	Policy Name: <b>Disclosure of Personal Health Information to Religious Organizations</b>	Policy Number: <b>10.40.143</b>	Page <b>1 of 5</b>
	Approval Signature: <i>Original signed by A. Wilgosh</i>	Section: <b>Governance &amp; General Administration</b>	
	Date: <b>April 2010</b>	Supercedes: <b>New</b>	

**1.0 PURPOSE:**

- 1.1 To ensure that the Trustee protects the Individual's right to Privacy of their name, location and condition during Disclosure of information to a religious organization as set out under *The Personal Health Information Act* ("PHIA").
- 1.2 To detail the conditions and restrictions on the hospitals and personal care homes when disclosing information to a representative of a religious organization.

**2.0 DEFINITIONS:**

- 2.1 Access: The right of an Individual, or a Person Permitted to Exercise the Rights of an Individual, to examine (view) and receive a copy of the Individual's Personal Health Information Maintained by the Trustee.
- 2.2 Disclosure of Personal Health Information: Revealing the Personal Health Information outside the Trustee, i.e. to other Trustees, to family and friends of the Individual, or to other persons legally entitled to have Personal Health Information released to them.
- 2.3 Health Care: Any care, service or procedure provided to diagnose, treat or Maintain an Individual's health; provided to prevent disease or injury or promote Health Care; or that affects the structure or a function of the body and includes the sale or dispensing of a drug, device, equipment or other item pursuant to a prescription.
- 2.4 Health Care Facility: A hospital, personal care home, Psychiatric Facility, medical clinic, laboratory, CancerCare Manitoba and community health centre or other facility in which Health Care is provided and that is designated in the PHIA regulation.
- 2.5 Health Professional: A person who is licensed or registered to provide Health Care under an Act of the Legislature or who is a member of a class of persons designated as Health Professionals in the PHIA regulation.

- 2.6 Health Services Agency: An organization that provides Health Care such as community or home-based Health Care pursuant to an agreement with the Trustee.
- 2.7 Individual: A patient, client or resident receiving Health Care services within a Trustee. For the purpose of Access, correction, Use and Disclosure of Personal Health Information includes Persons Permitted to Exercise the Rights of an Individual.
- 2.8 Individual's Condition: The Individual's general health status, described as critical, poor, fair, stable or satisfactory, or in terms indicating similar conditions; and the Individual's location, unless Disclosure of the location would reveal specific information about the physical or mental condition of the Individual.
- 2.9 Maintain: In relation to Personal Health Information, to have custody or control of the information.
- 2.10 Personal Health Information: Recorded Information about an identifiable Individual that relates to:
- the Individual's health, or Health Care history, including genetic information about the Individual;
  - the provision of Health Care to the Individual; or
  - payment for Health Care provided to the Individual;
- and includes:
- the PHIN (personal health identification number) and any other identification number, symbol or particular assigned to an Individual; and
  - any identifying information about the Individual that is collected in the course of, and is incidental to, the provision of Health Care or payment for Health Care;
- and for further clarity includes:
- personal information such as financial position, home conditions, domestic difficulties or any other private matters relating to the Individual which have been Disclosed to the Trustee;
- and for the purpose of the Confidentiality policy:
- any Personal Health Information exchanged verbally about an identifiable Individual.
- 2.11 Personal Representative:
- an Executor/Executrix or joint Executor/Executrix named in a deceased Individual's will; or
  - a court appointed Administrator or joint Administrator of a person's estate.
- 2.12 Persons Permitted to Exercise the Rights of an Individual means:
- 2.12.1 (a) any person with written authorization from the Individual to act on the Individual's behalf;
- (b) a proxy appointed by the Individual under *The Health Care Directives Act*;

- (c) a committee appointed for the Individual under *The Mental Health Act* if the committee has the power to make Health Care decisions on the Individual's behalf;
- (d) a substitute decision maker for personal care appointed for the Individual under *The Vulnerable Persons Living with a Mental Disability Act* if the exercise of the right relates to the powers and duties of the substitute decision maker;
- (e) the parent or guardian of an Individual who is a minor, if the minor does not have the capacity to make Health Care decisions;
- (f) if the Individual is deceased, his or her Personal Representative.

2.12.2 If it is reasonable to believe that no person listed in any clause of 2.12.1 exists or is available, the adult person listed first in the following who is readily available and willing to act may exercise the rights of an Individual who lacks the capacity to do so:

- (a) the Individual's spouse, or common-law partner, with whom the Individual is cohabiting;
- (b) a son or daughter;
- (c) a parent, if the Individual is an adult;
- (d) a brother or sister;
- (e) a person with whom the Individual is known to have a close personal relationship;
- (f) a grandparent;
- (g) a grandchild;
- (h) an aunt or uncle;
- (i) a nephew or niece.

**Ranking:** The older or oldest of two or more relatives described in any clause of 2.12.2 is to be preferred to another of those relatives.

- 2.13 **Privacy:** The fundamental right of an individual to control the collection, Use and Disclosure of their Personal Health Information.
- 2.14 **Privacy Officer:** An employee designated by the WRHA or the Health Care Facility whose responsibilities include dealing with requests from individuals who wish to examine, receive a copy or make a correction to Personal Health Information Maintained by the Trustee and facilitating the Trustee's compliance with PHIA. The definition is intended to mean the Privacy Officer and/or their delegate.
- 2.15 **Psychiatric Facility:** A place designated in the regulation of *The Mental Health Act* as a facility for the observation, assessment, diagnosis and treatment of persons who suffer from mental disorders.
- 2.16 **Record or Recorded Information:** A Record of information in any form, and includes information that is written, photographed, Recorded or stored in any manner, on any storage medium or by any means, including by graphic, electronic or mechanical means, but does not include electronic software or any mechanism that produces Records.

- 2.17 Site: A Health Care Facility, community health centre, community office within the WRHA.
- 2.18 Trustee: A Health Professional, Health Care Facility, public body, or Health Services Agency that collects or Maintains Personal Health Information. For clarity, the WRHA as a public body is the Trustee of the Personal Health Information collected and Maintained within Health Care Facilities and Sites owned and/or operated by the WRHA and includes Community Health Services. The other hospitals and personal care homes within the region are Trustees of the Personal Health Information collected and Maintained at each Health Care Facility.
- 2.19 Use: Involves revealing Personal Health Information to someone within the Trustee's own organization who needs to know the information to do their job. Use includes processing, reproduction, transmission and transportation of Personal Health Information.

### **3.0 POLICY:**

- 3.1 Notice must be provided to hospital in-patients and residents of a Personal Care Home advising that their names, condition (general health status) and location may be provided to a representative of their religious organization.
- 3.2 Hospital in-patients and residents must be given a reasonable opportunity to object to the Disclosure of their information.
- 3.3 Information shall not be Disclosed to a religious organization if the hospital in-patient or resident objects to the Disclosure.
- 3.4 Hospitals and personal care homes may Disclose only the name, condition and location of a hospital in-patient or resident to a representative of their religious organization, **unless** Disclosing the location would reveal specific information about the Individual's health.
- 3.5 Representatives of religious organizations must be approved by the Spiritual Care Department of the Health Care Facility.
- 3.6 Representatives of religious organizations shall not remove any information (lists) provided to them from the facility.

### **4.0 PROCEDURE:**

- 4.1 During the admission or intake process, hospital in-patients and residents may be asked if they want their religion Recorded and will be advised that their name, condition and location will be Disclosed to the specific religious organization identified by the Individual i.e. Roman Catholic, United, etc.
- 4.2 If an Individual does not want their religion Recorded, the Individual's name will not appear on any lists Disclosed to representatives of religious organizations.
- 4.3 All requests for Disclosure of names, condition and location should be coordinated with the Site Privacy Officer or the Spiritual Care Department.

- 4.4 A Record of the religious organizations that are receiving information will be Maintained by the Spiritual Care Department.
- 4.5 When a person is notified by a patient in a hospital or a resident of a personal care home that they object to the Disclosure of their information to a religious organization, that person shall notify the Spiritual Care Department or the Privacy Officer.
- 4.6 When a person is notified by a patient in a hospital or a resident of a personal care home who previously objected to the Disclosure of their information and now wants their name, condition and location Recorded and shared with the religious organization; the person shall notify the Spiritual Care Department or the Privacy Officer.

## 5.0 **REFERENCES:**

- 5.1 *The Personal Health Information Act (Manitoba).*
- 5.2 *The Personal Health Information Act Regulations.*

***Policy Contact:*** Landis Esposito, WRHA Chief Privacy Officer