

# **PHIA has Changed!**

## **The Amendments**

**what they are  
and**

**what they mean for you**



# What You Need to Know

Legislative amendments effective  
May 1, 2010

WRHA PHIA policies revised

Some amendments will directly  
affect you



# Timeframes for Responding to Access Requests

A trustee shall respond to a request as promptly as required but no later than:

**24 hours** if the individual is a hospital in-patient and the information is about care currently being provided;

**72 hours** to a person who is not a hospital in-patient and the information is about care currently being provided;

**30 days** in any other case



# Defining Information about Care Currently Being Provided

## **Hospital inpatient**

Personal health information collected, documented and maintained in the Hospital In-Patient Chart during the current hospital stay for an individual who has been admitted and not yet discharged from hospital.

## **Personal care home residents**

Personal health information about a resident in a Personal Care Home includes the most current Quarterly Medication and Quarterly Team Review, Care Plan, Medication Administration Record and any other information that would describe or explain an incident, injury or new health issue.



# Defining Information about Care Currently Being Provided

## **Health care facility visits such as emergency, outpatient, outreach, day surgery and facility based clinics**

Personal health information collected, documented and maintained in a facilities health record that is readily available during a visit to one of the above settings. This may also include information about the last visit to that setting.

## **Community Health Services such as family medicine/primary care, midwifery, home care, population & public health, mental health**

Personal health information collected, documented and maintained in a health record that is readily available during a visit pertaining to one of the above settings. This may also include information about the last visit in that setting.



# Persons Permitted to Exercise the Rights of the Individual

- Person with written authorization
- Proxy
- Committee
- Substitute Decision Maker
- Parent/Guardian of a Minor
- Personal Representative



# Persons Permitted to Exercise the Rights of the Individual

If a trustee reasonably believes that no person listed is available, the adult person listed first in the following who is readily available and willing to act may exercise the rights of the individual who lacks the capacity to do so:

- Spouse or common-law partner
- Son or daughter
- Parent - if the individual is an adult
- Brother or sister
- Person with whom the individual has a close personal relationship
- Grandparent
- Grandchild
- Aunt or uncle
- Nephew or niece

**Ranking:** older or oldest of two or more relatives described is preferred to another of those relatives (i.e. the older son or daughter).



# Timely Disclosure to Family

PHIA permits disclosure of personal health information to an immediate family member or anyone else the individual is known to have a close personal relationship if:

- The individual is receiving health care from a health care facility or in their home
- Limited to health ***care currently being provided***,
- In keeping with good medical or other professional practice, and
- **Must be acceptable** to the individual or his or her representative.

## AMENDMENT

- If family of hospital inpatient disclosure must be within **24 hours**.
- If family of resident in health care facility or receiving health care at home, must be within **72 hours**.



# Disclosure to Religious Organizations

Permits hospitals and personal care homes to disclose

- Name
  - General health status and
  - Location
- 
- **Notice** required
  - Reasonable opportunity for individual to object
  - Will be coordinated by the Site's Spiritual Care Department and/or site Privacy Officer



# Disclosure for Fundraising

Permits hospitals and personal care homes to disclose

- Name
  - Mailing Address
- 
- **Notice** required
  - Reasonable opportunity for individual to object
  - Charitable Fundraising Foundation affiliated with the facility



# Notice

Trustees must take reasonable steps to inform individuals of their rights to examine, receive a copy of and to request a correction to their personal health information and inform them about how they can exercise these rights!

**“unless you tell us not to”**



# New Definition

## Demographic Information

- Individual's Name
- Address
- Telephone number
- Email Address

New category of information that does not reveal health status.



# Demographic Information ONLY

## Can be DISCLOSED to:

- Determine or verify eligibility for a program, service or benefit
- Police to assist in locating a person reported as missing
- Charitable Fundraising Organization associated with hospital or personal care home
- Collect a debt the individual owes to the trustee



# Elements of Consent

Consent for use and disclosure must be:

- Related to the purpose
- Knowledgeable
- Voluntary; and
- Not obtained through misrepresentation.



# Express or Implied Consent

Must be express consent if:

- Disclosure is to a person that is not a trustee
  - Disclosure is to another trustee but not for health care purposes or assisting in health care
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- Express consent not required to be in writing
  - Conditions on Consent
  - Withdrawal of Consent



# Collection of Personal Health Information

Whenever possible, a trustee shall collect personal health information directly from the individual except...

the information is collected for the purpose of:

- compiling an accurate family or genetic health history of the individual, or
- determining or verifying the individual's eligibility to participate in a program or receive a benefit or service from the trustee and is collected in the course of processing an application made by or on behalf of the individual



# Other Amendments to the Act

- **Research** may disclose to a health research organization prescribed in the regulations.
- **Computerized health information network** for the purpose of providing health care; evaluation or monitoring of a program; research and planning.

