

Privacy and Confidentiality

June 22, 2016

Questions

- ppd@cnomail.org
- Subject Title: Teleconference

News Headlines

- “Massive privacy breach at a Toronto hospital has led to 19 more charges, including six criminal counts against a nurse...” — *CBC News, June 2015*
- “North Bay nurse who snooped into 5,800 patients’ records gets four month suspension” — *Toronto Star May 16, 2016*
- “...former nurse at RVHs, handed home arrest in patient privacy breaches” — *Pickering News Advertiser June 3, 2016*

Objectives

- To understand your regulatory accountability including obligations under the Personal Health Information Protection Act (PHIPA)
- To recognize who is in the Circle of Care


Nursing Foundation




CNO Documents

- [Confidentiality and Privacy](#)
- [Professional Standards](#)
- [Therapeutic Nurse-Client Relationship](#)
- [Ethics](#)
- [Documentation](#)
- [Consent](#)

Confidentiality and Privacy



PRACTICE STANDARD



COLLEGE OF NURSES
OF ONTARIO
ORDRE DES INFIRMIÈRES
ET INFIRMIERS DE L'ONTARIO

THE STANDARD OF CARE.

**Confidentiality and Privacy—Personal
Health Information**

PHIPA, 2004

Personal Health Information Protection Act, 2004:

- Regulates the collection, use and disclosure of personal health information (PHI) by health information custodians (HIC)
- Consent is implied within a client's circle of care to maintain the flow of information necessary to provide health care

Circle of Care

- An informal reference
- Refers to individuals responsible for providing care to the patient

Outside the Circle of Care

- Requires expressed consent from the client
- Disclosure may be permitted by law
- [Information and Privacy Commissioner's website](#)

Health Information Protection Act, 2016

- Increasing number of privacy breaches being reported to the Information Privacy Commission (IPC)
- Introduced to better protect privacy and to ensure that individuals who engage in privacy breaches are held accountable

Amendments to PHIPA

1. Introduces mandatory reporting obligations for privacy breaches
2. Strengthens the Information and Privacy Commissioner's prosecution processes for breaches under PHIPA
3. Increases the maximum fines for offences

Privacy Breaches

Possible consequences:

- Loss of employment and difficulty regaining employment
- Discipline proceedings brought by the College
- Reputational damage
- Investigation by the IPC
- Prosecution and fines under PHIPA
- Other legal action

Discipline Committee Decisions

- *CNO v. Marcella Calvano* – accessed approx. 338 client records without consent or other authorization
- *CNO v. Nancy Oliveira* – accessed approx. 1,300 client records without consent or other authorization
- *CNO v. Melissa McLellan* – accessed approx. 5,800 client records without consent or other authorization

Technology and Client Information

- Technology has changed how communication is occurring
- Security of the communication method must be considered and what processes are in place to protect clients' personal health information
- Ensuring the information is being retained in the client record

Social Media



Case 1

Can this shift be any longer? It started out with a waiting room full of nagging people that don't know what "emergency" means smh. Then I had to deal with the drama of trying to transfer this 400 lbs. (no jokes) intubated COPD patient down the hall to ICU, those ICU nurses are such divas and I wasn't in the mood for their whining. Anyone around ABC Hospital want to save me with a drink to get me through the next 10 hours of my shift???????

- **Could you identify this client?**

Case 2

A nurse educator from the tropical disease clinic is preparing a poster presentation for an infectious diseases conference. She includes pictures of varying stages of clients lesions in the poster.

- **What factors does the nurse need to consider?**

Case 3

Marcus was admitted to the hospital from the nursing home. He was diagnosed with dehydration and delirium. He is expected to eventually return to the nursing home. The charge nurse at the nursing home calls for an update of Marcus's status.

- **Can the hospital nurse share information with the home?**

Case 4

Adam works on the cardiology unit at the hospital and learns that his grandfather was admitted overnight. He has not been able to get in touch with his grandfather. While on the computer getting results for his patient, Adam checks his grandfather's health record to find out what room he is in and why he has been admitted.

- **Is it acceptable to access the health record?**

Case 5

You work part-time for a community agency. On your last shift you took care of David, an older gentleman with renal failure who lives alone. On your next shift, you decide to check David's chart to see how he is doing.

- **Are you still in the circle of care?**

Privacy is Essential to Client Care

- Clients need to feel comfortable communicating with their health care team
- Privacy breaches can lead to emotional distress for clients

Summary of Key Points

- Confidentiality and Privacy
- Therapeutic Relationship
- Ethics
- Professionalism

Resources

- Circle of Care
<https://www.ipc.on.ca/images/Resources/circle-of-care.pdf>
- Office of the Privacy Commissioner
<https://www.ipc.on.ca/english/Home-Page>
- NCSBN
https://www.ncsbn.org/Social_Media.pdf

Contact Us

- Practice support line
 - 416-928-0900 x 6397; Toll-free: 1-800-387-5526
 - Email: PPD@cnomail.org
- Outreach Consultants: www.cno.org/prac/outreach

Questions

- ppd@cnomail.org
- Subject Title: Teleconference



www.cno.org