

Privacy and Confidentiality

December 2015

Questions

- ppd@cnomail.org
- Subject Title: Teleconference

News Headlines

thestar.com

HEALTH & WELLNESS

Life / Health & Wellness

Hospital privacy violations rife in Ontario

More than 400 complaints about privacy breaches are lodged each year, yet only one prosecution has occurred since 2004.

CBCnews | Toronto

Ontario to double fines for medical privacy breaches; make prosecution easier

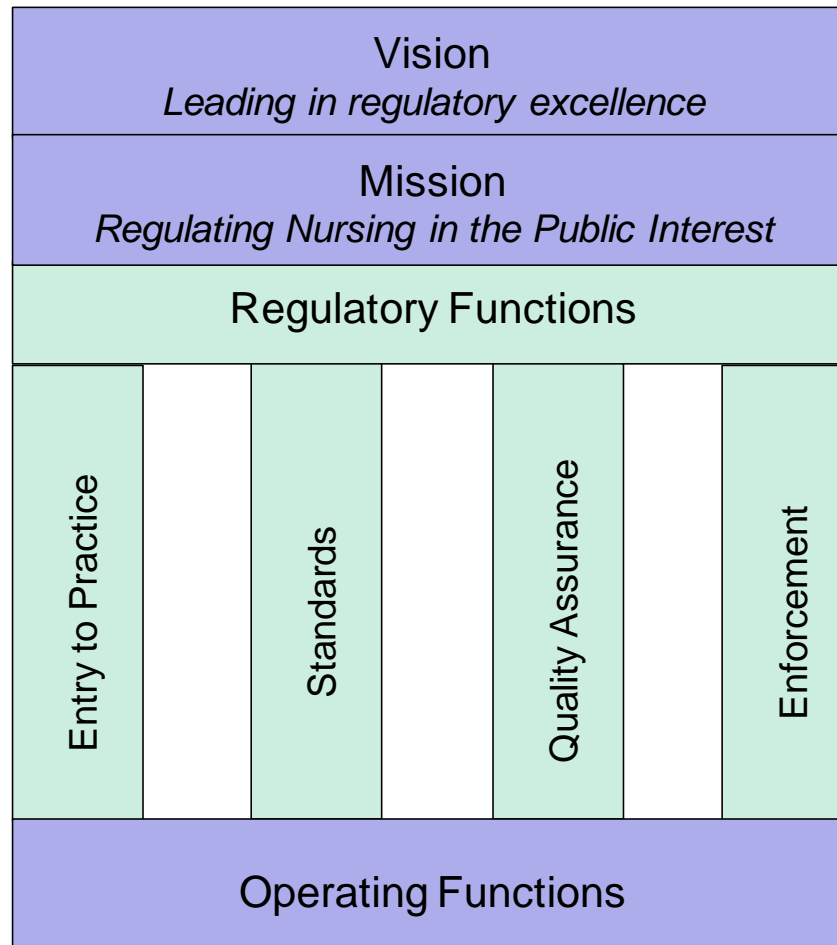
Proposed rules would discourage 'snooping' into patients' medical records

The Canadian Press | Posted: Jun 10, 2015 1:55 PM ET | Last Updated: Jun 11, 2015 3:58 PM ET

Learner Objectives

- Understand your accountability under the Personal Health Information Protection Act (“PHIPA”)
- Recognize who is in the Circle of Care
- Apply CNO standards to your practice setting


Regulatory Functions




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
(PHIPA):

- Regulates the collection, use and disclosure of personal health information (PHI) by health information custodians (HIC)
- Consent is **implied** within a patient'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 patient
- Disclosure in some cases is permitted by law

Bill 119

Bill 119, Health Information Protection Act, 2015

- There are an increasing number of privacy breaches being reported to the Information Privacy Commission (IPC)
- This is likely because of easier access to electronic health records
- Bill 119 was introduced to better protect privacy and to ensure that individuals who engage in privacy breaches are held accountable

Bill 119, Continued

- Introduces mandatory reporting obligations for privacy breaches
- Strengthens prosecution processes by the IPC for breaches under PHIPA
- Increases the maximum fines for offences
- Bill 119 is working through the legislature; the Minister of Health and Long-Term Care has signaled that this is a priority for the current government

Privacy Breaches

Possible consequences to nurses who engage in privacy breaches:

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

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 the clients personal health information
- Ensuring the information is being retained in the client record

Social Media



Case 1

- Resuscitating an 18 year old football player twice on our way to the airport 1.5 hrs away (much of it unpaved roads) to get him to the closest acute care hospital.... Today scary. Doing it successfully and knowing he is in ICU safely... Totally awesome! #..... (and I got to do an airtransfer for the first time!)
- **Could you identify this client?**

Case 2

- A nurse posts a picture to an online enterostomal wound care group of a stage 4 wound asking for recommendations for treatment.
- **What factors does the nurse need to consider?**

Case 3

- Mary was admitted to the hospital from the nursing home. She was diagnosed with urosepsis and delirium, she is expected to eventually return to the nursing home. The charge nurse at the nursing home calls for an update of Mary's status.
- **Can the hospital nurse share information about Mary with the home?**

Case 4

- Fran works on the pediatric unit at the hospital and learns that her aunt was admitted overnight. She has not been able to get in touch with her aunt. While on the computer getting results for her patient, Fran checks her aunt's health record to find out what room she is in and why she has been admitted.
- **Is it acceptable for Fran to access her aunt's health records?**

Case 5

- Noah works part-time for a community nursing agency. On his last shift he took care of David an older gentleman with COPD who lives alone. When Noah picks up a shift, he decides to check David's chart to see how he is doing.
- **Is Noah 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

Resources

- 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
- [Information and Privacy Commissioner](#)

Questions

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Teleconference Feedback Form

Thank you for participating in the Confidentiality and Privacy Teleconference on 3 December 2015. Please take a few minutes to complete this feedback form. Your feedback is appreciated and will help us improve our process. You can also complete this form online at: <http://www.cno.org/en/learn-about-standards-guidelines/educational-tools/teleconferences/privacy-con-tele/>.

	Very useful	Useful	Not very useful	Not at all useful	Please explain your answer:
1. Usefulness of teleconference:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Very satisfied	Satisfied	Dissatisfied	Very dissatisfied	Please explain your answer:
2. Satisfaction with speakers' clarity:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Satisfaction with speakers' understanding of the topic:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Satisfaction with speakers' responses to questions:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Yes	No	Unsure	Please explain your answer:
5. Do you have a better understanding of your accountability in maintaining confidentiality and privacy around client records?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. As a result of this teleconference, do you have a better understanding of the circle of care?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Will you be able to apply the information you learned from today's teleconference to your work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

8. What could CNO do to improve this teleconference in the future?	
9. Other comments:	

Your nursing category:

- RN
- RPN
- NP
- Other (specify):

Your health care sector:

- Academia
- Acute Care
- Community & Public Health
- LTC & Rehabilitation
- Mental Health & Corrections
- Paediatrics
- Palliative
- Other (specify):

Your role in your organization:

- Staff Nurse
- Nurse Practitioner
- Manager
- Administration
- Clinical Educator
- Clinical Nurse Specialist
- Other (specify):

Thank you for your feedback. Please send the completed form as an e-mail attachment to Melissa Thomas at mthomas@cnoemail.org or print and fax to **416 928-9643** (attn: Melissa Thomas).



www.cno.org