



Focus on Privacy: Focus on Patients

learning

philosophy

ideas

we

important

engaging

information

individual

accessible

together

process

approach

trial

experimentation

encourage

builds

blocks

explicit

positioned

progress

knowledge

regular

error

helping

building

example

collaborative

exercise

environment

assessment

boundaries

directed

imagination

prompt

personal

include

challenging

developing

discovery

discussed

demonstration

growth

understand

passionate

play

perspective

practice

connecting

innovation



PRIVACY

Vs



1. Individuals control their information subject to some exceptions. So, in order to collect, use or disclose personal health information, you're going to need to have consent or be permitted or required by law to act.
2. Individuals have a right to access their own personal health information. If that information is inaccurate or incomplete, for the purposes for which you hold it, they can ask for it to be corrected.
3. Personal health information must be kept safe, you must protect it from unauthorized use, or disclosure or from loss and theft

PHIPA – Personal Health Information Protection Act

PHIPA establishes rules for the collection, use and disclosure of personal health

Other law and guidance: Hospital Act, FIPPA, case law, IPC guidance and decisions, regulatory college, insurance requirements, and more



What is Personal Health Information?

- Identifying information
 - Physical health
 - Mental health
 - Family history
 - Organization or department/program name
 - PCP
 - HCN
 - Test results

Consent

- Express – either verbal or in writing
- Implied - it's reasonable in the circumstances to assume that consent has been given without specifically asking the participant every time
- Withdrawal - here is a right to withdraw consent
- No consent – safety and protection, functioning of the health care system
- Circle of care - when your participant wants you to share information with their other healthcare providers for health care purposes

Policy examples

- General Privacy Policy
- Audit process
- Breach Process
- Transportation
- Retention and disposal
- Release of information
- Consent directive / lockbox

Focus on Patients

- Patients have unique experiences
- Patients value commitment to privacy
- Patients appreciate transparency about privacy practices

Case Studies

A patient is brought to the Emergency Department after police found her in the middle of the street striking herself in the abdomen. She presents at 8 months pregnant, and an underlying mental health issue has her believing that there is a tumour, rather than the fetus, inside of her.

The attending physician is unsure that the patient is being completely honest in her responses to his assessment questions regarding drug use (so that he may try to avoid any adverse drug interaction in his recommended treatment), and upon believing that he has heard her name in the local media as being charged with possession of illicit drugs, decides to 'google' her.

Despite this, the team determines that the patient does not fit the criteria for a Form 1 (Mental Health Act) and thus decides to discharge her since her behaviour has stabilized and she no longer has an acute need. The team continues to be concerned about the patient's well-being and considers informing the police or local shelter in her area just to keep an eye on her.

Discussion Questions

What are some of the ethical issues in this case?

Should you 'google a patient'? Are there ethical concerns with doing so?

Where does respecting patient privacy become 'muddy' in your experience?

Are there ever situations in which it might be ethical to violate privacy even though that may contradict the law?

Case Studies

Mr. Jameson is a former patient of yours who has recently deceased. Several days after his death, his son, who you have met on several occasions before and who had a good relationship with his father, comes to the unit to thank you for taking such good care of his father when he was under your care.

The son does not have a good relationship with his sister, who was their father's Power of Attorney (POA), and thus has not received any details on how his father died. He requests this information from you.

Discussion Questions

What are some of the ethical issues in this case?

Even though the son is not the POA, can you provide information on his father's death to him?

Is consent required to release Personal Health Information after death?