

College and Association of Acupuncturists of Alberta
Reasonable Safeguards – Myth Busters
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Learning Resource Guide ©

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Thank you for joining the workshop! Use this Learning Resource Guide to assist you when you take notes of the key points during the workshop.

Please note: You asked me some great questions during the workshop on May 7. This Learning Resources Guide contains additional resources for you!



Your Acupuncture Practice

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Workshop Notes

Reasonable safeguards

Unfortunately, there are many examples of privacy breaches. We can anticipate common scenarios or incidents that may affect personal health information. A reasonable person will take greater care where there is a strong likelihood of a risk occurring. In those scenarios where the result of harm to the individual, the healthcare provider or employee, or the business is also increased when an incident happens, it would be reasonable to take steps to prevent the incident to occur.

1. Structure Administer

Structure necessary to administer the Health Information Act (HIA) including

Privacy Officer

Responsible affiliate (for example, an employee or the acupuncturist) who is responsible for implementing the HIA. Ensures that the policies and procedures are established and followed. The go-to person when patients, staff, public have questions about how personal health information (PHI) is collected, used, accessed, and disclosed.

Policies and Procedures

- collection, use, disclosure of how personal health information (PHI)
- privacy, confidentiality, and the security of the PHI including the use of
- administrative, technical, physical safeguards

You should have clear expectations regarding the organization of your business, too, including employment standard requirements and good human resources policies and procedures.

Access requests

- Ensure that patients and staff know how the patient can access their record

2. Communication Plan

Collection Notice – see templates at the end of this Learning Resources Guide.

Reasonable Safeguards

- a) When you are working as an acupuncturist in a private practice, you must advise your clients that you will follow the *Personal Information Privacy Act (PIPA)* legislation as per s.13 of PIPA.

Use Collection Template #1 (below). You can display a poster in a location in the clinic, patient brochure, new patient information package or a similar location where patients will see it and can ask you questions.

- b) When acupuncture services are provided in an inter-disciplinary clinic which includes a custodian as defined by the *Health Information Act (HIA)*, e.g. Physician or chiropractor led clinic use the collection notice poster that refers to the HIA requirements.

Use Collection Template #2 (below).

- c) When you refer or share a client's personal information to another healthcare provider, e.g. physician, chiropractor, etc. for the client's continued care and treatment, you must get the client's written consent under the *Health Information Act (HIA)* s.22 and 34.

Use Collection Template #3 (below).

Legal authority to collect, how PHI will be used.

Oaths of confidentiality – professional staff, employees, vendors and reviewed annually

Role Based Access – appropriate levels of access to PHI based on the principles of the least amount of information on a need to know basis.

3. Training Plan

Training - General privacy awareness, security awareness

Specific – additional responsibilities of professional staff, employees with access to patient information, vendors who have access to PHI.

Reward – employees who demonstrate good decision making and follow privacy best practices.

4. Current Status

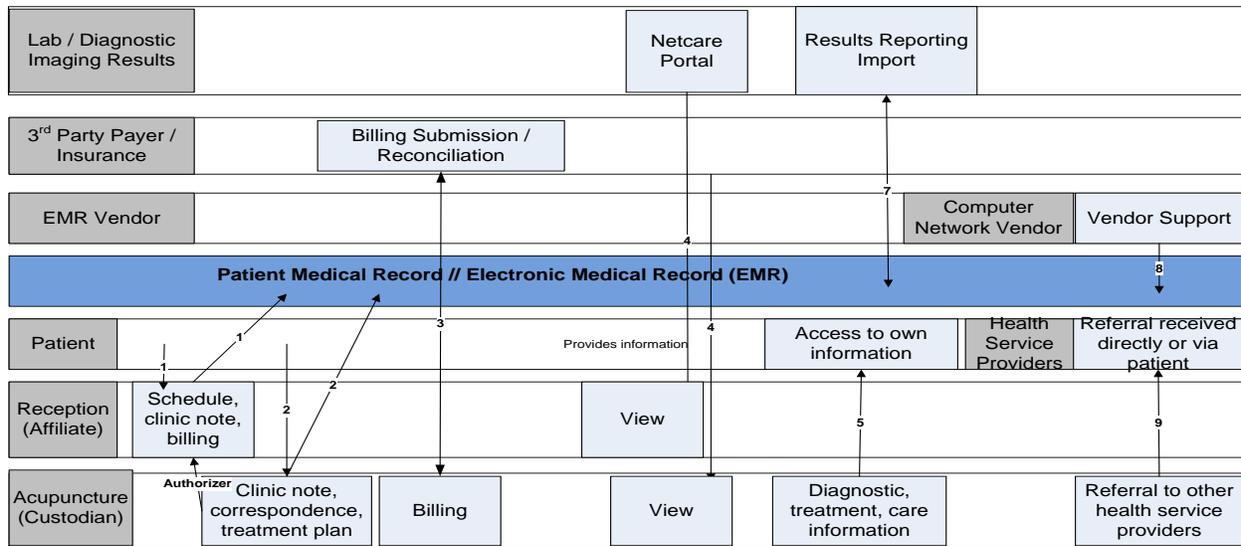
Collect – be specific – what personal health information (PHI) is collected? By whom? Why – for what purpose? How is the patient notified and informed?

Use – be specific – who has authorized access to use PHI? What information?

Disclose, access – meet regulatory requirements, reasonable access to own personal information, shared only with consent of the patient or other legal authority. Consistently documented.

Sample Information Flow Diagram

Reasonable Safeguards



Privacy Impact Assessment – Sample Acupuncture Practice
Information Flow Diagram

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Privacy Impact Assessment

Analysis that helps to identify and address potential privacy risks and the reasonable safeguards to mitigate those that relate to the collection, use or disclosure of individually identifying personal or health information.

5. Records Management

Release of Information (ROI)

Following legislated requirements and best practices including observing expressed wishes from the patient.

Successor

Identifying who will assume the responsibility of patient records when the custodian who initially collected the information is no longer available to maintain them. Includes closing, moving, changing ownership.

Records Management

Access, use, disclosure, retention, role based access controls

Information Manager Agreements

Having a clear agreement of how patient records will be maintained to ensure privacy, security, and confidentiality in a paper based patient record or in a shared EMR database is the objective of an Information Manager Agreement.

In a group healthcare practice, have a clear understanding in writing that sets out how patient records will be collected, used, and disclosed during the group practice is critical to the security

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of the patient information, health service provider information, and good will between members of the group practice. Think of this as the 'prenuptial' agreement in your business relationship.

For more resources, see <https://InformationManagers.ca/information-manager-agreement/>

6. Ensuring Privacy Compliance

Privacy Impact Assessment

Privacy Impact Assessment annual review / update when administrative or technical changes.

Risk Assessment

Before implementing new technology or administrative practices, e.g.. Mobile phones, Netcare Provincial Organization Readiness Assessment (p-ORA)

Privacy Breach

Mandatory reporting under Personal Information Protection Act (PIPA). Incident response - is an organized approach to addressing and managing the aftermath of a security breach or attack (also known as an incident). The goal is to handle the situation in a way that limits damage and reduces recovery time and costs.

Summary 4 Step Response Plan to manage a privacy breach

1. Contain the breach.
2. Evaluate the risks.
3. Notify affected individuals and other stakeholders.
4. Prevent the breach from happening again.

My Gift to You – Free Privacy Breach Awareness Training

for **YOUR** employee's orientation. Includes

- Video – “**Can You Spot the Privacy Breach?**”
- Learning Guide,
- Post Test, and
- Certificate of Completion

Register here: <https://InformationManagers.ca/Spot-Privacy-Breach>

Privacy Awareness Essentials in Healthcare

As an employer and health care provider, **you are responsible to provide training** to **a// your employees** about privacy awareness. If you don't provide the training, if the employees don't understand the policies and there is a privacy breach, then the healthcare provider is more likely to be held accountable under the legislation and face penalties including fines and even prison!

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Protect your organization and your patients. Equip your staff with the information they need to confidently and correctly handle personal health information.

Healthcare businesses who want employee and supervisor level privacy awareness training to support key policies, procedures and risk management programs need a **privacy awareness training program**.

This course is available on-line now! See <https://InformationManagers.ca/privacy-awareness-corridor/>

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Collection Template #1

Instructions: Use this template when acupuncture services are provided in a clinic that only with acupuncture provider (not included as a custodian under HIA).

Display this poster in a location in a clinic, patient brochure, new patient information package or a similar location where patients will see it and can ask you questions.

Print on your letterhead. Modify for your use.

NOTIFICATION OF COLLECTION OF PERSONAL INFORMATION

When you receive acupuncture services from this clinic, we collect individually identifying information from you and share this within this clinic.

- To help you, we need to ask you for your personal information.
- We will ask you before we share your information.
- It is our job to keep your personal information safe.
- We will tell you why we need to collect your personal information, before the information is collected.
- Only with your agreement will we collect, use, and share personal information about you. You may change your mind at any time.
- We will only ask you for the personal information that is needed to help you.
- We will use your personal information only for purposes to which you agreed.

The individually identifying information that you provide to us is collected, used and disclosed in accordance with the provisions of the *Personal Information Protection Act (PIPA)*, s.7(1). The privacy provisions of the legislation require that we protect your health information from unauthorized access, use, disclosure or destruction.

If a health issue is identified during your visit and we recommend that you also see other health care providers, we will make appropriate referrals for your continued care and treatment. This process requires your additional consent under the Health Information Act (HIA) s.22 and 34.

For more information, please talk to the
Clinic Manager (NAME) and Privacy Officer (NAME)
or call PHONE NUMBER

Reasonable Safeguards

Collection Template #2

Instructions: Use this template when acupuncture services are provided in an inter-disciplinary clinic which includes a custodian as defined by the Health Information Act, e.g. Physician or chiropractor led clinic.

Display this poster in a location in a clinic, patient brochure, new patient information package or a similar location where patients will see it and can ask you questions.

Print on your letterhead. Modify for your use.

NOTIFICATION OF COLLECTION OF PERSONAL HEALTH INFORMATION

When you receive health services of any kind from this clinic, we collect individually identifying health information from you and share this within the clinic and with other health service providers that need the information to provide you with health services.

The individually identifying health information that you provide to us is collected, used and disclosed in accordance with the provisions of the *Health Information Act* (HIA), and is primarily used to provide diagnostic, treatment and care services to you (HIA s.27(1)(a)), and to bill the Alberta Health Care Insurance Plan (HIA s.27(1)(b)(g)) for services provided. The privacy provisions of the legislation require that we protect your health information from unauthorized access, use, disclosure or destruction.

For more information, please talk to the
Clinic Managers and Privacy Officers
NAME
or call PHONE NUMBER

Collection Template #3

LETTERHEAD

CONSENT TO THE COLLECTION, USE AND DISCLOSURE OF INDIVIDUALLY IDENTIFYING PERSONAL AND HEALTH INFORMATION

My acupuncturist, _____

(Name of acupuncturist)

recommends a referral or sharing of my personal information to

(Name of healthcare provider, e.g. physician, chiropractor, etc.)

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for my continued care and treatment.

This process requires my additional consent under the *Health Information Act (HIA)* s.22 and 34.

I _____

(patient's full name and date of birth)

understand why I have been asked to disclose my individually identifying information and am aware of the risks or benefits of consenting, or refusing to consent to the collection, use, and disclosure of my information. I understand that I may revoke this consent in writing at any time.

Date: _____ Valid Until: _____

Signature: _____ Print Name: _____