
Alberta's
Health
INFORMATION
Act

Online Training

**Disclosing Health Information With
Consent**

Department of Medicine
University of Alberta

An important note regarding disclosure

- Knowing when you can disclose health information is important, since the most likely complaint a custodian would receive is regarding a disclosure.
- Custodians must not disclose health information except in accordance with the HIA.
- The *Act* does not apply to non-identifying health information – this can be disclosed for any purpose. However, the custodian **must** inform the receiving party that if the information is going to be used for data matching, the Commissioner **must** be notified prior.

Review: Use vs Disclosure

- **Use** refers to applying health information for a purpose and includes reproducing the information, but does not include disclosure.
- **Disclosure** refers to sharing information with a person or organization other than the individual that it is about, either another custodian or a non-custodian. These people are usually third parties.

Consent to Disclose Health Information

- Written consent must be provided for a disclosure - a mailed or faxed consent form is acceptable.
- A custodian has the option of accepting consent provided electronically (e.g. by e-mail) if the level of authentication is sufficient to identify the individual who is granting the consent.

-
- Note: Do not disclose to a patient who is using an e-mail address such as superman@hotmail.com since you have no way of really knowing who is sending that e-mail.
 - There is no provision in the Act to allow for verbal consent. It must be in writing, or in electronic form.

Consent Form Should Specify:

1. The authorization that the custodian has to disclose;
2. Purpose of the disclosure;
3. Who the disclosure is being made to;
4. An acknowledgement that the person is aware of the reasons why the health information is needed and the risks and benefits to the person of consenting or refusing to consent to the disclosure;
5. Effective date and expiry date; and
6. That the patient (or representative of the patient) may revoke the consent at any time.

-
- For a sample form that can be printed off and used, go to Appendix 1 of the HIA Guidelines and Practices Manual:

<http://www.health.alberta.ca/documents/HIA-Section-34-Consent.pdf>

The Expressed Wishes of the Patient

- If you have reason to believe there might be a family member to whom they specifically ***do not want*** information provided (e.g. divorce, or teen patients to their parents), ask the patient.
- Be sure to make a clear notation in the patient's file and notify staff in such cases.
- More information of the expressed wishes of the patient, including in regards to the Alberta EHR, will follow in the next set of slides.

Disclosure - Quiz

A patient wants his physician to write to his employer to indicate it is safe for him to go back to work at a grocery store after having Hepatitis A. Is the employer a custodian? Is this a disclosure? If so, what are the steps required to make this disclosure

Answer:

- The employer is not a custodian, since the employer is not a health professional providing a health service, or a health authority. As such, they do not have custody or control over health information.
- This is a disclosure because information will be shared with someone outside of the office or clinic.

-
- The steps required to make the disclosure are:
 1. The patient must make the request in writing. This can either involve using noted form or a letter that specifies the date, the purpose of the disclosure, what information will be disclosed, and to whom it will be disclosed to.
 2. After the patient writes the letter, or fills in the consent form to consent to the disclosure, a copy of the letter or consent form must be kept on file with a notation of when the information was sent. This must be kept for 10 years.

-
3. Should the patient one day request a record of all disclosures made, this notation would be provided with any other notations of disclosures.

Last Slide in this Set

Congratulations! You can now move on to the next set of slides - ***Disclosing Health Information Without Consent.***