



# New Technology Meets New Legislation

Connecting patients, providers and health information

June 1, 2015

# Outline

- The Nova Scotia PHR
- Personal Health Information Act (PHIA)
- Challenges
- Next Steps
- Question & Answer



# Nova Scotia PHR: Statement of purpose

## Primary

- enables, for registered providers' patients:
  - e-access to their own health information
  - patient/provider e-communication
  - log of OTCs, symptoms, self-monitoring data
  - access to targeted wellness programs



## Supplementary

- enables easy sharing of health information (e.g. lab, DI) among authorized providers (registered and non-registered patients) because a PHR stores health information from many providers in one central location available 24x7

# Background

## Demonstration Project

- 2 year demonstration project
- 30 (+5) family physicians; 2 specialties (GI, Hematology), >6000 patients
- functions implemented: eResults, eBooking, eMessaging, patient health information repository
- project guided by multi-stakeholder committee

## What we set out to learn

- Is there a business case to implement a PHR solution across the province?
- What are the benefits of the PHR to patients, providers and the health care system?

## Why do this now

- consumer demand
- expected connectivity
- get ahead of the game
- opportunity to show NS as a place to learn and innovate

# PHR Evaluation

## Patients

- **98%** want to continue receiving eResults and have confidence in the information
- **85%** said online access to their test results changed positively how much they feel they can manage own health
- **91%** who eMessaged their doctor for advice said they would otherwise have made an appt to see their doctor

## Physicians

- **100%** said receiving eResults is valuable or extremely valuable to patients and practice
- **87%** said secure messaging to get routine medical advice is valuable or extremely valuable to patients
- **22%** of all face to face appts would have been appropriate (in part or whole) for an eVisits (4200 visits assessed)

## Health System

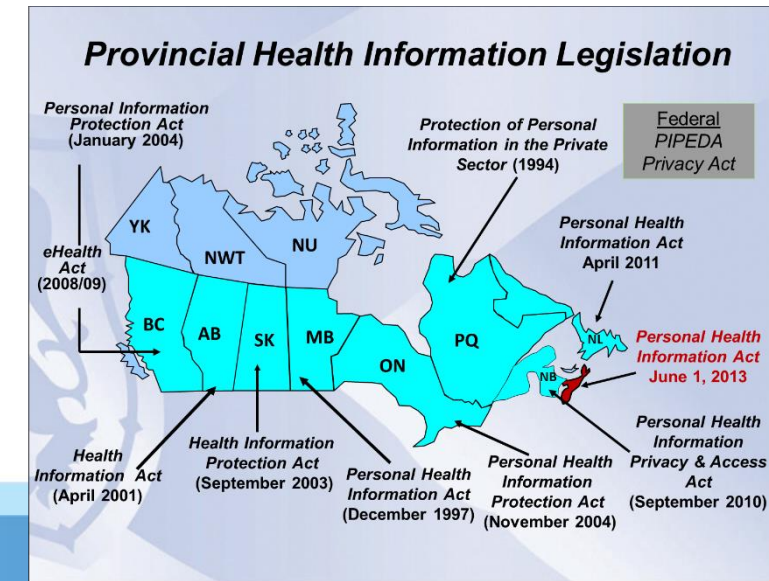
- Better access to care
- Increased capacity of family physicians
- Opportunity for incremental change toward performance-based funding for physician

***Patients more involved, physicians more productive and administrative practices more streamlined***

# Legislation in Nova Scotia

## Legislation considered:

- Freedom of Information and Protection of Privacy Act (FOIPOP)-personal and personal health information (Provincial - public body)
- Personal Information Protection and Electronic Documents Act (PIPEDA) - personal and personal health information (Federal - private - commercial)
- **NEW** - Personal Health Information Act (PHIA) June 1, 2013 - personal health information (public and private)
- Privacy Review Officer Act - FOIPOP and PHIA oversight -independent oversight to investigate or initiate privacy complaints.
- Personal Information International Disclosure Protection Act (PIIDPA)- restricts the trans-border flow of personal information



# Project and Program Assessment

Following the 10 Privacy Principle and Provincial Policy and Legislation, multiple assessments are completed through each phase of development.

These include PIAs (conceptual and logical), Legal Reviews, Discovery and Mitigation sessions.

*the right of individuals to protect their personal health information*



*the need of custodians to collect, use and disclose personal health information to provide, support and manage health care.*

## **Privacy Principles or 'fair information principles'**

Principle 1 – Accountability

Principle 2 – Identifying Purposes

Principle 3 – Consent

Principle 4 – Limiting Collection

Principle 5 – Limiting Use, Disclosure, and Retention

Principle 6 – Accuracy

Principle 7 – Safeguards

Principle 8 – Openness

Principle 9 – Individual Access

Principle 10 – Challenging Compliance

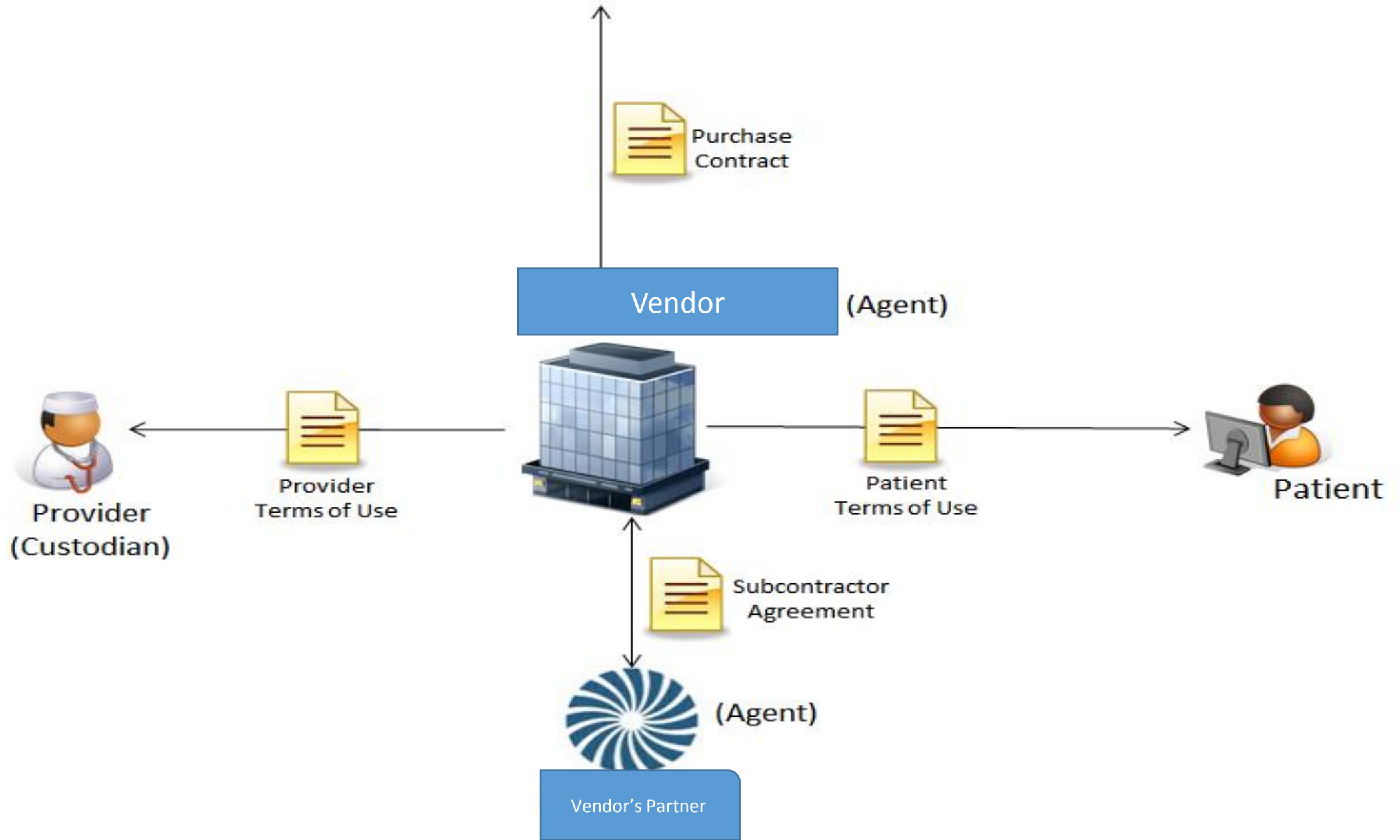
Source: PIPEDA, Canada's private-sector privacy law.

# Challenges

- Who is the custodian and what are their responsibilities?
- How does governance of data and process work?
- What is the impact of distributed services or 'cloud' services?



Risk Description	Assessment
<p><b>Custodians</b> have legislated obligations under PHIA and non-compliance can result in fines, licensing impact and potentially litigation</p> <p><b>Required involvement by:</b></p> <ul style="list-style-type: none"> <li>• Providers</li> <li>• DHW</li> <li>• Vendor</li> </ul>	<p><b>Accountability</b></p> <ul style="list-style-type: none"> <li>• Privacy breach reporting / management</li> <li>• Data collection (only what is required)</li> <li>• Holding agents responsible</li> <li>• Communication and education</li> </ul> <p><b>Compliance</b></p> <ul style="list-style-type: none"> <li>• Retention schedule</li> <li>• Role based access / audit / monitoring</li> <li>• Request for User Activity</li> <li>• Research Ethics Board approval</li> <li>• Release of Information</li> <li>• Protection of data and patient privacy</li> </ul> <p><b>Mitigation</b></p> <ul style="list-style-type: none"> <li>• Identify a clear purpose / definition of service</li> <li>• Legislative assessment</li> <li>• Formally document and communication obligations (vendor, provider)</li> </ul>
<p><b>Key Recommendation: Ensure you have a clear understanding of who is responsible for patient data throughout the process and business flow.</b></p>	



Risk Description	Assessment
<p>An unclear <b>governance</b> model for the PHR may lead to gaps in accountability, increasing the risks of non-compliance with privacy legislation.</p> <p><b>Required involvement by</b></p> <ul style="list-style-type: none"> <li>• DHW</li> <li>• Providers</li> <li>• Vendor</li> </ul>	<p><b>Accountability:</b></p> <ul style="list-style-type: none"> <li>• Purpose of the PHR</li> <li>• Communication and Education</li> <li>• Establishing Roles</li> <li>• Understanding Patient Population</li> <li>• Data Management - Collection, Access, Retention, Disposal and Destruction</li> </ul> <p><b>Compliance:</b></p> <ul style="list-style-type: none"> <li>• Information Practices</li> <li>• Consent Directives</li> <li>• Terms of Use</li> </ul> <p><b>Mitigation:</b></p> <ul style="list-style-type: none"> <li>• Define and document a comprehensive governance model for the PHR solution.</li> <li>• Clearly define roles and responsibilities</li> <li>• Establish object evaluation criteria</li> </ul>

**Key Recommendation: With multiple responsible parties, ensure you have a clear and agreed to governance structure.**

Risk Description	Assessment
<p>Design and configuration considerations impact how solutions are delivered in the 'cloud'. Inadequate agreements can result in substantial compliance issues.</p> <p><b>Required involvement by:</b></p> <ul style="list-style-type: none"> <li>• DHW</li> <li>• Vendor</li> <li>• Providers</li> </ul>	<p><b>Accountability</b></p> <ul style="list-style-type: none"> <li>• Data access / usage / safeguards</li> <li>• Audit services / access</li> <li>• Support (24/7)</li> <li>• Vendor stability / structure</li> <li>• Termination activities</li> </ul> <p><b>Compliance</b></p> <ul style="list-style-type: none"> <li>• Integration with internal services (SSO, Registries)</li> <li>• Patient identification (registries)</li> <li>• Legislation (contracts)</li> </ul> <p><b>Mitigation</b></p> <ul style="list-style-type: none"> <li>• Strong contract that meets Federal and Provincial Privacy legislation</li> <li>• Strong Service Level Agreements for performance, usage, access and protection.</li> <li>• Well documented management processes (audit, reports, proactive monitoring).</li> </ul>
<p><b>Key Recommendation: Ensure you can establish a services contract that supports your legislative, business and operational requirements as early as possible in the engagement.</b></p>	

# Next Steps

## Privacy and Access Working Group established

- Family physicians, Doctors Nova Scotia, DHW Privacy Office, PHR Project team
- Co-led by DHW and Doctors Nova Scotia
- Further clarify roles and responsibilities
- Mitigation work already underway

Provincial rollout ??



*Vision: PHR - connecting patients, providers and health information*

# Thank You

## Question & Answer

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