

	Name of Manual: HEALTH INFORMATION MANAGEMENT AND PRIVACY	Number: 4-e-40
	Section: PRIVACY AND CONFIDENTIALITY: DISCLOSURE	
	Name: DISCLOSURE OF PERSONAL HEALTH INFORMATION TO PHYSICIANS FOR BILLING PURPOSES	Page: 1 of 6

PURPOSE

To provide a framework for the consistent handling, responsibility and the secure management of personal health information that is collected by Central Health; however, used by or disclosed by physicians in accordance with the legislative provisions and the requirements of the *Personal Health Information Act (PHIA)*.

POLICY

Central Health has a legal obligation to develop, sustain and protect the integrity of information generation processes.

In accordance with the Newfoundland and Labrador *Personal Health Information Act*, personal health information (hereinafter referred to as information) may be used or disclosed for the purpose of obtaining reimbursement for the provision of health care services.

Information used or disclosed for the purpose of billing must be in accordance with professional practice standards, codes of ethics and is subject to Central Health's policies regarding the protection of privacy and the secure management of information.

Central Health recognizes that physicians may require access to information for billing purposes. In the course of billing for health care services, physicians are no longer acting on behalf of Central Health or as an agent of Central Health; however, are acting for their own purposes.

Only copies of information are permitted to be removed from a Central Health facility for billing purposes. Original records/documents are to remain at the specific Central Health facility.

Central Health's approved mode of transporting information includes securely transporting information in person and/or transporting information electronically through encrypted format. Copies of information transported from a Central Health facility by a physician for billing purposes are subject to the same security and privacy safeguards as original records.

Physicians removing copies of information from a Central Health facility for the purpose of billing **become the custodians** of that information and assume full responsibility and accountability for the secure management, appropriate use, disclosure, destruction and retention of that information.

All physicians accessing information in the custody and control of Central Health for billing purposes are required to enter into a written and binding Information Sharing Agreement with Central Health.

As per the *Personal Health Information Act*, physicians who engage a third-party external contractor or information manager to assist with billing must ensure all parties are aware of their obligations under the legislation and sign a binding confidentiality agreement. For reference, physicians can find a sample information manager confidentiality agreement and related guidance in the Department of Health and Community Services *Personal Health Information Act* Provincial Policy Manual. It is important that physicians review the requirements for the contractor's appropriate use and destruction of information once billing is complete.

In the event of a privacy breach involving copies of information removed from a Central Health facility for the purpose of billing, the physician involved will be responsible for implementing and following the privacy breach protocol as outlined in the *Personal Health Information Act*. The physician is required to contact Central Health's Privacy Manager for notification and discussion.

Where Central Health has been informed of a privacy incident involving a physician and information pertaining to clients of Central Health, the physician will be informed by Central Health's Privacy Manager of their obligations pursuant to subsections 15(3) and 15(4) of the *Personal Health Information Act* and section 5 of the Regulations and their requirement to act accordingly.

Where the physician makes the decision that the privacy incident is not considered a reportable situation as outlined in section 15(3) and 15(4) of PHIA, the physician will notify Central Health's Privacy Manager in writing to that effect.

PROCEDURE

1. Copies of information may be accessed or disclosed to physicians and be removed from a Central Health facility for billing purposes. Information required for this purpose must be kept to the minimum amount of information to achieve the purpose of obtaining reimbursement the health care services provided such as: client's name, MCP number and billing codes.

2. Where copies of information must be removed from a Central Health facility for the purpose of obtaining reimbursement for health care services, the information must be handled in a secure manner to ensure that the information is not lost or stolen; disposed of in an unauthorized manner; mistakenly or purposely accessed, used or disclosed by an unauthorized individual.
3. When transporting copies of information for billing purposes, information must be kept in the physician's control. Information must not be left in view or unattended in any insecure place, such as an unlocked office, meeting room or in any locked or unlocked vehicle.
4. Copies of information disclosed for billing purposes that is transported or stored electronically must be protected through encryption software.
5. Where copies of information must be stored in the home, it must be stored in a locked container in a secure manner (e.g. locked cupboard, filing cabinet or drawer) and inaccessible to other family members or visitors.
6. In the event of a privacy/incident breach involving copies of information removed from a Central Health facility or information collected electronically from Central Health for the purpose of billing, the physician must contact Central Health's Privacy Manager for notification and discussion.
7. The Privacy Manager will inform the physician of their obligations pursuant to subsections 15(3) and 15(4) or the *Personal Health Information Act* and section 5 of the Regulations and their requirements to act accordingly.
8. Privacy Manager will refer to policy 4 –g-10 (Privacy Breach) and act accordingly.

DEFINITIONS

Agent(s)	In relation to a custodian means a person that, with the authorization of the custodian, acts for or on behalf of the custodian in respect of personal health information for the purposes of the custodian, and not the agent's purposes, whether or not the agent has the authority to bind the custodian, is paid by the custodian or is being remunerated by the custodian.
Billing	An act or instance of preparing or sending out a bill or invoice.

Custodian	<p>A person described in one of the following paragraphs who has custody or control of personal health information as a result of or in connection with the performance of the person's powers or duties or the work described in that paragraph:</p> <ul style="list-style-type: none">(a) an authority;(b) a board, council, committee, commission, corporation or agency established by an authority;(c) a department created under the <i>Executive Council Act</i>, or a branch of the executive government of the province, when engaged in a function related to the delivery or administration of health care in the province;(d) the minister, where the context so requires;(e) a health care professional, when providing health care to an individual or performing a function necessarily related to the provision of health care to an individual;(f) a health care provider;(g) person who operates:<ul style="list-style-type: none">i. a health care facility,ii. a licensed pharmacy as defined in the <i>Pharmacy Act</i>,iii. an ambulance service, oriv. a centre, program or service for community health or mental health, the primary purpose of which is the provision of health care by a health care professional or health care provider;(h) the Provincial Public Health Laboratory;(i) the Centre for Health Information;(j) with respect to Memorial University of Newfoundland, the Faculty of Medicine, the School of Nursing, the School of Pharmacy and the School of Human Kinetics and Recreation;(k) the Centre for Nursing Studies;(l) the Western Regional School of Nursing;(m) a person who, as a result of the bankruptcy or insolvency of a custodian, obtains complete custody or control of a record of personal health information, held by the custodian;(n) a rights advisor under the <i>Mental Health Care and Treatment Act</i>;(o) the Workplace Health, Safety and Compensation Commission; and(p) a person designated as a custodian in the regulations.
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Disclose	To make the information available or to release it but does not include a use of the information and “disclosure” has a corresponding meaning.
Information Manager	A person or body, other than an employee of a custodian acting in the course of his or her employment, that processes, retrieves, stores or disposes of personal health information for a custodian, or provides information management or information technology services to a custodian.
Personal Health Information	<p>Identifying information in oral or recorded form about an individual that relates to:</p> <ul style="list-style-type: none"> • information concerning the physical or mental health of the individual, including information respecting the individual’s health care status and history and the health history of the individual’s family; • the provision of health care to the individual, including information respecting the person providing the health care; • the donation by an individual of a body part or any bodily substance, including information derived from the testing or examination of a body part or bodily substance; • registration information; • payments or eligibility for a health care program or service in respect of the individual, including eligibility for coverage under an insurance or payment arrangement with respect to health care; • an individual’s entitlement to benefits under or participation in a health care program or service; • information about the individual that is collected in the course of, and is incidental to, the provision of a health care program or service or payment for a health care program or service; • a drug as defined in the <i>Pharmacy Act</i>, a health care aid, device, product, equipment or other item provided to an individual under a prescription or other authorization issued by a health care professional; or • the identity of a person’s representative as defined in Section 7 of the <i>Personal Health Information Act</i>.
Privacy	The right of an individual to control the collection, use and disclosure of information about themselves.
Security	Technological, administrative and physical safeguards to ensure protection and integrity of confidential information.

REFERENCES

Newfoundland and Labrador Personal Health Information Act, Provincial Policy Manual Version 1.2, February 2011

Province of Newfoundland and Labrador: *Personal Health Information Act*, SNL 2008, c. P-7.01, s. 15 and 22

Key Steps When Responding to a Privacy Breach, 2008, Access to Information and Protection of Privacy Office, Department of Justice

APPROVED BY: Senior VP
Quality, Planning & Priorities



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