

Release of Patient Health Record Information

Release of information refers to verbal release of information and the provision of copies of reports contained in the health record (chart).

Background:

The British Columbia Cancer Agency believes that all patients have rights to privacy and confidentiality which require protection by the Agency. All staff members of the B.C. Cancer Agency will respect the confidentiality of patient information. (Cross-Reference: Agency Policy PIM 060- IV-D-10- Confidentiality) Patient information will be released by designated Agency staff in accordance with this policy.

Any person who becomes aware of an abuse of confidentiality regarding patient information, or any other violation of this policy, will notify the Corporate Director, Information, Access, and Privacy (604-707-5834) who will review the circumstances and determine the appropriate course of action. This may include disciplinary or legal action.

Legislative Authority for Release:

B.C. legislation contains few provisions regarding the confidentiality of patient information. The B.C. Cancer Agency policies and procedures have been developed with reference to other provincial legislation health care facility policies, and the B.C. Health Association's "Guidelines on the Confidentiality of Health Information".

Ownership of the Health Record:

The patient's health record is the property of the British Columbia Cancer Agency under authority of the Hospital Act (B.C.) RS Chap. 176 S. 43{\):

"Every record regarding a patient that is prepared in a hospital by an employee or a medical practitioner shall be the property of the hospital "

While patients are not legally entitled to the actual health record itself, the courts have made it amply clear that patients have a right of access to, and control over, information of which they are the subjects.

Policy:

- 1 Release of information on patients of the British Columbia Cancer

Policy

Agency will be conducted by appropriate personnel. Any copies (paper or electronic) of patient information contained in the health record or in the Patient Information System database, as managed by the Provincial Manager Records Management and Registration, BC Cancer, LMHIM, will be released by Health Records staff only.

- 2 Authorization for release of patient information rests with the patient or his/her legal representative. (Reference: Guidelines - Release of Patient Information)

Any question or dispute regarding release will be brought to the attention of the BC Cancer Executive Director who may consult legal counsel for advice. Should the Executive Director refuse release of patient information upon request, the patient or his/her legal representative must seek a court order to which the British Columbia Cancer Agency must respond by releasing the requested patient information.

Without patient consent, the British Columbia Cancer Agency has no authority to release that information and must advise the party making the request that he/she must pursue a court order if he/she wishes to gain access to the information.

- 3 The patient may empower disclosure or release to any designated individual or agency by giving written authorization for the required information contained in the health record. Patient authorization pertains to the health records in existence up to the time, but not after, consent is given.

In order to be valid, an Authorization for Release of Patient Health Record Information will be completed, or the authorization for release or disclosure of patient information will:

- a) be in writing
- b) be addressed to the British Columbia Cancer Agency
- c) include the name of the person granted access, his/her status or relationship (lawyer, institution, spouse, etc.) his/her address
- d) include the patient's full name, date of birth and address
- e) include the extent and nature of the information to be released, including the date of the record
- f) include the date of authorization, dated within 3 months preceding date of request

g) include the patient's original signature or the legal substitute as follows:

-patient is deceased and had a will	-executor/ trix of the estate
-patient died with no will	-court-appointed administrator -if none, then next-of-kin (spouse, parent, adult, children)
-patient is 16 years of age or less	-parent/ guardian
- patient is incompetent	-legal guardian or court-appointed guardian

h) be signed by a witness

i) be an original

4. In the event of a dispute over the release of information, the BC Cancer VP Medical Affairs will have the authority to determine release or that a court order is required.
5. A reasonable fee will be charged for the processing of the request for information and copies provided for non-continuing patient care circumstances.