

ANP ADVANCED TRAINING	
Session Title:	Health Information Act (HIA) for Alberta Netcare Users
Session Date:	October 16, 2017

If you have any questions about the HIA or the rules for using Alberta Netcare, please contact the HIA Help Desk at hiahelpdesk@gov.ab.ca or 780-427-8089 (dial 310-0000 and then the number to make the call toll free).

Participant Questions

Q: If there is a patient-health care professional relationship where the authorized custodian or affiliate is providing care for the patient but the patient has not visited the medical office (as they usually do), would it be appropriate to check Netcare to see the patient's status (hospital admission, deceased...)?

A: According to section 3.1.2 of the Alberta Netcare Information Exchange Protocol, you may access Netcare to provide health services when all of the following circumstances apply [emphasis added]:

A participating custodian may access and use information in Alberta Netcare when

- a) they are in a current care relationship with the individual who is the subject of the information,*
- b) they are providing health services to the individual either in the presence or absence of that individual,*
- c) their access to the information is necessary for the provision of the health service or for making a determination for a related health service, and*
- d) the information is related to and necessary for the current session of care.*

An authorized custodian or affiliate may view a patient's record in relation to some kind of on-going, follow-up care even if the patient is not present.

Authorized custodians and affiliates are encouraged to use the contact information they have in their practice's own files to reach out to patients.

Q: Can an authorized custodian or affiliate use Netcare for panel management, to see if patient has moved away from the community? What and where is this panel management found on the Netcare page?

A: No, panel management is not part of Netcare – it relates to an alternative compensation model for physicians, and it is unrelated to patient residency.

Authorized custodians and affiliates may only use Netcare if it is necessary to provide health services to a current patient. If the sole purpose of the proposed access is to check if a patient has moved away, this access is not in accordance with the Alberta Netcare Information Exchange Protocol described above.

All access to Netcare is monitored. Albertans have the right to access a copy of the authorized users who have accessed his or her electronic health record and the date and time of that access.

Q: If an authorized custodian or affiliate has not seen patient for a few years but wants to know if she had a particular test done, can they access Netcare for that?

A: Authorized custodians and affiliates may use Netcare if it is necessary to provide health services to a current patient (according to the terms set in the Alberta Netcare Information Exchange Protocol).

If a patient has not visited the office in a few years, the authorized custodian must determine if a current care relationship with the patient still exists and if accessing Netcare is necessary to provide health services to that patient. When custodians have a reasonable expectation that the patient will return for the provision of a health services at a future date and believe that a current care relationship exists, accessing Netcare may be appropriate. It is not appropriate to access Netcare when there is no current care relationship and it is not related or necessary to provide care.

All access to Netcare is monitored. Albertans have the right to access a copy of the authorized users who have accessed his or her electronic health record and the date and time of that access.

Q: Do patients have a way to access their own Netcare health info?

A: The right of access to one's own health information extends to Netcare information too. Individuals have a right of access to all of their Netcare records, and are able to exercise that right by contacting any authorized custodian (physician, pharmacist, registered nurse, optometrist, or Alberta Health Services) with whom they have a current care relationship, and who has Netcare access. The authorized custodian must provide access to all Netcare records, not only to records that the authorized custodian has created.

The Alberta Netcare Information Exchange Protocol (IEP), the document that prescribes the rules regarding Netcare, confirms individuals' rights to request access to all their health information available through Netcare. Specifically, section 4.1.5 says:

A participating custodian will, subject to the Health Information Act, release information in response to a request from an individual who is the subject of the information if

- a) they have an established current care relationship with that individual,*
- b) the information can be provided using normal technology within the possession and control of the participating custodian,*
- c) provision of the requested information would not unreasonably interfere with the participating custodian's normal operation of business, and*
- d) they are not prevented from doing so by sections 11(1) or 11(2) of the Health Information Act, nor any other legislation intended to control the disclosure of information to individuals.*

In the future, Albertans will have online access to their own Netcare profiles through the Personal Health Record.

Q: When a new authorized affiliate with the practice accesses Netcare at our site, and they are doing it remotely even though they are physically working at our site, must we register them?

A: Yes, authorized users must be registered to each and every site where they will be accessing Netcare.

Q: What is the process for masking a record?

A: Under the HIA, individuals have the right to make an expressed wish to their health service provider to limit the availability of their information in Netcare, so Netcare offers authorized custodians the option to “mask” a patient’s record. All information about an individual is masked except for the first and last name, date of birth, gender, and personal health number. An authorized custodian or affiliate may access a masked record for a limited number of reasons, selecting which reason in a drop-down menu every time before the health information may be viewed.

An authorized custodian/affiliate should discuss with the patient their concerns to determine if masking health information in Netcare is desired and appropriate. The authorized custodian/affiliate has the discretion to determine if a mask should be placed or not. A patient has the ability to ask an authorized custodian or affiliate to rescind a mask and the authorized custodian/affiliate has the discretion to determine if a mask should be rescinded.

Please refer to this page from the Alberta Netcare Learning Centre for masking information and instructions:
<http://www.albertanetcare.ca/learningcentre/Netcare-Masking.htm>

Q: Is the whole chart masked or just certain results?

A: No, Netcare masking is global in nature and masks the entire record, except for basic demographic information.

Q: Can people who don't have masked records request a list of all providers who accessed their Netcare info?

A: Yes, the ability of patients to ask for a record of who has accessed their health information via Netcare isn’t dependent on users activating masking. All access to Netcare is monitored. Albertans have the right to access a copy of the authorized users who have accessed his or her electronic health record and the date and time of that access.

Q: Can we refuse service if a file is masked?

A: Netcare rules don’t inform your ability to refuse service. Follow your professional judgment and College standards of practice when deciding whether to refuse service. Masked records in Netcare may be un-masked to provide treatment and care to a patient, so the fact that a patient’s records are masked, by itself, shouldn’t be a reason to refuse service.

Q: Can you give an example of when a masking request could be a threat to public safety?

A: An authorized custodian or affiliate must use their judgement according to their professional guidelines to make that determination.

Q: If providing care for a family member, friend, neighbor, can authorized custodians or affiliates access their health record in Netcare?

A: Consider your professional College standards of practice when providing treatment and care as they may define when custodians and affiliates may provide care to family members, friends and neighbors. Some Colleges prohibit health service providers from treating family members, etc.

Authorized custodians and affiliates may only use Netcare if it is necessary to provide health services to a patient where there is a current care relationship (according to the terms set in the Alberta Netcare Information Exchange Protocol).

Q: Can you look up your own information in Netcare?

A: Generally, no, as it does not meet the criteria in the Alberta Netcare Information Exchange Protocol. Consider your professional college standards of practice when providing treatment and care to oneself. Looking up your own information in Netcare will likely trigger an audit alert, so you should be prepared to explain your actions to your supervisor (custodian) or to Alberta Health.

Q: Can patients request that no information be sent in to Netcare?

A: There is no ability for patients to opt-out of having their information sent to Netcare. Patients' health information is sent to Netcare under specific legal authority set out under the HIA, not consent. Patients with concerns about the confidentiality of their health information may request that their records be masked.

Q: Can authorized custodians and affiliates access Netcare info for someone who has died?

A: There are very limited instances where an authorized custodian or affiliate may access the electronic health record in Netcare of someone who is deceased.

If you have any questions, please contact the HIA Help Desk at hiahelpdesk@gov.ab.ca or 780-427-8089 (dial 310-0000 and then the number to make the call toll free).

Q: Can an authorized custodian use Netcare information for training and auditing purposes?

A: Netcare has developed a practice environment that simulates Netcare information and functionality. Whether you are just learning how to use the system or would like to explore and discover new functionality, the training environment is the best place to develop skills. The Alberta Netcare Information Exchange Protocol does not allow authorized custodians or affiliates to use Netcare data for training purposes. Under s. 3.3, authorized custodians and affiliates may use Netcare for practice self-audits under limited circumstances, and may only view the information which was accessed by themselves, someone directly associated with the practice who reports to them, or someone directly associated with the practice who does not report to them but which they have been directed to audit by the appropriate practice manager. Where the practice self-audit requires access to information which the self-auditor themselves did not enter or

modify, the self-auditor will only access the information if they would otherwise have access to it while performing their traditional and usual role.

If you have any questions, please contact the HIA Help Desk at hiahelpdesk@gov.ab.ca or 780-427-8089 (dial 310-0000 and then the number to make the call toll free).

Q: When can we disclose Netcare information to others? Can we provide info to a person who may legally act for a patient (e.g. through a Power of Attorney or guardianship for another person)? Can we disclose Netcare information to Police?

A: Under the HIA, any right or power conferred on an individual by the Act may be exercised by the individual, or by another person as described in section 104 which discussed power of attorney, adult guardianship and trusteeship, personal directives, etc.

Additionally, authorized custodians may disclose Netcare information at the request of, and with the explicit consent of the individual who is the subject of the information, or as expressly permitted under section 35(1) of the HIA (e.g. to a person who is responsible for providing continuing treatment and care to the individual, for the purpose of complying with a subpoena, warrant or order issued by a court, person or body having jurisdiction in Alberta to compel the production of information in Alberta).

If you have any questions, please contact the HIA Help Desk at hiahelpdesk@gov.ab.ca or 780-427-8089 (dial 310-0000 and then the number to make the call toll free).

Q: What is a privacy or information security “breach” and what should we do if we become aware of one?

A: Under the HIA, a breach is any loss of, unauthorized access to, or disclosure of individually identifying health information in the custody or under the control of a custodian. For example, an authorized user who accesses Netcare to view the electronic health record of any person outside of a current care relationship or otherwise not in accordance with the Alberta Netcare Information Exchange Protocol has committed a breach.

An authorized affiliate aware of a breach of the Netcare system, information security, or privacy, must notify the authorized custodian immediately.

An authorized custodian aware of a breach of the Netcare system, information security, or privacy, must: remedy the breach, manage and mitigate the effects of the breach, develop a strategy for the prevention of a future breach under a similar circumstance, and notify the appropriate authorities, Alberta Health (as the Information Manager of Alberta Netcare). Alberta Health has established a privacy breach reporting protocol, the Provincial Reportable Incident Response Process (PRIRP), <http://www.albertanetcare.ca/learningcentre/Privacy-Security.htm>

Where there is a risk of harm (e.g. the information could be used for identity theft or commit fraud, embarrassment or physical, emotional, or financial harm could result), the authorized custodian must also notify the Office of the Information and Privacy Commissioner, and the subject or subjects of the health information.

As Information Manager, Alberta Health will immediately investigate any suspected breach of the Netcare system or information security, including contraventions of the Alberta Netcare Information Exchange Protocol.

Please contact the Alberta Health Security Team: 780-643-9343 (dial 310-0000 and then the number to make the call toll free) or contact AHSecurity@gov.ab.ca

Q: If a medical/resident/pharmacy/nurse practitioner student with Netcare access from the hospital is shadowing at our clinic and needs to access Netcare as part of their placement, do they need to be registered? What about locum physicians or relief pharmacists?

A: Yes. Netcare is Custodian-based registration, which means that end users need to be registered at each facility they require Netcare access from.

Q: Should we return the remote access token/fob if a staff member leaves the organization?

A: Remote access tokens are assigned to the individual, not the facility. Even though authorized users may use a single fob for access at multiple sites, they must be registered at each and every site where they access Netcare. Authorized custodians must ensure that their authorized affiliates are not using remote access tokens or fobs at multiple sites unless the authorized user is registered appropriately. If the authorized user is leaving his or her health role in Alberta, then the token should be returned to:

AHS Remote Access Team
19th Floor, CN Tower
19-106, 10004-104th Ave
Edmonton, AB T5J 0K1

Q: How do I get copy of my IMA from Alberta Health?

A: Contact the HIA Help Desk
Phone: 780-427-8089 (dial 310-0000 and then the number to make the call toll free)
Email: hiahelpdesk@gov.ab.ca

Q: Do we need to complete a pORA more often or only once?

A: You should regularly review your pORA and update it when you experience significant organizational or information technology changes, for example, if the custodians at your organization changes or the office falls under new ownership, or you adopt a new EMR or PMS.

Q: When can authorized custodians use Netcare for research purposes?

A: Custodians and affiliates are subject to the HIA for the use of health information for research purposes. Under the HIA and the Netcare Information Exchange Protocol, there are additional rules for the use and disclosure of information from Netcare for research purposes (e.g. obtaining consent).

Note that only two authorized custodians, Alberta Health and Alberta Health Services, are permitted to use Netcare for research purposes (HIA section 56.5(1)(a)). Netcare users who are not affiliates of AHS are not

permitted to use Netcare for research purposes (as per HIA section 56.5(1)(b)). To obtain Netcare data, a researcher is required to enter into a research agreement with an authorized custodian who is authorized to access Netcare for research, such as AHS.

If you have any questions, please contact the HIA Help Desk at hiahelpdesk@gov.ab.ca or 780-427-8089 (dial 310-0000 and then the number to make the call toll free).

Q: When can an authorized custodian decide NOT to give a patient their own medical information?

A: The HIA provides certain limited exceptions to disclosure for individual access requests in section 11 of the Act which are applied at the discretion of the authorized custodian as per the professional College's guidance. Alberta Health's HIA Guidelines and Practices Manual provides more detailed explanations of the exceptions to disclosure.

Q: Can we charge for providing a copy of a report from Netcare to the patient?

A: Custodians may charge fees pursuant to the fee schedule in the Health Information Regulation when responding to formal access requests under Part 2 of the HIA.

Q: How do I get a copy of audit logs for my office?

A: Contact the HIA Help Desk

Phone: 780-427-8089 (toll free dial 310-0000 followed by the 10-digit number)

Email: hiahelpdesk@gov.ab.ca