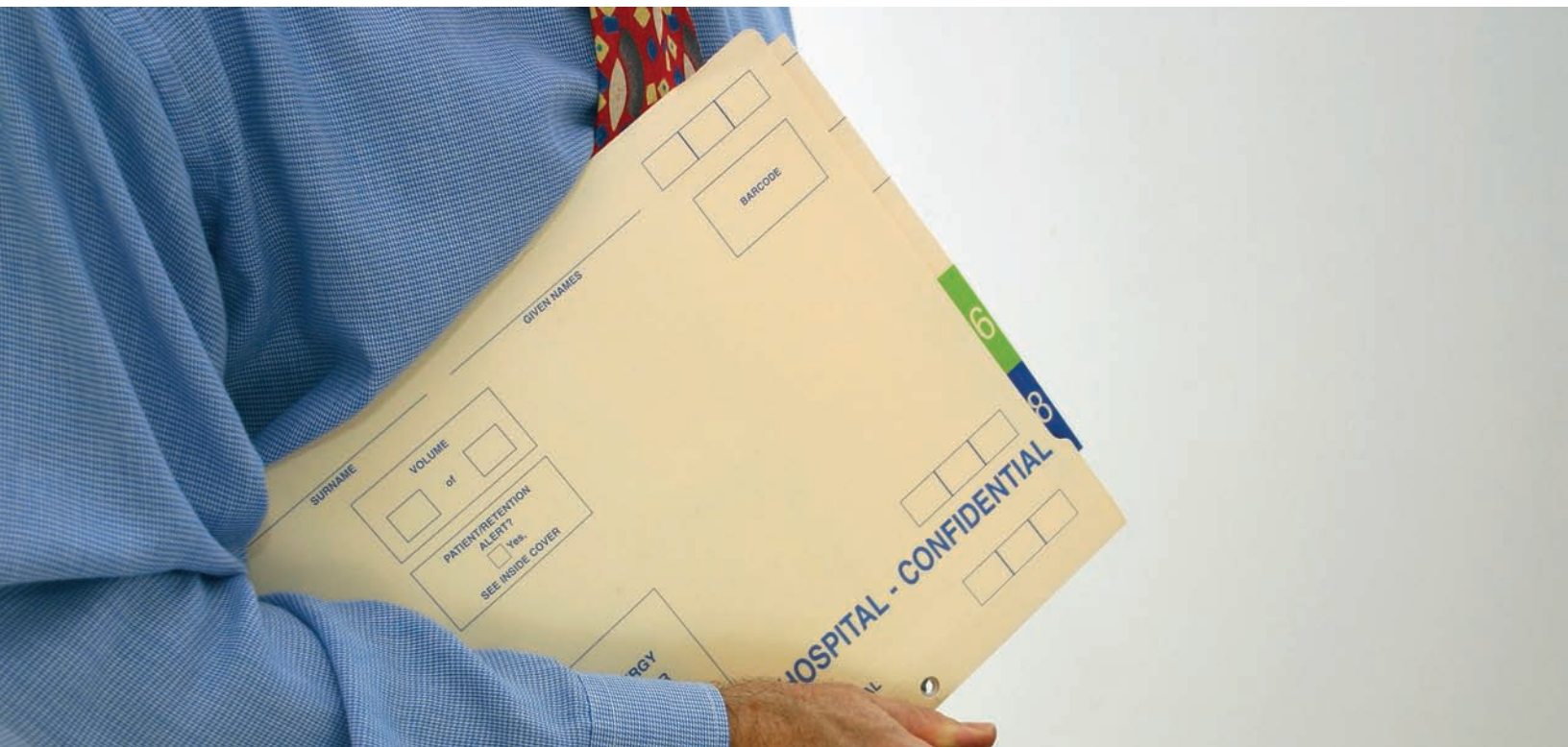




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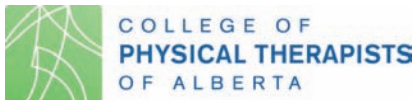
PRIVACY GUIDE FOR ALBERTA PHYSICAL THERAPISTS

September 2008



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Protecting Albertans through effective regulation and leadership

This guide contains general information and practical advice for physical therapists on privacy legislation, policies and procedures and will help physical therapists to formulate their own privacy policies. The sample privacy statement, consent form and privacy agreement provided are generic documents and therefore may not be suitable for all physical therapy practices.

The guide is not intended to provide or be a substitute for legal advice. Physical therapists are advised to consult their own legal advisors for specific advice on privacy matters.

The information and advice in this guide is based on current legislation and is subject to change. The content was originally developed by Field Law (Edmonton) in consultation with the College of Physical Therapists of Alberta in June 2004. The guide was revised in May 2008.

EXECUTIVE SUMMARY

This guide contains information and advice regarding current privacy legislation that affects Alberta physical therapists and is intended to help physical therapists comply with that legislation. Physical therapists are required to comply with privacy legislation regardless of their practice environment.

The Personal Information Protection Act (PIPA) will apply in almost all cases to the personal and employee information collected, used and disclosed by physical therapists in the private sector. If employed by a health region, hospital or nursing home, the Health Information Act (HIA) which concerns the collection, use, disclosure and access to health information within Alberta's publicly funded health system will likely govern the physical therapy services you provide. If you are not sure which legislation applies, please review Appendix A (Privacy Legislation Applicable to Physical Therapists) for further clarification.

Please review this guide in its entirety as it contains important information that is difficult to summarize. That said the guide's key recommendations are summarized as follows:

1. **Appoint privacy officer**

Appoint a person responsible for privacy legislation compliance and access to information requests. The officer should be familiar with concepts in the legislation and in this guide and have the authority to exercise this role.

2. **Develop a privacy policy**

If employed by or have a contract with a health authority, hospital or nursing home you may be required to follow a privacy policy already in place. If there is no applicable policy, develop one that addresses your information management strategies to ensure the adequate protection of patient information in your custody.

3. **Obtain consent**

The underlying rule of all privacy legislation is—consent is required for collecting, using and disclosing personal information. In most cases, inserting a clause, such as the one found below, into your current treatment consent form will be sufficient to comply:

I hereby consent to the collection, use and disclosure of my personal information in accordance with the XYZ Physical Therapy Clinic's privacy policy. I hereby acknowledge that a copy of the privacy policy was made available to me and I have been advised who to contact if I have any questions about anything contained in the privacy policy.

While this clause will suffice in most circumstances, there is one important exception. If you are employed by or have a contract with a health authority, hospital or nursing home, a more specific form of consent (written or electronic) is required when disclosing information to individuals other than healthcare professionals (e.g., a lawyer, a third party insurer or the patient's employer). See Appendix IV for a sample consent form that can be used in these circumstances.

4. Adopt physical, technical and administrative safeguards for personal information

Ensure you adequately protect the personal information in your possession. Keep records in places where only authorized individuals have access and shred old patient files.

5. Institute processes to facilitate access to personal information

Legislation gives patients the right to access their personal information. Communicate your access process to patients.

Understanding privacy legislation is a complex matter and keeping up-to-date with legislative changes and provincial or federal rulings is challenging. In addition to this guide, there are several resources that can provide up-to-date information – see page 9 for details.

INTRODUCTION

Different privacy legislation can apply to a physical therapist's practice depending on the circumstances, including the record's nature and whether the physical therapy service is privately or publicly funded.

PIPA is the key privacy legislation affecting most physical therapists. Other legislation, the HIA, the Freedom of Information and Protection of Privacy Act (FOIP) and the federal Personal Information Protection and Electronic Documents Act (PIPEDA) can also apply.

While physical therapists should be aware that different privacy legislation could apply, the College recognizes that it is not practical for physical therapists to design separate systems to address privacy concerns that fluctuate depending on the governing legislation. Therefore, to help physical therapists comply with privacy legislation, we have provided a summary of the 10 key privacy principles (see page 8) which all provincial and federal privacy legislation are based on.

Note – this guide's reference to personal information refers to contact information, health information, financial information, and employee information.

TEN KEY PRINCIPLES OF PRIVACY LEGISLATION

The underlying assumption of privacy legislation is that an organization may collect, use or disclose personal information only for a purpose that a reasonable person would consider appropriate in the circumstances. Privacy legislation also incorporates the following 10 principles:

1. **Accountability**

Organizations are responsible for the protection of personal information under their control. Each should designate an individual who is accountable for the organization's compliance with privacy principles.

2. **Purpose**

The purpose for which the information is being collected must be identified before or during the collection.

3. **Consent**

Personal information may only be collected, used or disclosed with the knowledge and consent of the individual, with limited exceptions as specified in the legislation.

4. **Limiting collection**

The information collected is limited to what is necessary for the identified purposes and will be collected by fair and lawful means.

5. **Limiting the use, disclosure and retention of personal information**

Personal information must only be used and disclosed for the purpose

for which it was collected, except with consent or as required by law. Information can be kept only as long as necessary to fulfill that purpose.

6. **Accuracy**

Personal information must be as accurate, complete and up-to-date as is necessary.

7. **Safeguards**

Personal information must be protected by adequate safeguards appropriate to the information's sensitivity.

8. **Openness**

Information about an organization's privacy policies and practices must be readily available upon request.

9. **Access**

Individuals have the right to access their personal information and have a right to seek a correction. Both rights are subject to some exceptions as specified in each statute.

10. **Challenging Compliance**

Organizations must provide a way for individuals to challenge its compliance with the above principles. In Alberta patients can complain to the Information and Privacy Commissioner if they believe an organization has contravened provincial access and privacy legislation.

STEPS TO ENSURE PRIVACY COMPLIANCE

STEP 1 REVIEW GOVERNING LEGISLATION

To help enhance your understanding of privacy rules:

- i. **Review the legislation** – See Appendix I to determine which legislation applies to your practice and then familiarize yourself with the legislative requirements.
- ii. **Review available resources** – The Alberta Privacy Commissioner's website (www.oipc.ab.ca) contains comprehensive information about privacy legislation. Other online resources include:
 - **Personal Information Protection Act (PIPA)**
PIPA legislation, frequently asked questions and A Guide for Businesses and Organizations on the Personal Information Protection Act are all available at www.psp.gov.ab.ca.
 - **Freedom of Information and Protection of Privacy Act (FOIP)**
FOIP legislation, frequently asked questions and FOIP Guidelines and Practice are available at www.foip.gov.ab.ca.
 - **Health Information Act (HIA)**
HIA legislation, Health Information Act Guidelines and Practices Manual 2007 and Health Information - A Personal Matter - A Practical Guide to the Health Information Act are available from Alberta's Queen's printer (www.qp.gov.ab.ca). HIA amendment highlights are available at www.health.alberta.ca/about/HIA_Amendment-Highlights.pdf.
 - **Personal Information Protection and Electronic Documents Act (PIPEDA)**
PIPEDA legislation is available at www.privcom.gc.ca and PIPEDA awareness tools (questions and answers, glossary and poster and brochures) are available at e-com.ic.gc.ca/epic/internet/incec-ceac.nsf/en/h_gv00207e.html.
 - **Other resources**
 - Alberta Government privacy help desk 780.644.7472 (for toll-free dial 310-0000 first)
 - Federal Privacy Commissioner 1.800.282.1376
 - Alberta Privacy Commissioner 780.422.6860 or 1.888.878.4044

STEP 2 CREATE INVENTORY OF PERSONAL INFORMATION IN YOUR PRACTICE

Identify the personal information currently collected, used, stored and disclosed about patients and employees. You can categorize collected personal information into four groups:

- i. **Contact information:**
 - name*
 - home address, home phone number and other contact information*
 - family information
 - emergency contact person

- ii. **Health information:**
 - age or date of birth
 - gender
 - health history
 - examination results
 - health services provided to/received by patient, including copies of charts prepared by other healthcare providers
 - prognosis or other opinions formed during assessment or treatment
 - compliance with assessment or treatment
 - reasons for discharge and discharge plan

- iii. **Financial information:**
 - Alberta healthcare information/insurance benefit coverage*
 - employer name
 - Section B motor vehicle insurance information
 - WCB information
 - credit card number and expiry date
 - bank account number

- iv. **Employee information – applies to employees, contractors, students or volunteers:**
 - name, address and personal contact information
 - application or resume
 - performance reviews/evaluations
 - reference letters
 - salary information
 - leave of absence information (e.g., disability or maternity)

These lists are not exhaustive as the information covered by privacy legislation is very broad. When completing an inventory, identify the personal information for which there is implied or written consent and identify any particularly sensitive information. Also, note any third party consultants/contractors who may have access because of their work with you. See Appendix II for a worksheet to help with your inventory.

If during this early review, you find information being collected that is not required for your primary function as a physical therapist or employer, cease collecting it.

* May also be considered health information under HIA.

STEP 3 APPOINT A PRIVACY OFFICER

The privacy officer is accountable for the organization's overall compliance with applicable privacy legislation and must have the authority to exercise this role. The officer does not have to be a physical therapist. They could be a support worker or member of your administrative team—you do not need to hire externally to fill this role.

Determine if there is someone suitable in your office; delegate the authority to oversee the privacy plan and the authority to resolve privacy issues/concerns. Your privacy officer's name must be clearly identified and made known to patients and employees.

The privacy officer:

- Oversees the development of privacy policy and procedures.
- Ensures that:
 - Privacy policy is made public to patients and employees.
 - Adequate staff training regarding privacy policy and procedures.
 - Adequate forms are used to obtain consent for information collection, retention and disclosure.
 - Safeguards are in place to protect personal information.
- Responds to questions/concerns regarding the protection of personal information.
- Liaises with external groups and ensures that third parties protect the privacy of personal information.
- Processes privacy related complaints.

STEP 4 ESTABLISH AND PUBLICLY DISPLAY YOUR PRIVACY POLICY

Create a written policy identifying your information management strategies once you have determined the rules regarding what information should be collected, used, stored, and disclosed.

If employed by a health authority, hospital or nursing home, you may be required to follow a privacy policy already in place. If so, review the policy to ensure it covers the basic principles set out in this guide and that you are compliant.

If working independently/in private practice and no other privacy policy applies, develop one that addresses your information management strategies and ensures the adequate protection of patient information in your custody. Appendix II contains a worksheet to help ensure your policy adequately covers the information collected, used, stored, and disclosed. Also see Appendix III for a sample privacy statement (note that your privacy officer's name and contact information must be inserted. Your statement should then be displayed and made available to all patients).

Principles that should be communicated to patients and employees in a policy include that:

- Their privacy is valued.
- There is a commitment to the protection of their personal information.

- The collection, use, storage and disclosure of their personal information is limited to that which is reasonable to achieve the purposes of providing physical therapy treatment or relates to their employment.
- Information is only disclosed to third parties for the specific purposes identified, with their express consent or as otherwise permitted by law.
- Physical, technical and administrative safeguards are in place to secure their personal information.
- There is a mechanism to access their personal information and that changes to inaccurate information will be considered.
- A privacy officer is available to address questions/concerns regarding the privacy, policies and procedures (and include their business contact information in your policy).
- There is a process to ensure privacy legislation is being properly enforced.

STEP 5 **LIMIT PERSONAL INFORMATION COLLECTION**

Legislation requires you collect only the information needed to provide physical therapy services to patients and facilitate processes necessary to complete transactions (e.g., direct billing). Consider the information currently collected and ensure it directly relates to the provision of physical therapy. If not, cease collecting it.

Consider the sensitivity of the information collected and ensure the collection purpose is expressly stated on all your collection forms. Also, collect personal information directly from the individual in question unless they consent to you obtaining it from another source.

STEP 6 **PROVIDE FOR EXPRESS CONSENT**

The concept of obtaining informed consent before providing physical therapy treatment is not new. However, the concept of obtaining consent for the collection, use and disclosure of information may be.

The general rule of all privacy legislation is that consent is required for the collection, use, storage, and disclosure of personal information. While the form of consent varies (e.g., some legislation authorizes verbal consent while other legislation requires written) you can ensure compliance by obtaining written informed consent from patients.

The general disclosure rule has several exceptions, which means in certain circumstances information can be collected, used or disclosed without consent. A review of all the exceptions contained in the legislation is beyond this guide's scope. For advice on specific situations, please contact your legal advisor or review the documents referenced under Step 1 Reviewing governing legislation.

Forms of consent

The form of consent required varies depending on the applicable legislation. HIA requires written or electronic consent which must explicitly state the purpose for which the information is

being collected, to whom it may be disclosed and how long the consent remains effective. PIPA and PIPEDA on the other hand do not require written consent—verbal is acceptable.

The following are some consent form recommendations:

- **Form of consent if governed by PIPA**

Verbal consent for the collection, use and disclosure of information is sufficient to ensure PIPA compliance. However, written consent is always prudent as it is difficult to prove verbal consent later on.

Consider including a provision like the one below on existing treatment consent forms that would satisfy this requirement.

I hereby consent to the collection, use, storage and disclosure of my personal information in accordance with the XYZ Physical Therapy Clinic's privacy policy. I hereby acknowledge that a copy of the privacy policy was made available to me and I have been advised who I may contact if I have any questions about anything contained in the privacy policy.

You can provide patients with a copy of your policy or a means of accessing it to help ensure they are aware of what information is being collected, how it is being used and stored and to whom it is being disclosed.

- **Form of consent if governed by HIA**

HIA requirements are more onerous if information is being disclosed outside the 'circle of care' (defined as healthcare professionals who provide treatment to a patient receiving physical therapy from you). Information can be provided to circle of care providers without specifically obtaining patient consent. Outside that circle; however (e.g., to a lawyer or third party insurer), HIA requires specific written or electronic consent. Have your patient sign a consent form at the time disclosure is made—see Appendix IV for a sample consent form.

STEP 7 SAFEGUARD PERSONAL INFORMATION

Contact, health, financial is considered sensitive by most individuals. Appropriate safeguards must be in place to prevent unintended or unauthorized access to or loss of this information. Safeguards include:

- Keeping records in places that only authorized individuals can access.
- Locking cabinets and offices containing personal information and not leaving them unattended during business hours.
- For computer files - using passwords, encryption, antivirus and firewalls and keeping software up-to-date (i.e., updates and patches).
- Preventing unauthorized viewing of computer screens and using a password-protected screen saver.

- Not discussing confidential information over the phone when it could be overheard.
- Shredding paper records and wiping computer hard drives clean.
- Having confidentiality oaths for staff and/or confidentiality clauses in employment contracts.

Ensure service providers follow your policies

You are obligated to ensure the personal information in your custody is handled in accordance with the applicable privacy legislation. You may be asked to disclose personal information to a third party (e.g., software providers, information technology specialists, accountants, etc.). When hiring/retaining third party service providers, ensure they know the personal information in your custody is governed by privacy legislation and that they too must protect the information's confidentiality. You can do this via a written and signed privacy agreement (see Appendix V, page 25, for a sample agreement) or by inserting provisions of the agreement into third party contracts.

STEP 8 TRAIN STAFF IN PRIVACY LEGISLATION INTENT AND REQUIREMENTS

Ensure your staff is aware of your privacy policy and relevant legislation, and that they have the knowledge and skills necessary to handle privacy concerns. It is advisable for all staff to review this guide.

STEP 9 ENSURE INFORMATION ON FILE IS CURRENT, COMPLETE AND ACCURATE

Invite patients to comment on the currency, completeness and accuracy of their personal information, including information regarding their current medical status.

STEP 10 IDENTIFY PROCESSES FOR ACCESSING AND CHANGING PERSONAL INFORMATION ON FILE

Patients have the right to access their personal information and see their chart and any information in it. Time limits for responding to access requests and fee schedules are set in legislation under HIA and FOIP. Therefore, ensure patients understand the processes for accessing personal information.

When responding to access to information requests ensure that personal information about another person (provided in confidence by someone other than the person requesting access) is not inadvertently disclosed.

If patients request a change to their information, determine if the information on file is factually correct. While incorrect facts/details should be amended, changing a professional opinion because a patient disagrees is not required. Document the change request in the patient's file. If the request is unwarranted, consider seeking advice (from the College, the Office of the Information and Privacy Commissioner, etc.) to ensure the appropriate processes are followed. If patients express concern or dissatisfaction regarding a failed change request, explain that

they can make a written complaint to your privacy officer or to the Office of the Information and Privacy Commissioner of Alberta (see contact information on page 9, under Step 1).

STEP 11 ESTABLISH AND COMMUNICATE PROCESS FOR HANDLING PRIVACY RELATED CONCERNS

To ensure an open process for handling privacy related concerns:

- Identify the privacy officer as the complaints investigator.
- Ensure a confidential complaints process.
- Consider concerns objectively.
- Respond to concerns in the manner they were expressed (e.g., if submitted in writing, respond in writing).
- If privacy principles are not breached and legislative requirements not sacrificed, seek a collaborative solution wherever possible.
- Document steps taken to address concerns.
- Adjust privacy policies and practices to minimize future concerns.

STEP 12 REVIEW AND UPDATE PRIVACY POLICY AND FORMS REGULARLY

Privacy legislation continues to evolve. Review your policies and practices regularly to ensure compliance with any changes and determine if your systems and processes meet your policy objectives.

STEP 13 IMPLEMENT SYSTEMS FOR EMPLOYEE'S PERSONAL INFORMATION

Steps one through 12 focus on patient information. However, PIPA also applies to personal employee information. Therefore, physical therapists that employ staff (including assistants, administrative personnel or other physical therapists) must also ensure the collection, use and disclosure of personal employee information complies with legislation.

PIPA defines personal employee information as:

...in respect of an individual who is an employee or a potential employee, personal information reasonably required by an organization that is collected, used or disclosed solely for the purposes of establishing, managing or terminating:

- (i) an employment relationship
- (ii) or a volunteer work relationship

between the organization and the individual but does not include personal information about the individual unrelated to that relationship.

Collection, use and disclosure of personal employee information

The general rule is that the information can be collected, used or disclosed by an organization without the consent of an individual if the individual is an employee of the organization and:

- The collection, use or disclosure is reasonable for the purpose for which it was collected, used or disclosed.
- The personal employee information includes only personal information related to that individual's employment or volunteer work.
- Before collecting, using or disclosing the information, employees are notified of the collection, use and disclosure and its purpose.

Access to employee's personal information

The rules regarding access to information also apply to personal employee information. Therefore, advise employees that they can access their information in the practice's custody/control.

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APPENDIX I

PRIVACY LEGISLATION APPLICABLE TO PHYSICAL THERAPISTS

WHICH LEGISLATION APPLIES

There are four different legislative Acts that establish rules regarding the collection, use, disclosure of and access to information. Because there are differences between the Acts, it is important to determine which governs your physical therapy practice/environment. It is possible that more than one Act can apply.

1. **Personal Information Protection Act (PIPA)**

PIPA will apply in almost all cases to the personal and employee information collected, used and disclosed by physical therapists in the private sector.

When does PIPA apply?

PIPA applies to personal/employee information collected, used and disclosed by physical therapists:

- Whose services are paid for directly by the patient.
- Whose services are paid by a third party insurer.
- Whose services are paid for by the Alberta Workers' Compensation Board.¹
- Who operate their own physical therapy practice or work in partnership with someone else, and who hire employees, contractors or volunteers.

2. **The Health Information Act (HIA)**

This provincial legislation governs the collection, use, disclosure and access to health information within Alberta's publicly funded health system.

When does HIA apply?

HIA applies to health information including general patient information (name, personal health number, gender, date of birth and marital status) and governs health information collected by a physical therapist if/when the physical therapist is:

- employed by or contracting services to a physical therapy practice operated by a health region, hospital or nursing home,
- providing physical therapy services pursuant to a contract with a health region, or
- paid directly by Alberta Health and Wellness in whole or in part.

Consent under HIA

HIA rules regarding the collection, use and disclosure of information differ from PIPA, PIPEDA and FOIP. If employed by a health authority, hospital or nursing home, you are considered an 'affiliate'

1 Physical therapists or clinics who have contracts with the WCB are also governed by the Workers' Compensation Act, which gives the WCB a right of access to information contained in a patient file. FOIP may also apply to records related to WCB claims, depending on the circumstances.

under HIA. A physical therapist working independently/in private practice and billing Alberta Health Care would be considered a 'custodian.'

Under the HIA, consent is not required before a custodian or affiliate can disclose information to another healthcare provider. Under other circumstances, consent is generally required to disclose information to a third party.

3. **The Personal Information Protection and Electronic Documents Act (PIPEDA)**

Establishes the rules for the collection, use, disclosure of and access to personal information during the course of 'commercial activities.' Personal information is broadly defined as 'information about an identifiable individual' but does not include the name, title or business address of an employee of an organization.

When does PIPEDA apply?

PIPEDA can apply to Alberta physical therapists in limited circumstances where personal information is being transferred across provincial boundaries (e.g., to a third party insurer in another province).

NOTE: PIPEDA contains a few exceptions when personal information may be disclosed without the individual's consent. One of the exceptions is to collect a debt the individual owes you or your practice; however, in this case only the minimal amount of information necessary to collect the debt is to be released.

4. **Freedom of Information and Protection of Privacy Act (FOIP)**

FOIP establishes the rules for collecting, using, disclosing and accessing information/records in the possession of a 'public body' defined as:

- Alberta government department, branch or office.
- Agency, board, commission, corporation, office or other body designated as a public body in the regulations (e.g., WCB).
- Local public body (e.g., educational body, healthcare body or local government such as a municipality or a municipal board).

FOIP applies to all records in the public body's custody/control and is broadly defined to include 'information in any form,' and can include information stored in any manner.

When does FOIP apply?

FOIP may apply to information collected, used and disclosed when a physical therapist is employed by, or contracting services to, a school or school board.

APPENDIX II

INVENTORY OF PERSONAL INFORMATION

INFORMATION COLLECTED	PURPOSE OF COLLECTION	INFORMATION DISCLOSED TO
<p>Contact:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Name <input type="checkbox"/> Home contact information <input type="checkbox"/> Emergency contact person <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ 	<ul style="list-style-type: none"> <input type="checkbox"/> Open and update patient files <input type="checkbox"/> Invoice patients for services <input type="checkbox"/> Send reminders to patients about appointments <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ 	<ul style="list-style-type: none"> <input type="checkbox"/> Other healthcare providers <input type="checkbox"/> WCB <input type="checkbox"/> Third party insurers <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____
<p>Health:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Gender <input type="checkbox"/> Birth date/age <input type="checkbox"/> Health history <input type="checkbox"/> Previous trauma/accidents <input type="checkbox"/> Family health history <input type="checkbox"/> Test/examination results <input type="checkbox"/> Other health provider charts <input type="checkbox"/> Prognosis or opinions <input type="checkbox"/> Objective findings <input type="checkbox"/> Subjective complaints <input type="checkbox"/> Treatment history <input type="checkbox"/> Discharge summary <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ 	<ul style="list-style-type: none"> <input type="checkbox"/> Conduct assessments <input type="checkbox"/> Provide physical therapy treatment <input type="checkbox"/> Prepare opinions <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ 	<ul style="list-style-type: none"> <input type="checkbox"/> Other healthcare providers <input type="checkbox"/> WCB <input type="checkbox"/> Health region <input type="checkbox"/> College of Physical Therapists (upon request) <input type="checkbox"/> Insurers or third party health benefit providers <input type="checkbox"/> Lawyers <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____
<p>Financial:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Employer <input type="checkbox"/> ID# (e.g., DL, APHN) <input type="checkbox"/> Credit card <input type="checkbox"/> Bank account details <input type="checkbox"/> Third party insurance <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ 	<ul style="list-style-type: none"> <input type="checkbox"/> Facilitate payment for services <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ 	<ul style="list-style-type: none"> <input type="checkbox"/> Third party insurers <input type="checkbox"/> Accountant <input type="checkbox"/> Revenue Canada <input type="checkbox"/> Credit card company <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____

APPENDIX III

SAMPLE PRIVACY STATEMENT

Introduction

At XYZ Physical Therapy Clinic, we are committed to protecting the privacy of personal information. We will not disclose personal information without consent or reasonable and lawful notice except when required or permitted by law.

Our privacy commitment

At XYZ Physical Therapy Clinic, we protect patient privacy by:

- Collecting only the personal information required to provide physical therapy services.
- Advising you how your information might be disclosed and obtaining your consent.
- Safeguarding your personal information.
- Sharing your personal information only for the purposes stated and agreed to in a signed consent form or otherwise permitted by law.
- Ensuring any contractors hired who may have access to your information also protects the privacy of your information.
- Training staff and adapting the office space to ensure maximum protection of your privacy.
- Ensuring personal information is current, complete and accurate.
- Providing you access to your personal information and a mechanism for requesting corrections.
- Having our privacy officer available to answer your questions.
- Periodically reviewing our privacy policy to ensure it provides adequate protection for your personal information.

Information collected

The personal information collected is required in order to provide you with physical therapy services and facilitate payment for services rendered.

- **Contact information:** your name, phone number, address and an emergency contact person.
- **Health information:** your health history, treatment received, names of other healthcare providers, family medical history, your subjective complaints, objective findings, diagnoses, reason for discharge and discharge plan.
- **Financial information:** your insurance benefit coverage information, credit card information, employer's name and other information to facilitate payment for services provided.

What do we use your information for?

We use contact information to open and update your patient file, invoice for services, remind you of appointments and/or the need for further treatment, and to provide informational materials about our clinic. We use health information to assess, diagnose and to provide and evaluate physical therapy treatment. We use financial information to arrange payment for physical therapy services rendered.

With whom do we share your information?

- **Contact information** - may be disclosed to third party health benefit providers/insurance companies when reimbursement claims for all or part of the treatment cost have been submitted.
- **Health information** - may be disclosed to:
 - Third party health benefit providers and insurance companies when a claim is submitted for reimbursement or payment of all or part of the cost of treatment or we have been asked to submit a claim on your behalf.
 - The WCB or your employer if you made a WCB claim.
 - Other healthcare professionals also providing you with treatment.
 - Your lawyer, if you were injured in an accident.
 - Research teams in an anonymous form to facilitate outcome research.
- **Financial information** - may be disclosed to your insurer or credit card company as required to facilitate payment.

NOTE: Personal information can also be disclosed without your consent if/when we are required to do so by law.

How we protect your personal information:

- We store physical records containing your personal information in a secure place.
- We store electronic records on secured hardware, use antivirus software and passwords on all computers and take care to protect screen monitors from public viewing.
- We transfer physical records outside our office in sealed envelopes by secure methods.
- We conduct telephone discussions with sensitivity to ensure that your personal information is not inadvertently disclosed.
- Electronic information is transferred in secure files and made anonymous wherever possible.
- We do not share your personal information outside our office for any marketing, promotional, publicity, educational or research purposes without your consent.
- We train staff to handle your information only through the protected measures outlined in our privacy procedures. If consultants or contractors are hired, we take steps to ensure the consultant or contractor also protects your privacy.

Accessing and correcting your personal information

You can request to view your personal information by asking a staff member who may then refer you to our privacy officer. We will attempt to help you understand the reasons we collect, store and use the information in your records.

You may request a change to your personal information if it is inaccurate, incomplete, and no longer current or if you believe there is a factual mistake.

Requested copies of your record will be provided in a reasonable period. If there is a charge for the cost of producing a copy, we will advise you of the cost in advance.

How long is information kept?

We are required by legislation to keep records containing personal information for 10 years from the last date of service. Or in the case of a minor, three years from the age of majority. After that time, we shred paper records and delete electronic ones. When discarding hardware we ensure the hard drive is destroyed.

More information

If you have a concern about your personal information, please feel free to ask the physical therapist treating you or another staff member. If your question/concern is not resolved, please address it in writing to our privacy officer:

First and Last name,
Privacy Officer
XYZ Physical Therapy Clinic
Address
xxx-xxx-xxxx
p.privacy@xyzphysio.com

APPENDIX IV

SAMPLE CONSENT FOR DISCLOSURE OF HEALTH INFORMATION

I, _____, hereby authorize XYZ Physical Therapy Clinic to release the following information: full and complete disclosure of any medical information you may have or have had, or to which you may have or have had access, in any way related to the undersigned and including, but without restricting the generality of the foregoing, medical charts, medical history, diagnosis, treatment, symptoms, prognosis, opinions, the results or conclusions of any tests of any kind or x-rays and/or other knowledge and to furnish medical/legal reports, written or oral, both before and after the date of this consent, to **(insert name and address of person to whom information is being released)** for the purpose of **(insert purpose for disclosure)**.

This consent is effective on ____ of _____, 2008, and will expire on ____ of _____, 2008.

I acknowledge that I am aware of the reasons why my health information is required and have been advised of the benefits and risks of consenting to the release of my health information. I am also aware that I may revoke my consent at any time.

Name

Witness

Date

APPENDIX V

SAMPLE PRIVACY AGREEMENT

This Agreement made this _____, day of _____, 2008.

BETWEEN

XYZ Physical Therapy Clinic ('the Clinic') and _____ (the 'Contractor')

WHEREAS as a result of the work performed by the Contractor, the Contractor may receive or become aware of private and confidential information pertaining to clients receiving services at XYZ Physical Therapy Clinic;

AND WHEREAS the Clinic has an obligation to ensure that such information remains confidential and is not improperly disclosed by the Contractor;

THE PARTIES AGREE AS FOLLOWS:

1. The Contractor agrees to abide by and adhere to the terms of this Agreement and all applicable privacy legislation with respect to personal information the Contractor becomes aware of or has access to in the course of their duties.
2. The Contractor agrees to use the personal information only to the extent that is reasonable for fulfilling the following purposes: (insert purposes for which personal information was disclosed to the Contractor).
3. The Contractor agrees, except as required by law, not to disclose any personal information without first obtaining written consent allowing for disclosure from the Clinic.
4. The Contractor agrees to protect the personal information by making reasonable security arrangements to protect against unauthorized access, collection, use, disclosure, copying, modification or disposal.
5. The Contractor agrees to return any personal information to the Clinic:
 - (a) when the personal and health information is no longer required for fulfilling the purposes set out in paragraph 2 above; or
 - (b) upon the verbal or written request of the Clinic.
6. If a Contractor receives a request for access to personal information from a person or organization other than the Clinic, the Contractor must promptly advise the person to make the access request to the Clinic.

XYZ PHYSICAL THERAPY CLINIC

Per: _____ Date: _____
Signature

CONTRACTOR

Per: _____ Date: _____
Signature



COLLEGE OF
PHYSICAL THERAPISTS
OF ALBERTA

Protecting Albertans through effective regulation and leadership

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