

Health Information Privacy and Management Standards

Opticians must manage patient and health information in an ethical and legal manner.

Patient Expectations

The **patient**¹ can expect that their health information, privacy, and confidentiality is managed ethically and according to the standards and legislation and any information that is collected is necessary and required for the **opticianry services** provided. Patients can expect to have timely and reasonable access to their personal health information.

Background

Regulated members² of the College of Opticians of Alberta (COA) are designated members under the *Health Information Regulations* (2001) (HIR), meaning that they can be designated as **custodians** of health information. Custodians are required to have operational procedures or policies detailing how they manage health information in their custody or under their control. Custodians may be a custodian for more than one site and may be located offsite.

Regulated members of the COA who are not custodians may be **affiliates** of health information. All regulated members must understand all responsibilities regarding privacy and management of health information, regardless of whether they are affiliates or custodians.

An optician who owns a dispensing facility is typically the custodian of the eyeglass and contact lens patient records completed by the optician. If an optometrist is employed by the optician, the optometrist is the custodian of the optometric records and should be outlined in the contractual agreement.

Regulated Member Requirements

1. An optician is accountable and responsible for composing, retaining, and completing accurate and legible patient records.

An optician must:

- 1.1. collect, protect, maintain, use, amend, disclose, and destroy health information confidentially and according to the legislation;
- 1.2. ensure patient records include all information and documentation appropriate to the products and services being provided;
- 1.3. only collect personal or health information that is necessary, required, and reasonable for the product or opticianry services provided;
- 1.4. amend personal and health information in patient records as necessary and as outlined in legislation;
- 1.5. when working collaboratively with other professionals must clearly identify what contributions they made to the patient's care and include their name and/or license number;

¹ Words in bold font are listed in the glossary.

- 1.6. when disclosing or contributing information to a health record operated by another custodian, have an information sharing agreement in place that clearly defines the roles and responsibilities of the parties;
- 1.7. release information to colleagues as permitted or required by legislation only for the provision of appropriate services; and
- 1.8. notify the custodian (as soon as practically possible) of any loss, unauthorized access to, or disclosure of individually identifying health information that is in the custody or control of the custodian.

2. An optician is accountable and responsible for retention and destruction of personal and health records according to legislation and policies.

An optician must:

- 2.1. retain all patient records for a minimum of ten years from the last date of entry; and
- 2.2. securely destroy records containing personal or health information.

3. When closing a dispensing facility or retiring, an optician is accountable and responsible for ensuring patient records are not abandoned.

An optician, when closing a dispensing facility or retiring, must:

- 3.1. ensure records or files are securely stored for a minimum of ten years from the date of last entry;
- 3.2. notify patients if their records are transferred to another facility, where that facility is, or where their records are being stored; and
- 3.3. notify the COA as to the location of records containing or storing personal and health information.

In addition to the above information, opticians who are custodians of health information are responsible for safeguarding health information.

4. An optician as a custodian is accountable and responsible for complying with all legislative requirements regarding privacy and security of records.

An optician as a custodian must:

- 4.1. submit a **privacy impact assessment**² (PIA) to the privacy commissioner;
- 4.2. provide patients access to, and make corrections of, their personal and health records in accordance with the legislation;
- 4.3. disclose information from patient records appropriately and in accordance with legislation;
- 4.4. have adequate safeguards in place to protect the security, integrity, and confidentiality of personal and health information. Safeguards must protect against the loss and unauthorized access and use of personal and health information;
- 4.5. identify, and maintain a written record of, all its administrative, technical and physical safeguards in respect of health information; and
- 4.6. if designating a **privacy officer**, ensure they are responsible for the overall security and protection of health information in custody or under the control of the custodian.

² Privacy impact assessments can be sent to the Office of Information and Privacy Commissioner (oipc.ab.ca)

5. An optician as a custodian is accountable and responsible for proper notification of a health information privacy breach to the Privacy Commissioner.

An optician as a custodian must:

- 5.1. perform a **risk of harm assessment** in the event of a privacy breach;
- 5.2. give notice to the Privacy Commissioner, the Minister of Health, and the individual affected by the privacy breach any loss, unauthorized access to, or disclosure of individually identifying health in the custody or control of the custodian
- 5.3. give notice to the privacy commissioner immediately of the decision not to give notice to the individual who is the subject of a privacy breach in the event it could be reasonably be expected to result in risk of harm to the individual's mental or physical health.

Glossary Terms:

Affiliate: affiliates of health information are, according to the HIA, regulated members who practice in an organization identified as custodians. The HIA (2000) describes "affiliate" as follows:

- regulated members are affiliates of health information if they practice in an organization employed by a custodian
- a person who performs a service for a custodian as an appointee, volunteer or student under a contract or agency relationship with the custodian

Custodian: organizations defined in the HIA or individuals designated in the HIR with authority to collect, use, and disclose health information; a health service provider who is designated in the regulations as a custodian, or who is within a class of health services providers that is designated in the regulations.

Patient: a person, or caregiver of a person, receiving opticianry services from a regulated member of the College

Privacy Impact Assessment: an assessment of organization practices that have an impact on an individual's privacy. This assessment includes policies and procedures that are in place to affect an organization's ability to ensure that privacy protection measures are in place to protect patients (Office of Information and Privacy Commissioner, 2010)

Privacy officer: the individual responsible for the oversight of activities related to privacy policies and the processes for how information is collected, used, disclosed and accessed.

Opticianry service: a service that comes within the practice of a regulated profession. In their practice, opticians do one or more of the following:

- Based on an optical prescription, design, supply, prepare, adjust, and dispense optical appliances and prostheses, including corrective lenses;
- Promote eye health and the correct use of optical appliances and prostheses through education of consumers and regulated members;
- Perform refractions and identify the need for corrective lenses;
- Conduct or collaborate in optical related research;
- When providing professional services referred to in this section, conduct assessments and make referrals where appropriate;
- Provide restricted activities authorized by the regulations.

(HPA, 2000, Opticians Professions Regulation, 2011)

Regulated member: an optician registered as a member of the College of Opticians of Alberta under section 33(1)(a) of the HPA (2000).

Risk of harm assessment: an evaluation of whether a breach of individually identifying health information poses potential harm to the affected individual.

Related Documents:

College of Opticians of Alberta *Code of Ethics* (2000)

College of Opticians of Alberta *Professionalism Standards*

College of Opticians of Alberta *Practice Management Standards*

College of Opticians of Alberta *Record Keeping and Documentation Guidelines*

Health Information Act, RSA 2000, c H-5

Health Information Regulation, Alta Reg 70/2001

Health Professions Act (2000), RSA 2000, c H-7

Opticians Profession Regulation (2011)

References:

Health Information Act, RSA 2000, c H-5

Health Professions Act, RSA 2000, c H-7

Health Information Regulations, Alta Reg 70/2001

Office of Information and Privacy Commissioner. (2010). *Privacy impact assessment requirements*.

Retrieved from: <https://oipc.ab.ca/wp-content/uploads/2022/03/PIA-Requirements-2010.pdf>

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