

Newfoundland & Labrador Association of

**Social Workers**

# Personal Health Information Act (PHIA) Legislative Review

Presented to:

PHIA Review Committee

February 13, 2017

## Newfoundland and Labrador Association of Social Workers (NLASW)

NLASW is the regulatory body and professional association for over 1500 professional social workers in this province. NLASW is responsible for regulating the practice of social work under provincial legislation titled the *Social Workers Act*. The vision is Excellence in Social Work.

As an organization, NLASW is committed to advancing health and social policy to ensure the well-being of the citizens of Newfoundland and Labrador. The protection of personal health information is of utmost concern for social workers. Social work is a regulated health profession in NL. While many social workers are employed within the Regional Health Authorities, social workers in private practice are custodians under the Personal Health Information Act (PHIA).

The proclamation of the Personal Health Information Act (2011) was seen to be progressive and timely. It cemented the importance of privacy in relation to one's personal health information, added increased accountability for the collection, use and disclosure of this information, and provided a framework for areas of policy development. This legislation was also seen to be in keeping with professional best practice standards.

The NLASW consulted with members regarding the PHIA review, and the following issues and clarification points were noted.

### Issues

- Clarity regarding the disclosure of personal health information, without the consent of minors, would be beneficial.
- Students from undergraduate and graduate programs complete internships in health care organizations on a regular basis. Specific reference to students and appropriate access to personal health information would be helpful.
- Ongoing education pertaining to PHIA through the privacy office is recommended.

### Clarifications

- Section 2(s) provides the definition of a record. This definition can be enhanced further to incorporate electronic communications (i.e., texts, e-mails, etc.) that contain personal health information.
- The use of the word guardian is not defined in the Act. This is something that is recommended to enhance clarity.

- 11 (1) speaks to conflict with other Acts. It is important that as other Acts are being developed, horizontal analysis be conducted to ensure that there are no implementation issues.
- The Act outlines response times for requests for the disclosure of personal health information. The legislation refers to days. It would be helpful to qualify if this is intended as calendar days or business days.
- The legislation provides a definition of health care professional and lists the Acts under which individuals are regulated. The Social Workers Association Act should be replaced with the Social Workers Act (2010).
- 7 (f) reference to the Neglected Adults Welfare Act needs to be replaced by the Adult Protection Act.

### Conclusion

The NLASW looks forward to continuing to work collaboratively with the Department of Health and Community Services to advance policy and legislation pertaining to privacy and personal health information.