



CONDUCT COUNTS!

Privacy

SCENARIO

Anna is employed by a home oxygen company and is routinely called upon to deliver and set-up oxygen systems, perform assessments, and provide ongoing care and instruction to patients in their homes. On occasion, patients are unavailable when Anna attends their home, and in these instances, the company's policy is that employees leave notes on patients' doors so that they are able to contact the appropriate person to arrange another visit.

Anna recently received a physician's order to assess Edward for home oxygen therapy. Anna tried several times to reach Edward on the phone to schedule an assessment but was unable to connect with him or leave a voicemail message. When Anna had to visit Edward's gated community to assess another patient, she decided to drop by to see if she could catch him at home. She had vacation plans fast approaching and didn't want too much time to pass before completing Edward's assessment. Unfortunately, Edward was not home so Anna left a note in the form of a door hanger, which included the time and date she had dropped by, and that she had dropped by to perform a home oxygen assessment. Anna also wrote on this note that she would follow-up with Edward's physician in the event she had not heard from him within the next week.

The next week at work, Anna was contacted by her company's Privacy Officer, Mr. Smith. Mr. Smith explained that Edward had contacted the company and was quite upset that the note from Anna had been left on his door. Edward said he was concerned other residents in his community may have read this note and were now aware of his personal health information. Mr. Smith reminded Anna that the company's policy instructed staff to only include minimal information in call-back notes left for patients and to avoid disclosing the personal health details of the patient in these notes.

RESULTS

Edward also filed a complaint with the CRTO alleging that his privacy had been breached because personal health information was disclosed when Anna left a note on his door that included the reason for her visit as well as his physician's name. The CRTO was obligated to investigate this complaint, a process which included gathering further documentation from Anna's employer (such as the policy regarding call-back notes), as well as speaking to Edward, Anna, and Mr. Smith.



PROFESSIONALISM

"Professionalism" or professional conduct is a term often used to describe the behaviours that are expected of individuals who hold a certain role in society. A "professional" is typically someone who has obtained skills that are recognized as requiring specific, intensive training and who applies those skills in a position impacting others (e.g., engineer, lawyer, RT, PT, MD, etc.). Professionals are often held to moral, ethical and legal standards because of this potential impact.



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EXPECTATION

Section 4.7 of the CRTO Standards of Practice states that RTs are expected to appropriately manage patient/client relationships by “maintaining privacy and ensuring confidentiality except in conditions where sharing the information is permitted by law or where reporting of health information is required by law.” So, even though Anna may have had the best of intentions and was attempting to provide timely care by proactively dropping in on Edward, she still needed to be mindful of the information she disclosed.

RTs sometimes assume that it matters whether or not the patient or client suffers actual “harm”. However, when it comes to privacy breaches, determining actual harm can be difficult. For example, the patient is not required to prove that someone actually read the door hanger and used his personal health information against him in some way. According to the guidelines set out in the Personal Health Information Protection Act (PHIPA), a person only requires reasonable grounds to believe that another person has infringed upon their right to privacy of their personal health information in order to make a complaint to the Privacy Commission. It is similar for the CRTO’s complaints process. Members should work with their employers to ensure that policies are in place that address the confidentiality of patients and clients personal health information, including in scenarios where the disclosure may occur even if unintended.

BOTTOM LINE

The CRTO expects that all Members take their obligations to maintain the confidentiality of patients’ health information seriously. There are limited and specific circumstances where the disclosure of personal health information is allowed, and it is each Member’s responsibility to understand when these exist. Members should be aware of the nature of the information they are disclosing, and determine whether such disclosure is permitted and/or required by law.

RESOURCES

[CRTO’s Standards of Practice](#)

[Office of the Privacy Commissioner](#)

[Personal Health and Information Protection Act, 2004](#)

