



CONDUCT COUNTS!

Privacy

SCENARIO

Arthur works as a RT in the community. He is employed by a home oxygen company and is routinely tasked with the delivery and set-up oxygen systems, performing assessments, and provide ongoing care and instruction to patients in their homes.

Typically, when Arthur arrives at his patient's home, the patient is present and allows him access into their homes. On occasion clients are unavailable when Arthur 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.

Arthur recently received a doctor's order to assess Jill for home oxygen therapy. Typically, Arthur calls ahead and speaks to his patients, introducing himself and confirming when he will be attending the patient's home for their assessment. After multiple unsuccessful attempts to reach Jill on the phone, Arthur decided to swing by Jill's house for a visit. As the holiday season was fast approaching, Arthur didn't want too much time to pass before completing Jill's assessment.

When Arthur arrived at Jill's home, unfortunately Jill was not there. Per the company policy, Arthur left a note on Jill's door which included the time, date, and his contact information. However, as Arthur was worried Jill would not understand the purpose of the visit, he also included a brief reason for his visit and that he would follow up with Jill's doctor if Jill did not contact him by the following week.

When Jill came home, she was very unhappy with the note she found on her door. She felt that if any of her neighbours came to her door, they would be able to learn about her personal medical history. Jill contacted the CRTO to file a complaint regarding Arthur's actions. Jill alleged that her privacy of personal health information was breached, when Arthur left a note on her door with specific medical information about her.

RESULTS

Under the Regulated Health Professions Act, the CRTO must investigate all complaints received by it. This process includes gathering further documentation and statements from all parties involved, including Arthur, Jill, and Arthur's employer.

Once the investigation was completed, a Panel of the Inquires, Complaints and Reports Committee (ICRC) convened to review the findings of the investigation. The ICRC is comprised of members of the profession and the public. They are a screening committee who is tasked with reviewing the information rendering a decision on the complaint.

After reviewing the information before it, the ICRC found that Arthur did breach the standards of practice. The ICRC clarified that Arthur's employer's policy for leaving a note on a client's door was very specific. He was expected to only leave his name, contact information and date/time of visit. By including the reason for Arthur's visit and the fact that he was going to follow-up with Jill's doctor could be viewed as a breach of privacy of Jill's personal health information. As such, the ICRC issued a verbal caution to Arthur.



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

The CRYPTO Standards of Practice provides guidance to its membership regarding the protection of personal health information of their clients.

Standard 11: Privacy and Confidentiality:

Registered Respiratory Therapists must:

- Take precautions to ensure that conversations and sharing of information via other mediums (e.g., social media, audiovisual recordings) regarding patients/clients are not accessible to others and that patient/client information is not shared with those who are not directly involved in their care.
- Protect against theft, loss or unauthorized use or disclosure of confidential patient/client personal information (e.g., passwords, encryption, systems for backup and storage, and processes for sharing/transferring information).

Although Arthur had the best of intentions in leaving the note, he violated the standards of practice. Arthur needed to be mindful of the information he disclosed in the note. The public expects that details of their personal health information is protected by a registered respiratory therapist, and never disclosed to others, whether intentionally or inadvertently.

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 note on the door, 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 CRYPTO’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 CRYPTO 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. The CRYPTO Standards of Practice and other resources regarding the protection of patient personal health information are available on the CRYPTO website.

RESOURCES

[CRYPTO Standards of Practice](#)

