



Saskatchewan College of Psychologists

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Membership Advisory

Responsibilities Under the Health Information Protection Act (HIPA)

The Health Information Protection Act (HIPA) outlines the responsibilities and obligations of “trustees” with respect to the handling (collection, storage, use and access) of personal health information in their possession. While there is differing opinion as to whether Psychologists working within the education system are subject to the jurisdiction of HIPA, legal opinion for the College is that the Education Act applies to the education of students and as such there may be a question as to whether it covers the provision of services not specifically educational in nature which are provided through the educational system.

The College’s position is that HIPA applies to all Psychologists.

Personal health information may be maintained in many forms including paper records, video recordings, and electronic records. There are a number of questions that members of the College are encouraged to consider in determining their responsibility and obligation under HIPA:

1. Am I a trustee under HIPA? (Section 2)
2. Do I have personal health information in my possession that is covered under HIPA? (Section 2)
3. Is there another piece of legislation which I should also consider in determining how to proceed with the request?
4. Have I obtained the full, informed consent from my client to use and/or disclosure of their health information?
5. Is the information I am collecting germane to the service I am providing my client?
6. Is the information I have collected on my client(s) and which will become part of their permanent health record, accurate and complete?
7. If my client believes that some of the information contained within their personal health record is inaccurate have I amended the record appropriately according to the legislation? (Section 13)
8. If I have disclosed my client’s health information without consent have I informed them of this fact and the reasons why? And if not is this justifiable?
9. If my client’s information is maintained as part of a comprehensive health record which other trustees could access, have I obtained my client’s consent to their information being maintained in this manner?
10. Does the person I am sharing my client’s personal health information with, have a right to know that information **AND** do they need to know that information?
11. Do I have a directive from my client that allows another person to act on their behalf in regard to any issues surrounding their personal health information or is this a friend or family member who is simply concerned?
12. Has my client revoked consent to share or use their personal health information? And if so does that directive apply in this particular situation?

13. Does my question relate to the collection or disclosure of a Saskatchewan Health Number? If so am I acting in compliance with Section 11 of HIPA?
14. Have I done due diligence in consulting regarding the questions I have about the use, access, and/or disclosure of my client's health information?
15. Do I, or the agency I work for have in place policies and procedures which address the collection, retention/destruction, use and disclosure of personal health information? Am I familiar with these policies and procedures?
16. If I use a third party information management system/provider, do I know that their processes meet the requirements under HIPA for Information Management Service Providers? (Section 18)
17. Have I met my responsibility to protect my deceased client's personal health information?
18. If I am not able to continue to function as a trustee have I made appropriate arrangements to ensure that my clients' personal health information is appropriately maintained and managed?
19. If I want to share client personal health information for the purpose of research, have I taken the necessary steps as outlined in HIPA to allow this to occur? (Section 29)
20. Is there a defensible reason why my client should not be allowed access to their own personal health information if they request it?

Members of the College are strongly encouraged to become fluent with HIPA and the other relevant privacy legislation, and to do due diligence in consulting when faced with questions/issues pertaining to the collection, retention/destruction, disclosure and use of client personal health information.

Sources:

- Health Information Protection Act
- HIPA Checklist for Compliance, Government of Saskatchewan
- Rasmussen, Rasmussen and Charowsky, L.P.C.