

SASKATCHEWAN COLLEGE OF PHARMACISTS

GUIDELINES PHARMACISTS ACCESSING PATIENT-SPECIFIC INFORMATION FROM THE MEDICATION PROFILE VIEWER (MPV) AVAILABLE UNDER THE PHARMACEUTICAL INFORMATION PROGRAM (PIP)

1. Definitions

Please see the Glossary of Terms attached as Schedule "A" for the definition of some of the terms used in these Guidelines.

2. Accountability

Saskatchewan Health is the trustee for the PIP Database. Personal health information accessed through the PIP is being shared on a trustee to trustee basis under HIPA. The pharmacy proprietor becomes the trustee for all PIP data accessed by the pharmacy. The pharmacy proprietor is responsible for ensuring that all pharmacists or other persons with access to patient and PIP data within the pharmacy comply with these Guidelines.

3. Purpose

The primary purpose for accessing and use of the PIP data is to support or provide a health service to the patient to whom the personal health information relates.

Authorized secondary purposes include using and disclosing the PIP data in the following circumstances:

- (a) where required to collect payment for the health services provided (i.e. benefit under the Drug Plan);
- (b) in emergency circumstances where the pharmacist believes on reasonable grounds that the use or disclosure will avoid or minimize a danger to the health or safety of any person;
- (c) where the pharmacist believes on reasonable grounds that the prevention of fraud or abuse as it relates to the use or disclosure is necessary for the prevention of fraud or abuse as it relates to prescription drugs in contravention of federal or provincial laws;
- (d) where authorized by the patient's express consent.

Care must be taken to ensure only a minimal amount of information is used or disclosed. De-identified information should be used or disclosed if possible. The pharmacist must notify the patient in writing if they have relied on section 3(b) to disclose information.

Reasonable grounds means the pharmacist has knowledge of reasonable facts. It does not include a mere suspicion or conclusion based on racial or socio-economic profiling.

.../2

4. Patient Control

A pharmacist will support and assist patients in using the Global Masking included within PIP. This will include:

- (a) providing the patient with a PIP privacy brochure on request and pointing out to the patient the telephone number to call in order to request a form that allows the patient to implement the Global Masking;
- (b) explaining to the patient how the Global Masking works.

Pharmacists will respect the Global Masking where implemented by the patient. Pharmacists may only access a masked drug profile in the following circumstances:

1. Express consent of the patient has been obtained;
2. In emergency circumstances where the pharmacist believes on reasonable grounds that the use or disclosure will avoid or minimize a danger to the health or safety of any person; or,
3. A prescription being filled is on the list of dangerous drugs (refer to Appendix A of the corresponding policy statement).

Any requests by a patient to Globally Mask or Globally Unmask their information will be referred to the PIP Administration Office.

5. Patient Communication

The pharmacist will ensure that PIP Privacy Brochures are readily available to their patients and provide a PIP Privacy Brochure to a patient on request.

The pharmacist will also reasonably respond to any direct questions from a patient regarding PIP and will attend PIP training sessions so that they can answer such questions. The pharmacist will not be required to answer in depth privacy questions but the pharmacist should be able to provide a reasonable overview of PIP. Any detailed questions should be referred to the PIP Administration Office.

6. Limiting Use and Disclosure

The Pharmacist will only use and disclose the PIP data on a need to know basis for the primary purpose of providing health services to the subject individual or for an authorized secondary purpose. The PIP data shall not be accessed, used or disclosed by a pharmacist for personal interest, gossip or financial gain.

Access within the pharmacy to the PIP will be limited to authorized users who have been appropriately registered and authorized with the PIP Administration Office.

Saskatchewan Health technical support will be allowed access to the PIP within the pharmacy. Such access should only be allowed after the pharmacy proprietor or pharmacy manager or their designate have taken reasonable steps to confirm the identity of the of the Saskatchewan Health technical support person.

.../3

7. Safeguards

The pharmacy manager and the pharmacy proprietor must:

- (a) implement the security standards outlined in the PIP Security Standards prior to connecting to the PIP;
- (b) implement any changes to the PIP Security Standards when advised to do so by the PIP Administration Office;
- (c) ensure all staff and third parties who will access the PIP data have signed a confidentiality undertaking in the form called "Sample Employee Privacy Pledge attached to the guidelines entitled "Preparing Your Community Pharmacy for HIPA and PIPEDA" ; and
- (d) ensure reasonable security and confidentiality policies, procedures and practices are in place in compliance with applicable law.

8. Access by Patients

The pharmacist will allow their patients to have access to their medication profile except where access to such information may be denied in accordance with applicable law. In other words, the patients will have the same rights of access to their drug profile as they would have access to their other personal health information in the custody and control of the pharmacy. Pharmacists will provide a printed or electronic copy of the drug profile to the patient on request

9. Amendment

Any requests for amendment to a patient's drug profile will be documented by the pharmacist and forwarded to the PIP Administrative Office for processing. If applicable, the pharmacist will also provide their comment as to whether the amendment should be made or not made and any other relevant background information.

10. Complaints

Any complaints relating to a pharmacist's access or use of the PIP Data will be dealt with in the same manner as any other patient complaint. If the complaint relates to how the PIP deals with processes or stores the information (rather than a practitioner's use or disclosure of the information), the complaint should be referred to the PIP Administration Office. Such a complaint should be referred as soon as possible so it can be addressed in an expeditious fashion.

.../4

SCHEDULE "A"

GLOSSARY OF TERMS

"Act"	means <i>The Pharmacy Act, 1996</i>
"Authorized Secondary Purpose"	means the authorized secondary purposes outlined in section 4 of the guidelines;
"Global Masking" and "Globally Unmask"	means the functionality offered by PIP that allows a patient to globally mask and unmask the prescription drugs in their medication profile;
"HIPA"	means the Health Information Protection Act (Saskatchewan)
"medication profile"	means the medication profile of the patient as stored in the PIP Database. The medication profile will not be a complete listing of all drugs prescribed to the patient but will offer a multi-pharmacy view;
"personal health information"	means personal health information as defined in HIPA;
"Pharmacist"	means a licensed pharmacist as defined in the Act;
"Pharmacy Manager"	means a manager as defined in the Act;
"Pharmacy Proprietor"	means a pharmacy proprietor as defined in the Act;
"Pharmacy"	means a pharmacy as defined in the Act;
"PIP Data"	means the medication profiles for all patients stored on PIP;
"PIP Database"	means the database related to PIP which stores the PIP Data;
"PIP Security Standards"	means the PIP Security Standards established from time to time and forwarded out to pharmacies by the trustee of the PIP Database. [Prior to setting or changing the PIP Security Standards, Sask Health will reasonably consult with the College and the Representative Board of Saskatchewan Pharmacists];
"trustee"	means a trustee as defined in HIPA;