

Policy Manual

Subject: Correction of Health Information

Section: ADM – Legal Issues

Number: ADM-c-90

Approved: Chief Executive Officer

Date: 004.05.15, R05.06.15

DEFINITIONS

Client: includes resident, participant, patient

Substitute decision maker: includes agent, guardian or spokesperson
Ref CapitalCare policies ADM-b-10, ADM-b-20

POLICY

CapitalCare will correct or amend health information in accordance with the following procedure.

PROCEDURE:

In response to a request from a client or their substitute decision maker for a correction or amendment to individually identifying health information or health services provider information about the client,

1. **Staff shall advise the individual that:**

- 1.1. Corrections or amendments to factual matters will be considered when supporting documentation is provided, e.g. correction of name or date of birth, when a copy of a birth certificate or passport is provided.
 - a. If satisfactory evidence of factual error is presented, staff is to advise the individual that the Manager will take steps to correct or amend the record(s) requested.

- 1.2. Corrections or amendments to a professional opinion or observation will not be made unless the health service provider who provided the opinion or observation agrees that the record is not an accurate reflection of his or her professional opinion or observation at the time the record was created.
 - a. Staff will inform the individual that the Manager must discuss any request for the correction or amendment of a professional opinion or observation with the professional staff who recorded the opinion or observation. If that professional is no longer available for consultation, a person with equivalent qualifications shall be consulted.
 - b. If the Manager is unable to make the correction or amendment per the **express** review method, the individual shall be advised that he or she may make a written request using the Request to Correct or Amend Health Information (the **expanded** review method). If the **expanded** review method is chosen, the individual must be given the contact details of the Privacy Champion (i.e. the on-site staff member who is the first contact for HIA issues) to whom the written request can be made.

2. EXPRESS REVIEW BY THE MANAGER

- 2.1 Staff will forward the request for correction or amendment to the Manager for review.
- 2.2 A request for correction or amendment may be refused if:
 - a. The correction or amendment relates to a professional opinion or observation made by a health services provider, when the health service provider believes that the record is an accurate reflection of his or her professional opinion or observation at the time the record was created,
 - b. The record was not originally created by a staff member of CapitalCare, or
 - c. Insufficient proof of the factual error is provided.
- 2.3 If the Manager determines that the request for correction or amendment should be granted, she/he will forward the request to the Privacy Champion for processing. The Privacy Champion or designate shall:
 - a. Notify **in writing** the individual and any person to whom that information was disclosed during the previous 12 months, unless the staff member believes that the individual will not be harmed if notification is not carried out, and the individual agrees.
 - b. Ensure that the records of any decisions to correct or amend health information are maintained along with the original information, and that the corrections or amendments are linked to the original information in accordance with site or program procedures.
 - c. If the Privacy Champion believes that records containing the incorrect information may exist in other sites or program units, he/she shall notify the HIA Coordinator of the correction. The HIA Coordinator will then notify other sites and program

units of the correction and ask that all records containing the information be corrected or amended.

- 2.4 If the Manager is unable to make the correction or amendment, she/he will advise the individual to complete the Request to Correct or Amend Health Information form which is to be submitted to the Privacy Champion.

3. **EXPANDED REVIEW BY THE PRIVACY CHAMPION**

- 3.1. Upon receiving a Request to Correct or Amend Health Information form, the Privacy Champion shall:
 - a. Seek from the Manager any information considered in her/his decision not to make the requested correction or amendment.
 - b. Consider whether there are any grounds for refusing the request per Procedure 2.2 above.
 - c. Consult the HIA Coordinator if there are grounds for refusing the request.
- 3.2. If the Privacy Champion determines that the correction or amendment should be granted, she/he shall complete the processing of the request in accordance with procedure 2.3 above.
- 3.3. If the Privacy Champion determines that the correction or amendment should be refused, she/he shall:
 - a. Notify the individual in writing of the refusal to make the requested correction or amendment and the reasons for the decision.
 - b. Offer to attach or link to the record a "statement of disagreement" (maximum 500 words) authored by the individual, so that future readers will be aware of the individual's disagreement with the record.
 - c. Advise the individual that if he or she is not satisfied with the decision to refuse correction or amendment, and does not wish to have a statement of disagreement attached or linked to the record, he or she may submit a request for review of the decision to the Information and Privacy Commissioner. Contact information must be provided for the Commissioner's Office.
 - d. Advise the HIA Coordinator of the refusal and the reasons for refusal. The HIA Coordinator will handle any request for review of the decision by the Commissioner.
- 3.4. The Privacy Champion shall make every reasonable effort to notify the individual of the decision on the requested correction or amendment within 30 calendar days.

If there is a need for an extension of time to enable consultations to take place with health services professionals, the HIA Coordinator shall be contacted. The HIA Coordinator will determine if a time extension shall be granted, and will notify the individual accordingly.

- 3.5 On receiving a statement of disagreement, the Privacy Champion will, if reasonably practical, attach the statement to the record that is the subject of the requested correction or amendment and provide a copy of the statement to any person to whom the record has been disclosed in the previous 12 months.

If it is not possible to attach the statement to the record, a link must be made from the record to the place where the statement can be found, and this link must be as visible as the original record to which the statement refers.

ATTACHMENT:

 [Request to Correct or Amend Health Information](#)