

EDITOR'S MESSAGE

On June 1, 2013, the Personal Health Information Act (PHIA) came into force in the province of Nova Scotia. The new act replaces a myriad of provincial and federal legislation as well as health profession and organizational policies and codes that were responsible for protecting the private health information of patients. They were also responsible for the right of physicians and other health care professionals to access that information for the purpose of providing medical care.¹ The new act aims to balance the need to protect patient information, and access to it, with the need for health care professionals to collect and share that information.

Nova Scotia is one of the last provinces to pass this type of all-encompassing act to protect personal health information. Ontario passed the Personal Health Information Protection Act (PHIPA) in 2004 and New Brunswick passed the Personal Health Information Privacy and Access Act (PHIPAA) in 2009. Nova Scotia's passing of PHIA is overdue, but now is not the time to chastise a government slow on the uptake, but to take this opportunity to investigate the details of the act, what it means for health care providers and more importantly, what it means for patients.

PHIA contains many elements from previous legislation regarding privacy of health information. For example, knowledgeable implied consent remains in effect, in that PHIA allows for the sharing of information necessary to a patient's care, within the health professionals circle of care. Patients can limit or revoke their consent for a health care provider to access their personal health information. Patients are also able to request a list of individuals who have accessed their medical records under PHIA. The act also covers some more nuanced forms of information sharing. A conversation, that is neither written nor recorded but contains personal health information, shared by someone not essential to an individual's care is a violation of PHIA.

Like any new legislation, whether it pertains to health care or not, there is always a period of adjustment on all sides. With PHIA I expect no different, but when misinterpretations or unanticipated complications arise, I hope the government, health care providers, and patients take it as a chance to better define and detail the vital right of personal health information privacy.

Regulations to support the act are expected to be implemented in early 2014.

If you are interested in learning more about PHIA, I recommend the Doctors NS website concerning the new privacy legislation, or the provincial government's website, under the Department of Health and Wellness.

Regards,
Chelcie Soroka
Editor in Chief
Class of 2016
dmj@dal.ca

References

1. Doctors Nova Scotia. Practice Resources. New Privacy Legislation. June 2013. (<http://www.doctorsns.com/en/home/practiceresources/newprivacylegislation/default.aspx>).