Accessing PIP and eHR Viewer

> **Disclaimer**
>
> SCPP provides general guidance on privacy matters. Members requiring more information are encouraged to speak with their Privacy Officer, to refer to the Office of the Saskatchewan Information and Privacy Commissioner website and/or to seek advice from their legal counsel.

DEFINITIONS

For the purposes in this policy, the following definitions apply:

"Organization Approver" refers to the person authorized to designate users and user roles for a pharmacy, as defined in the joint service/access policies or agreements for provincial electronic databases, such as PIP and eHR Viewer. May also be referred to as Authorized Approver or User Organization Approver.

"Personal Health Information" is defined in *The Health Information Protection Act* and includes information with respect to the physical or mental health of an individual, any health service provided to an individual, and the individual's health services number.

"Pharmacy Professional" means licensed pharmacists, licensed pharmacy technicians and pharmacy interns (extended and student) who are practicing under the supervision of a licensed pharmacist or licensed pharmacy technician as required. (See Supervision of Pharmacy Interns)

"Proprietor" means a person who controls the operation of a community pharmacy;

"Trustee" is defined in *The Health Information Protection Act*, and includes proprietors;

ACRONYMS

eHR Viewer – electronic Health Record Viewer

JSAP – Joint Service and Access Policy

OIPC – Office of the Saskatchewan Information and Privacy Commissioner

PPDA – *The Pharmacy and Pharmacy Disciplines Act*

PIP – Pharmaceutical Information Program

PHI – personal health information

1. PREAMBLE

The Pharmaceutical Information Program (PIP) is Saskatchewan's medication profile database, developed with the primary purpose of improving patient care in Saskatchewan. PIP provides Saskatchewan pharmacists, pharmacy technicians and other health providers with access through a secure computer network to information about drugs dispensed to Saskatchewan patients in Saskatchewan community pharmacies. As of August 29, 2022, PIP also captures medications dispensed by the Saskatchewan Cancer Agency pharmacies.

The electronic Health Record (eHR) Viewer is a secure website that authorized health care providers can use to access patient information on Saskatchewan residents, no matter where a patient presents for care. The types of information available in the eHR Viewer include medication information, laboratory results, immunization information, transcribed clinical documents, medical imaging reports, records of hospital visits and chronic disease information.

Access to information within PIP and the eHR Viewer is provided to help deliver the best possible quality of pharmaceutical care for patients.

Legislation and Data Access Agreements (i.e., Joint Service/Access Policies)

Personal health information (PHI) accessed through eHR Viewer and PIP is being shared on a trustee-to-trustee basis under HIPA. The pharmacy proprietor is the trustee for all PHI accessed by the pharmacy team.

As a trustee, the pharmacy proprietor must ensure that all pharmacy staff (pharmacy professionals and non-regulated), with access to PHI within the pharmacy, comply with:

- *The Health Information Protection Act* (HIPA), *The Health Information Protection Regulations* (HIPR);

- The *Personal Information Protection and Electronic Documents Act* (Canada) (PIPEDA)*,* where applicable; and

- Ministry of Health policies and procedures including:

  - PIP (e.g. JSAP signed by the trustee & pharmacy staff if required by trustee, and mandatory training for all users);

  - eHR Viewer (e.g. JSAP signed by all pharmacists, and mandatory training for all pharmacists).

Though proprietors, as trustees, are ultimately accountable for the proper collection, use and disclosure of PHI from PIP and eHR Viewer, all pharmacy professionals have an ethical and legal responsibility to protect the PHI they access. (See text box "Privacy Breaches and Complaints" in section 5 below.)

Additionally, the [Office of the Saskatchewan Information and Privacy Commissioner (OIPC)](#) provides a helpful distinction between e responsibilities of proprietors and pharmacy professionals:

> *Finally, it is important to note that **the** trustee is responsible to make sure its employees understand and are compliant with HIPA. If an employee causes a breach and was not adequately trained, **the** trustee may be found responsible. If the employee has been properly trained, responsibility for the breach may fall to the employee. Offences by both could result in fines and jail time.*

Source: ["A" Trustee vs. "THE" Trustee, January 18, 2017](#)).

2. OVERARCHING PRINCIPLES

The primary purpose for accessing and using PIP or eHR Viewer is to support or provide a health service to the patient to whom the PHI relates, as authorized in HIPA.

Legislation also authorizes secondary purposes for using and disclosing of PHI (e.g. see SCPP's [Guidelines for Use and Disclosure of Personal Health Information for Secondary Purposes](#)).

Scope of Practice/Roles – Need for Accessing PIP and eHR Viewer

HIPA authorizes access to PHI on a "need-to-know" basis. Given the scope of practice and roles authorized under the PPDA, it is expected that the following pharmacy team members have a **need** to access the following provincial databases:

- **Pharmacists** need to look up PHI in PIP and the eHR Viewer as they perform clinical functions;

- **Pharmacy Technicians** need access to PHI in PIP however do not need to access the PHI in eHR Viewer to perform their role in the pharmacy;

- **Pharmacist interns (students and extended)** need access to the PHI in PIP and may need access to **some** of the PHI in eHR Viewer (e.g., transcribed clinical documents, medical imaging reports, records of hospital visits and chronic disease information);

  Note: Only pharmacists are authorized to access laboratory test results in the eHR Viewer. (See [Laboratory Tests and Medical Devices – Accessing, Ordering, Performing, Using, or Interpreting](#) for more information on scope of practice.)

- **Pharmacy assistants** need access to PIP, however do not need access to PHI in eHR Viewer.

2.1. All proprietors, pharmacy managers, and pharmacy professionals working in any practice setting must:

    2.1.1. Be able to justify the reason for accessing the information;

2.1.2.	Comply with all legislation and agreements in connection with the information accessed through the provincial database;

2.1.3.	Only access information when the information that the pharmacy professional expects to obtain may reasonably affect the pharmacy services provided to the patient;

2.1.4.	Only access the minimum amount of information that is reasonably required for the purpose for which the information was accessed;

2.1.5.	Only use the information for the primary purpose of providing pharmacy services to the patient, or as is otherwise permitted by privacy legislation or other applicable laws (e.g., this means that the PHI shall not be accessed, used or disclosed by a pharmacy professional for personal interest, gossip or financial gain);

2.1.6.	Ensure that only a minimal amount of information is used or disclosed;

2.1.7.	Use or disclose de-identified information, where practicable;

2.1.8.	Only disclose the information for the purpose of providing pharmaceutical care to the patient, with the consent of the patient, or as is otherwise permitted by privacy legislation or other applicable laws;

2.1.9.	Take reasonable steps to ensure that patients are informed of pharmacy disclosures of PHI without consent;

(See HIPA and PIPEDA - Preparing Your Community Pharmacy)

2.1.10.	Protect the PHI accessed through the PIP or eHR Viewer from being seen by persons who are not authorized to see that information (e.g. safeguards against access by others to database through laptop when working remotely); and

2.1.11.	Report to the Ministry of Health or eHealth Saskatchewan, or such other person or organization as may be specified by the respective JSAPs, all activities by any individual or entity that the pharmacy professional suspects may compromise the privacy of the patient or confidentiality of confidential information or be a breach of this SCPP policy.

Obligations for PIP and eHR Viewer

The Ministry of Health JSAPs set out the responsibilities and rules of collection, use and disclosure for pharmacies and their staff in the PIP and eHR Viewer. **All pharmacies and users accessing the information in these databases have agreed to abide by and be legally bound by the JSAP.**

Proprietor Obligations (Data Access Agreements/JSAPs)

To maintain administrative, technical and physical safeguards of the data, some of the JSAP

requirements for proprietors include:

- Appointing a privacy officer or User Organization Representative to be responsible for the privacy safeguards;

  Note: This role is not to be confused with the SCPP requirements for a Privacy Officer as per section 8 of Part I of the SCPP Regulatory Bylaws, also see Pharmacy Privacy Officer Bylaw and Interpretive Guidelines;

- Complying with all applicable laws including HIPA and, where applicable, PIPEDA;

  Note that trustees must first meet their general duties under HIPA: to inform patients of anticipated use and disclosure and disclosures without consent (s.9 and 10), to establish policies and procedures to safeguard PHI (s. 16), to ensure the information they collect is accurate and complete (s.19), and to collect, use and disclosure information on a need-to-know basis (s.23) before considering whether it is permissible under HIPA to collect, use or disclose the PHI without consent.

- Written policies and procedures that meet their general duties under HIPA, and are reasonably available to the public on request; and

- Ensuring that employees who use the databases have been trained on the pharmacy's written policies and procedures, and completed the training required by the Ministry of Health.

See Saskatchewan OIPC Investigation Report(H-2010-001) *"L&M Pharmacy Inc., Sunrise Regional Health Authority, Ministry of Health*," March 23, 2010" pertaining to the failure of the pharmacy to adopt policies and procedures to protect the PHI in its custody or control as required by section 16 of HIPA, with respect to User privileges when accessing the PIP. Also includes OIPC recommendation that all pharmacists take privacy training to focus on "*the twin problems of carelessness and curiosity.*"

Pharmacy Manager Responsibilities (PPDA)

Under the PPDA and SCPP Regulatory Bylaws, every pharmacy must have a manager who is responsible for the day-to-day operations of the pharmacy and accountable for all professional activities within the pharmacy. This also includes upholding the privacy requirements in a permitted pharmacy. (See "Active Participation in Daily Practice and Management of a Pharmacy" in the Pharmacy Manager Policy, as well as the Pharmacy Manager Responsibilities document.)

2.2. The pharmacy manager and the pharmacy proprietor must:

2.2.1. Ensure that the terms and conditions of the respective JSAPs are implemented and maintained by the pharmacy, including:

2.2.1.1. Reasonable steps to ensure that the PIP data is reasonably accurate;

> **Accuracy and Entry of PIP Data**
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> The information provided in PIP and the eHR Viewer is used by health providers across Saskatchewan. Accurate and up-to-date documentation is critical to ensuring that health care decisions are based on the most up-to-date information for individual patients.
>
> The JSAP for PIP explicitly requires that proprietors and pharmacy staff take reasonable steps to ensure that the PIP data is reasonably accurate.
>
> > All "failed transactions" are not viewable in the PIP and therefore not available for clinical review by Saskatchewan healthcare practitioners. As such, **the Ministry of Health expects pharmacists to manage the** "Failed Transactions" **in their pharmacy on a daily basis to meet their legal obligations.**[1]
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> An example illustrating risks and challenges when the accuracy and completeness of PIP data was not managed on timely basis by several pharmacy chains may be found here in the PIP Data Quality Presentation, by eHealth Saskatchewan in Council updates in SCPP SCOPE Volume 15/Issue 1 April 2023. Further examples of discipline cases where pharmacists failed to uphold their legal obligation to ensure the accuracy of PIP data may be found in section 5 Complaints, below.
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> [1] See the PIP Quality Improvement Program (QIP) website and the SCPP's Relevance of PIP Data Quality to Pharmacy Practice for more information and video resources to help meet these obligations.

    2.2.2. Ensure that all pharmacy staff are abiding by the terms and conditions of the respective JSAPs, including:

        2.2.2.1. Access within the pharmacy to the PIP or eHR Viewer is limited to users who have been registered and authorized to access the respective database; and

        2.2.2.2. Only those persons who have a need to know the information are permitted to access the information;

    2.2.3. Ensure that all non-regulated pharmacy staff working in a community pharmacy who have access to PHI from the PIP database comply with section 2.1 above;

    2.2.4. Ensure that all pharmacy staff and third parties who access the database have signed a confidentiality agreement (e.g. see the SCPP's HIPA and PIPEDA – Preparing Your Community Pharmacy); and

    2.2.5. Take reasonable steps to confirm the identity of the Ministry representatives (e.g., technical support, monitoring/auditing) before granting access to any end-user system within the pharmacy, as authorized in the JSAPs.

3. MASKED PROFILES

Patient Control Function and Consent

The PIP and eHR Viewer provide a patient control option whereby patients can choose to "mask" their provincial database profiles.

Patients can initiate the masking process by contacting PIP Privacy Services (1-800-667-1672) and eHealth Privacy Services (1-855-347-5465).

Also see [section 5 "Masking Your Personal Information"](#) on the Government of Saskatchewan website.

    3.1   Pharmacy professionals should be able to provide general information about the masking process and its implications, such as:

        3.1.1   Patients will be required to provide consent for pharmacists to access their masked profiles in order to dispense medications, with the exception of drugs monitored by the Prescription Review Program (PRP).

Accessing Masked Profiles - Legal Reasons and SCPP Position

According to the mandatory training and website for PIP and the eHR Viewer, legal reasons for accessing a patient's masked profile include:

1. *Express consent of the patient has been obtained.*

2. *An emergency situation exists in which the patient is unable to provide consent.*

3. *There is suspicion of dangerous use of prescription drugs.*

With respect to the list of drugs monitored by the PRP, the SCPP is of the view that pharmacists and pharmacy technicians may, upon presentment of a prescription for a monitored drug, access the patient's masked drug profile given the inherent risk factors and patient safety issues associated with these drugs.

Information on how to access a masked profile in the PIP or eHR Viewer may be found in the respective training modules.

Questions may be directed to the eHealth Service Desk (1-888-316-7446 or servicedesk@eHealthSask.ca).

    3.2   Pharmacy professionals are not permitted to access masked profiles unless:

        3.2.1   Prior to accessing a masked profile, the pharmacy professional has obtained patient consent to access the profile; or

        3.2.2   An emergency situation exists in which the person is unable to provide consent (e.g., person is unconscious or unable to provide consent due to their illness); or

3.2.3 A prescription being filled is on the list of monitored drugs under the [Prescription Review Program](#) (PRP). (See list of monitored drugs in [Regulatory Bylaw 18.1 of the College of Physicians and Surgeons of Saskatchewan](#).)

4. PATIENT ACCESS TO PHI IN THE COMMUNITY PHARMACY

Patient Access to PHI in the Custody and Control of Community Pharmacies

One of the general HIPA principles is *"THAT individuals shall be able to obtain access to records of their personal health information." (see [here](#)).*

As such, patients have the right of access to their PHI in the custody and control of the pharmacy, including that in the provincial databases (i.e., PIP medication profile or eHR Viewer) as well as the pharmacy database (i.e., local pharmacy profile).

Local pharmacy profile - As per the [SCPP Regulatory Bylaws](#) and policies each pharmacy must have and maintain a record keeping system to capture information about the pharmacy service being provided to patients, including:

- Part J – a patient profiles that captures prescription filling (s.11);
- Part K – pharmacist prescribing ss. 3 and 18);
- Part L – drugs administered by injection (ss. 6 and 7);
- Part M – laboratory related activities and follow up; and
- Part N – retention of prescriptions (ss. 3, 4, 8 and 10).

Patients will have the same rights of access to their PHI in the local pharmacy profile as their provincial database profile.

Pharmacy professionals should familiarize themselves with the specific rules that apply to their access, use and disclosure for each source of PHI (e.g., pharmacy privacy policies & JSAPs).

4.1 The pharmacy professional will, after reasonable steps have been taken to verify the patient's identity (e.g., see [Patient ID](#) policy), provide patients with access to their PHI in the custody and control of the pharmacy, except where access to such information may be refused under s. 38 of HIPA.

SCPP Regulatory Bylaws: Providing Test Results when Requested by Patients

Laboratory test results are captured in the eHR Viewer. While under HIPA patients have the right to access their PHI, however, under subsection 2(d) of Part M of the SCPP Regulatory Bylaws the pharmacist' is not permitted to provide an interpretation of the results unless it

pertains to the pharmacist service being provided by the pharmacist. (Also see Laboratory Tests and Medical Devices – Accessing, Ordering, Performing, Using, or Interpreting.)

As noted in the JSAP, patients requesting test results may be directed to eHealth Privacy Service. Patients may also access test results in MySaskHealthRecord.

4.2 The pharmacy professional will provide a printed or electronic copy of the PIP medication profile if requested by the patient.

5. COMPLAINTS

5.1 Complaints relating to access, use, disclosure of PHI or the administrative, technical and physical safeguards of the data should be reported as soon as possible to the appropriate authorities.

Privacy Breaches and Complaints

The PIP and eHR Viewer JSAPs outline specific requirements to address privacy concerns or incidents, when raised by patients and others. For example, all privacy-related complaints and breaches relating to PIP or eHR will be directed to the Ministry of Health (for PIP) or eHealth Privacy Service (for eHR) for investigation, review and resolution. (For assistance in developing policies and procedures for responding to complaints or incidents, see the Privacy Breach Guidelines for Trustees from the OIPC.)

However, under the PPDA, the SCPP **also** has requirements for pharmacy professionals, pharmacy managers and proprietors. For example, privacy breaches may also be deemed professional incompetence (section 24), professional misconduct (section 25), or proprietary misconduct (section 26) under the PPDA, or a breach of the SCPP Regulatory Bylaws (e.g. Code of Ethics #5), and NAPRA/SCPP Standards of Practice for Pharmacists and Pharmacy Technicians in Canada.

For example, see the following findings and rationale provided by the SCPP Discipline Committee for cases which involved a breach of PIP or eHR Viewer requirements, which put the public at risk:

- M. Patel, O. Obidiya, and St Enterprises Ltd. o/a 33rd Street Pharmacy (Written Reasons), 2023);
- K. Woo and Park Street Drugs Ltd. 2020;
- Dewdney Drugs (1986) Ltd. and A. Woo, 2019 and 2017; and
- S.Galloway and Galloway's Pharmacy Ltd. (Written Reasons), 2019

The JSAPs note that any complaints by the patient may be forwarded to the OIPC. Complaints may also be referred to the SCPP.