

Bill 10

BILL 10

2003

HEALTH INFORMATION AMENDMENT ACT, 2003

(Assented to , 2003)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cH-5

1 The *Health Information Act* is amended by this Act.

**2 Section 35(1) is amended by adding the following after
clause (d):**

- (d.1) where an individual is deceased, to family members of the individual or to another person with whom the individual is believed to have had a close personal relationship, if the information relates to circumstances surrounding the death of the individual or to health services recently received by the individual and the disclosure is not contrary to the express request of the individual,

3 Section 59 is repealed.

4 Section 60(2) is repealed and the following is substituted:

- (2) The safeguards to be maintained under subsection (1) must include appropriate measures

- (a) for the security and confidentiality of records, which measures must address the risks associated with electronic health records, and
- (b) for the proper disposal of records to prevent any reasonably anticipated unauthorized use or disclosure of the health information or unauthorized access to the health information following its disposal.

(3) In subsection (2)(a), “electronic health records” means records of health information in electronic form.

5 Section 104(1)(d) is amended by striking out “and was 18 years of age or over immediately before death”.

Explanatory Notes

1 Amends chapter H-5 of the Revised Statutes of Alberta 2000.

2 Disclosure of information about deceased individual.

3 Section 59 presently reads:

59(1) A custodian that intends to disclose individually identifying diagnostic, treatment and care information about an individual by electronic means must obtain the individual's consent to the disclosure or ensure that the individual's consent has been previously obtained.

(2) A consent referred to in subsection (1) must be provided in writing or electronically and must include

- (a) an authorization for any custodian to disclose individually identifying diagnostic, treatment and care information about the individual by electronic means for all of the purposes listed in section 27,*

(b) *an acknowledgment that the individual providing the consent has been made aware of the reason for disclosure by electronic means and the risks and benefits to the individual of consenting or refusing to consent,*

(c) *the date the consent is effective, and*

(d) *a statement that the consent may be revoked at any time by the individual providing it.*

(3) *A disclosure of health information pursuant to this section must be carried out in accordance with the terms of the consent.*

(4) *A revocation of a consent must be provided in writing or electronically.*

(5) *A consent or revocation of a consent that is provided in writing must be signed by the person providing it.*

(6) *A consent or revocation of a consent that is provided electronically is valid only if it complies with the requirements set out in the regulations.*

(7) *This section does not apply where the disclosure is for the purpose of obtaining or processing payment for health services.*

4 Section 60(2) presently reads:

(2) The safeguards to be maintained under subsection (1) must include appropriate measures for the proper disposal of records to prevent any reasonably anticipated unauthorized use or disclosure of the health information or unauthorized access to the health information following its disposal.

5 Section 104(1)(d) presently reads:

104(1) Any right or power conferred on an individual by this Act may be exercised

- (d) if the individual is deceased and was 18 years of age or over immediately before death, by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate,*