

Privacy and Disclosure - Patient Confidentiality and the Release of Confidential Records

In this document, unless the context indicates otherwise, "member(s)" includes licensed pharmacist(s) and pharmacy technician(s).

The Code of Ethics of the Saskatchewan College of Pharmacy Professionals states that "a member shall protect the patient's right of confidentiality." During the course of practice, members acquire medication and other medical and personal information about their patients. Therefore, the member is ethically obliged to respect the confidential nature of this information.

However, because our Code of Ethics also states that "a member shall hold the health and safety of the public to be a first consideration," "a member shall observe the law," and that "a member shall cooperate with other health care practitioners to ensure delivery of the highest level of pharmaceutical services to the public," it is recognized that this confidential information must be disclosed in certain circumstances, and in other cases, should not be disclosed.

Circumstances when confidential patient information may be disclosed to third parties include:

1. The patient consents to release of the information. Written consent from the patient should be obtained. At a minimum, the member should be satisfied that the patient has expressly permitted the release of the information sought.
2. Release of the information is necessary to comply with the law. For example:
 - a) a police officer presents a warrant
 - b) a member is served with a subpoena which requires delivery of documents containing the patient records
 - c) release of the information is required by Rules of Court that relate to production of information in a lawsuit
 - d) an inspector authorized to have access to the records under *The Pharmacy and Pharmacy Disciplines Act* makes a request to access the records
 - e) an inspector authorized to have access to the records under *The Controlled Drugs and Substances Act*, or *The Food and Drugs Act* makes a request to access the records pertaining to Narcotic and Controlled Drugs, Benzodiazepines and other Targeted Substances and other drugs respectively
3. Police, other law enforcement agencies or officials, or licensing authorities request the information, and the member deems it to be in the best interest of the public to provide such information.

4. Members and other health care professionals for bona fide medical and/or pharmaceutical reasons where, in the judgment of the member, it is prudent to provide this information in the interests of the patient to protect the mental or physical health or safety of the patient.
5. Release of the information is required to be made to legal counsel for use in providing legal services to the College and/or one or more of its members.
6. Members may disclose to third parties (i.e. a commercial data compiler) prescription information including information concerning the prescriber/member/pharmacy, which does not, and may not reasonably be expected to identify, the patient on the understanding that the third party will not disclose this information with respect to the prescriber/member/pharmacy except in an aggregate format (i.e. which does not disclose specific individual prescribing or dispensing information), without signed consent from the prescriber/member/pharmacy. The onus to obtain this consent is on the third party requesting such information.

Therefore, confidential patient information should not be released without the patient's consent, or the consent of others as described above, where legal authority does not exist or in situations where it is not in the interests of the patient or the public at large to provide the information. Where consent is required, it is recommended that the permission be in writing.

Please refer to supplemental guidelines entitled "HIPA and PIPEDA - Preparing Your Community Pharmacy" and "Privacy - Release of Confidential Records of Minors to Parents/Guardians."

Questions?

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