

August 25, 2008

Catch Koch
Clerk of the Committee
Standing Committee on Social Policy
Legislative Assembly of Ontario
Toronto, Ontario M7A 1A2

Re: Review of the Personal Health Information Protection Act, 2004

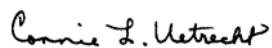
Dear Standing Committee:

On behalf of the Ontario Public Health Association, I am writing today to provide you with our input into the review of the Personal Health Information Privacy Act. Specifically, the Medical Officers of Health in each of the provinces 36 health units need to be included in the list of Health Information Custodians under S. 20 (2) which sets out the conditions for implied consent. If not listed as a Health Information Custodian, Medical Officers of Health must first secure express consent from the individual in question in order to facilitate the effective provision of public health interventions to the individual (non-compliant patient or difficult to locate individual) and to protect the health of the public. Excluding the Medical Officers of Health as custodians would significantly constrain their ability to provide critical and timely information to other health care providers to take necessary public health actions.

While Medical Officers of Health are rarely directly involved in patient care, there are instances where they or their proxies have duties similar to a clinician, and as such are custodians of health information that the Act is meant to cover. Specific examples include vaccination records, compliance with Direct Observed Therapy (DOT) for tuberculosis (a Toronto Public Health Program), exposure to infectious agents during outbreaks, and information related to the management of communicable diseases using Section 22 orders to individuals under the Health Protection and Promotion Act.

Clearly, the Medical Officers of Health must be included as Custodians of Health Information.

Sincerely,



Connie L. Uetrecht
Executive Director