

Full Version 4. Access Your Medical Records



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You and your family are encouraged to ask for any information you need to be an active and informed patient while receiving healthcare services. Accurate information and good communication are important to your healthcare process and your safety as a patient.

What is a medical record?

A medical record is created each time you visit a healthcare provider to talk about a health concern or receive health services. Providers record the services and care that you receive in this record. They use your medical record to review your healthcare history. These files are the property of the healthcare facilities.

In Manitoba, The Personal Health Information Act (PHIA) allows you to access your personal health information (PHI), with some limits. PHIA requires healthcare providers and facilities (called trustees) to keep your medical records private and safe.

What is meant by personal health information (PHI)?

Personal health information includes:

- Your name, address, Personal Health Identification Number (PHIN)
- Facts about your health
- Facts about your healthcare history (e.g. treatments, surgeries) and your family history
- Facts about the care you are receiving
- Facts about payments made for your healthcare

Why would you want to access your medical records?

- To learn about your healthcare history and treatments recommended or received
- To give health information to another provider
- To bring with you if traveling out of Manitoba for a second opinion or additional care
- To gain information for life or health insurance purposes
- To file a complaint against a healthcare provider

What are your rights related to accessing your medical records?

PHIA gives you the right:

- To see and get copies of your information, with some limits, within time frames stated in PHIA
- To name another person, family member or patient advocate, to access information for you
- To ask for a correction or addition, if something is incorrect or incomplete
- To not share your information with family, friends, healthcare providers, religious groups and/or charitable fundraising groups

PHIA law applies to all recorded personal health information (e.g. paper files and computer notes).

What steps do you follow if you want to see your personal health information?

- Ask the trustee holding your health information to provide access.
- You may have to put your request in writing, using a form.
- Under law, trustees must make every reasonable effort to help you. They must reply to your request openly, accurately, completely and within the time stated in PHIA.

Who are your trustees?

- Healthcare providers: doctors, nurses, dentists, pharmacists, physiotherapists and others
- Facilities: hospitals, medical clinics, community health centres and personal care homes
- Health service agencies that provide health services in the home
- Provincial government departments/agencies, municipalities, regional health authorities (RHAs) or a school division, college or university

Can you see all of your personal health information?

It depends. The trustee needs to give you as much of the information that you asked for as possible. PHIA lists situations when information is not shared. But, if the trustee does not give you all the information you want, they must:

- Tell you in writing
- Give reasons why the information cannot be provided
- State you have the right to complain to the Manitoba Government Ombudsman
- See Section 11 (1) from PHI Act- <http://web2.gov.mb.ca/laws/statutes/ccsm/p033-5e.php>

Will you have to pay for your personal health information?

- Trustees may charge a small fee for letting you see or print copies of your personal health information.
- If you are unable to pay this fee, talk about this with the trustee.

How long do you have to wait?

By law, trustees must reply to your request quickly, based on the situation, but no later than:

- 24 hours, after you ask, if you are a patient admitted to hospital and want to see information about the care you are currently receiving
- 72 hours, after you ask, if you are not a patient admitted to a hospital, and want to see or get a copy of information about the care you are currently receiving
- 30 days, after you ask, in any other cases

The doctor or nurse may send your request to the Privacy and Access Officer in the facility. Some trustees may need your request in writing.

How do you read your medical records?

Medical records are created by doctors and other medical staff. At times, the records are hard to read and you may want help. Ask if a staff person can review your medical record with you. There may be a small charge for this service. A family member or patient advocate may be able to help you read this information.

What steps do you follow if you disagree with the recorded information?

- If you believe information is incorrect or incomplete, you can ask the trustee to correct it.
- If the trustee decides not to correct your information, you must be told why in writing.
- You have the right to file a Statement of Disagreement with the information the trustee is holding.
- You can make a complaint to the Manitoba Ombudsman.

What is a Statement of Disagreement?

It is a form used to state why you do not agree with the information a trustee has in your medical records and refuses to correct. Your Statement of Disagreement should list what information you disagree with and what information you believe is correct. Be sure to keep a copy of this information. The trustee must add your Statement of Disagreement to your medical record.

Can someone else do these things on your behalf?

Yes. Under PHIA, if you, the patient, are competent and want someone else to access your personal health information, you will have to give written consent. The written consent must

state who will act on your behalf and what you allow that person to do. For example, you can limit what that person does in terms of seeing or getting a copy of certain information from your medical record. If you cannot give written consent, there are exceptions under PHIA section 60(2).

PHIA states who can legally exercise your rights on your behalf. This includes a family member, close friend, a named advocate, a lawyer or a representative.

When can trustees share your personal health information with others?

PHIA permits trustees to share your personal health information, without your consent, in certain situations. Your consent is not needed:

- To give you healthcare services
- To collect payment for your healthcare (may include private health insurance companies)
- For health system planning and research
- To report information, if required by law (e.g. reporting an infectious disease under The Public Health Act)

What information can be shared with family, friends and others?

If you are a patient or resident in a hospital or personal care home, the trustee can share the following information:

- Confirm you are a patient in the facility
- State your current general health status as critical, stable or satisfactory
- Give your room location

Note: Tell your trustee, if you **do not** want the above information shared with specific people.

What information is shared with healthcare providers?

Personal health information is shared with doctors, nurses and other members of your healthcare team (current, past and future). Tell the trustee if you do not want certain information shared with specific people on your team.

Can your information be given to a religious organization or fundraising group?

Information is sometimes shared with religious organizations or fundraising groups.

If you do not want to be contacted, tell your trustee you **do not** want your information shared with these groups.

What steps do you follow if you have a complaint about a trustee?

- Speak with the trustee first.
- If you are not satisfied, you can complain to the Manitoba Ombudsman. This independent office looks into complaints about access decisions and privacy of information.
- You can complain if the trustee:
 - Did not reply to your access request in the time stated by PHIA
 - Will not let you see or get a copy of your personal health information
 - Will not let you make a correction to your information
 - Did not properly collect, use, share or protect your information
- For more information:

Call 982-9130 in Winnipeg or toll-free 1-800-665-0531 or

Go to www.ombudsman.mb.ca or

Send your letter to: Manitoba Ombudsman
750-500 Portage Avenue
Winnipeg, MB R3C 3X1

Whom do you call if you have more questions?

- Speak with your trustee if you have questions about:
 - Access and privacy practices or the fees of a specific health facility
 - A healthcare provider or other trustee who holds your personal health information
- For more information about rights to access personal health information, or privacy rights under PHIA, you can also speak to a PHIA contact at Manitoba Health:
 - Go to <http://www.gov.mb.ca/health/phia/index.html>
 - Call Manitoba Health at 204-788-6612 in Winnipeg or toll-free at 1-800-392-1207. (Collect calls from rural and Northern residents are also accepted.)
 - Printed copies are available from: Statutory Publications, 200 Vaughan St., Winnipeg, MB R3C 1T5, Phone: 204-945-3101.

Resources

- Manitoba Institute for Patient Safety (MIPS) websites: www.safetoask.ca and www.mips.ca.
- In Manitoba, privacy and access to health records are guided by two pieces of legislation:
 - *Freedom of Information and Protection of Privacy Act (FIPPA)*.
http://www.gov.mb.ca/chc/fippa/public_portal_home.html
 - *The Personal Health Information Act (PHIA)*.
<http://www.gov.mb.ca/health/phia/faq.html>
- *Info Health Guide to Health Services in Manitoba: What are your Rights as a Patient?* Manitoba; 2009. www.gov.mb.ca/health/guide/7.html
- *Navigating Canada's Health Care: A User Guide to Getting the Care You Need.* Michael Decter and Francesca Grosso. Penguin Canada; 2008.
- *Finding Your Voice: Our Journey with Cancer through the Health Care System.* Dawn M. White. Winnipeg, MB: Friesens; 2009. www.dawnmwhite.ca