

Ministry of Health

Guidelines for Client Access to their Home and Community Care Assessments (HCC Policy 2.D, Client Access, Assessments)

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Table of Contents

Purpose.....	3
Part 1: Principles	4
Part 2: Definitions and Key Terms	4
Part 3: Types of Assessments that Can be Offered to the Client.....	5
Part 4: Steps	6
Part 5: Exceptions to Steps and Cautionary Notes.....	7
Part 6: Resources.....	9

Purpose

To provide direction to health authority staff regarding sharing client home and community care (HCC) assessments with the client in accordance with Policy 2.D. Assessments, Home and Community Care Policy Manual.

Policy 2.D states that “the assessment process includes:

- offering a copy of the client’s assessment or assessment summary to the client in accordance with the Guidelines for Client Access to their HCC Assessments (2015).”

These guidelines apply to all home and community care clients.

Part 1: Principles

- Every client has a right to their personal information, even if they are incapable of making and implementing decisions about their own care.
- Every client will be offered their HCC assessment or assessment summary, unless doing so may cause the client serious harm.

Part 2: Definitions and Key Terms

Assessment is an evaluation, conducted by a health authority professional, of an individual's overall health status, goals and capabilities, leading to a decision regarding the priority needs to be addressed, and supporting development of a care plan.¹

Assessment summary is not a prescribed document but should include pertinent information relating to the assessment.

Assessor is the HCC health professional who conducted the assessment.

Client is an individual who meets the eligibility criteria for home and community care services, has been assessed, and has accepted and is receiving services through the health authority. Throughout this manual, when the term "client" is used, it may mean the individual receiving services, or their legal representative.²

Committee of the Estate is an individual who is appointed by the court under the *Patients Property Act* to make financial, business and legal decisions on behalf of the adult.³

Committee of the Person is appointed by the court under the *Patients Property Act* to be the Personal Guardian of an adult. The powers of a Committee, though extensive, can be limited by restrictions imposed in the order issued by the court appointing the Committee.⁴

Enduring Power of Attorney (EPOA) is a power of attorney made under the *Power of Attorney Act*. The EPOA allows the attorney to make decisions on behalf of the adult, or do certain things, in relation to the adult's financial affairs. That power continues to have effect while, or comes into effect when, the adult is incapable.⁵

HCC Team Leader/Manager is the person to whom the health professional reports.

¹ HCC Policy Manual, Chapter 2 Client Access, Section A General Descriptions and Definitions

² HCC Policy Manual, Chapter 1 Overview, Section A Home and Community Care Services, Definitions

³ *Patients Property Act*

⁴ *Patients Property Act*

⁵ *Power of Attorney Act*

Health professional is, unless otherwise stated, a registered nurse, registered psychiatric nurse, licensed practical nurse, occupational therapist, physiotherapist or dietician whose profession is regulated under the *Health Professions Act* or social worker who is regulated under the *Social Worker Act*.⁶

Representative is someone appointed in a Representative Agreement under the *Representation Agreement Act* to make or help in making health or personal decisions on behalf of another and includes an alternate Representative.⁷

Standardized assessment is an assessment that is generally agreed upon and used throughout the health authority.

Part 3: Types of Assessments that Can be Offered to the Client

Clients will be offered a copy of standardized assessments, both initial and subsequent, including:

- RAI MDS Home Care assessment, including clinical assessment protocols and outcome measures/scales; and
- Profession-specific and clinically-focused (e.g. Wound Assessment, psychosocial, Braden Scale, Berg Balance Scale, MoCA) assessment completed by an HCC health professional.

⁶ HCC Policy Manual, Chapter 2 Client Access, Section A General Descriptions and Definitions

⁷ *Representation Agreement Act*

Part 4: Steps

- The health professional will:
 - provide only assessments or assessment summaries that they, as the assessor, have completed; and
 - document this process for each client according to the documentation standards of their respective health authority.
- If the client has a legal representative (Committee of Person or Representative), then a copy of the assessment or assessment summary will be offered to the legal representative as well as the client.
- There may be some exceptions to the steps below, which are described in the next section.

Steps	Description
1. Identify and communicate the need and purpose of the client assessment	The health professional discusses with the client the reasons for the assessment, the assessment process and how the information will support their health care needs.
2. Complete assessment	The health professional will follow their professional standards of practice for the assessment.
3. Explain assessment results and offer a copy of the assessment	<p>The health professional will review the assessment results with the client, and at that time, offer a copy of either the assessment or an assessment summary to the client.</p> <p>The health professional will document that a copy of the assessment or assessment summary has been offered.</p>
4. Provide a copy of the assessment	<p>The health professional will provide a copy of the assessment or assessment summary to the client.</p> <p>The health professional will document that a copy of the assessment or assessment summary has been provided.</p> <p>The health professional will provide the client with opportunities to follow up and ask questions regarding the assessment at a later date or time (e.g. the health professional can provide a business card with contact information or arrange a follow up call).</p>

Part 5: Exceptions to Steps and Cautionary Notes

Capability

All clients, regardless of mental competence, have a right to their personal information, as per the *Freedom of Information and Protection of Privacy Act* (FOIPPA).⁸ In the event that a client is incapable and has a Committee of Person or Representative, the Committee of Person or Representative should be provided with a copy of the assessment or assessment summary.

Risk of Serious Harm

If, in the opinion of the health professional, “providing the client with a copy of their assessment or assessment summary could reasonably be expected to result in immediate and grave harm to the client’s safety or mental or physical health,”⁹ the health professional will consult with their HCC Team Leader/Manager. This review and decision may be made more appropriately by an inter-professional team. If it is determined that a copy should not be provided, then the reason for not providing a copy will be documented. It is expected that the client’s care plan will address any client safety, mental or physical health risk situations and that appropriate follow up action is taken.

Examples of serious physical or mental harm include self-harm or threats of suicide or physical danger due to identified or suspected abuse.

Third Party Information

If there is third party information contained in the assessment being considered for provision to the client that, in the opinion of the health professional, should not be included due to privacy concerns or because including the information “could reasonably be expected to threaten the third party’s safety or mental or physical health,”¹⁰ then the health professional will discuss how best to address the issue with their HCC Team Leader/Manager. The outcome may be that some information is removed from the document before it is provided to the client. Health authorities should follow their usual practices for sharing sensitive and/or private and confidential information. Health authorities will consult with their Privacy Office on an as needed basis.

If the assessment that has been conducted contains information from more than one assessor, then the health professional should consult with their HCC Team Leader/Manager as to the appropriate course of action.

⁸ *Freedom of Information and Protection of Privacy Act*, s. 2

⁹ *Freedom of Information and Protection of Privacy Act*, s.19(2)

¹⁰ *Freedom of Information and Protection of Privacy Act*, s.19(1)(a)

Requests from Clients for Assessments when Assessor is no Longer Available

When the health professional who conducted the assessment is no longer available to provide an assessment or assessment summary (for example, a client is asking several months later), then the request should be referred to the original assessor's HCC Team Leader/Manager who will share the assessment or assessment summary, unless there is risk of serious harm as described above.

Requests from Individuals other than the Client

Clients, if they wish to share their assessment or assessment summaries with other individuals (e.g. family members or close friends), are expected to do so themselves. However, if a client requests assistance in sharing their assessment or assessment summary with another person, the health professional will provide that assistance, if possible. In this circumstance, the health professional will record, in writing, that the client (or the client's legal representative) has requested the provision of the assessment or assessment summary to another person, the name and contact information of that person, and the date on which and the means by which the assessment or assessment summary were provided.¹¹

A health professional may provide a copy of an assessment or an assessment summary to a person who is a client's Attorney under an Enduring Power of Attorney, so that the Attorney may manage the client's financial affairs to meet the client's personal and health care needs, or to a client's Committee of Estate, so that the Committee may exercise the Committee's powers for the benefit of the client, considering the circumstances and needs of the client.¹²

If a client is considered incapable and a legal representative has been named, the health professional is only permitted to share the assessment with the client and the legal representative. Sharing the assessment with another individual (e.g. a family member), without consent from the legal representative, would amount to an unreasonable invasion of the adult's personal privacy under the FOIPPA.¹³

Requests from Individuals when the Client is Incapable and no Legal Representative is in Place

When a client is considered incapable and no legal representative has been named, a health professional may provide a copy of an assessment or an assessment summary to the client's family member(s), if this is considered necessary, in the opinion of the health professional, to ensure the client's health or safety.¹⁴ In this circumstance, the health professional must, as per the FOIPPA, provide written notice via mail to the client, informing the client of the disclosure.¹⁵ The health professional should also document the disclosure.

¹¹ *Freedom of Information and Protection of Privacy Act* Part 2 s.22(1)(4)(a)

¹² *Power of Attorney Act*, s.19 (3) (a) and 32 (1) and (2) and *Patients Property Act*, s. 18

¹³ *Freedom of Information and Protection of Privacy Act* s.22(3)

¹⁴ *Freedom of Information and Protection of Privacy Act* s.22(4)

¹⁵ *Freedom of Information and Protection of Privacy Act* s.22(4)(b)

Part 6: Resources

1. [*Freedom of Information and Protection of Privacy Act*](#)
2. [*Patients Property Act*](#)
3. [*Power of Attorney Act*](#)
4. [*Representation Agreement Act*](#)