

PROVINCE OF BRITISH COLUMBIA

Ministerial Order No. M 230

ORDER OF THE MINISTER OF HEALTH

I, Terry Lake, Minister of Health, order that:

- (a) Ministerial Order M 049, dated the 25th day of February 2013, is repealed; and
- (b) the attached Provincial Laboratory Information Solution (PLIS) Repository Designation Order is made.

JUL 10 2014

Date



Minister of Health

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- *E-Health (Personal Health Information Access and Protection of Privacy) Act*

Other (specify):- Section 3.

PROVINCIAL LABORATORY INFORMATION SOLUTION (PLIS) REPOSITORY

DESIGNATION ORDER

ARTICLE 1 – Interpretation

- 1.1 Unless otherwise provided in this order, capitalized terms will have the meaning given to those terms in the attached Schedule 1 (*Definitions*).
- 1.2 The definitions applicable to the E-Health Act will, so far as applicable, apply to this order.
- 1.3 The following are the Schedules attached to this order, which are incorporated into this order by reference and are deemed to be an integral part of this order:
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|--------------|---|---|
| Schedule 1 | - | Definitions |
| Schedule 2 | - | Sources of Personal Health Information |
| Schedule 3 | - | Collection and Use of Personal Health Information |
| Schedule 4 | - | Disclosure of Personal Health Information |
| Schedule 4-1 | - | Disclosure – E-Health Roles |
| Schedule 5 | - | Limits on Collection, Storage, Use or Disclosure |
- 1.4 Unless something in the subject matter or context is inconsistent therewith, all references in this order to articles, sections and Schedules refer to articles, sections and Schedules of this order.
- 1.5 The division of this order into articles and sections, and the insertion of headings and descriptive text enclosed in square brackets, are for convenience of reference only and will not affect the construction or interpretation of this order.

ARTICLE 2 – Establishment or Designation of Health Information Bank

- 2.1 The Repository is designated as a health information bank.
- 2.2 The types of Personal Health Information contained in the Repository are:
- (a) Client Demographic Information,
 - (b) Laboratory Order Information,
 - (c) Laboratory Specimen Information, and
 - (d) Laboratory Test Result Information.
- 2.3 The source of the Personal Health Information contained in the Repository is one or more of the persons indicated in Schedule 2 (*Sources of Personal Health Information*).
- 2.4 Personal Health Information may be indirectly collected into the Repository from one or more of the persons listed in Schedule 2 (*Sources of Personal Health Information*).

ARTICLE 3 – Collection and Use of Personal Health Information

- 3.1 The chief data steward is authorized to collect Personal Health Information into the Repository in accordance with Schedule 3 (*Collection and Use of Personal Health Information*) and any applicable provisions of Schedule 5 (*Limits on Collection, Storage, Use or Disclosure*).
- 3.2 Employees of the Ministry of Health, including the chief data steward, are authorized to use Personal Health Information contained in the Repository in accordance with Schedule 3 (*Collection and Use of Personal Health Information*) and any applicable provisions of Schedule 5 (*Limits on Collection, Storage, Use or Disclosure*).
- 3.3 For greater certainty, Schedule 3 (*Collection and Use of Personal Health Information*) identifies the purposes, as set out in section 4 of the E-Health Act, for which Personal Health Information may be collected and used through the Repository.

ARTICLE 4 – Disclosure of Personal Health Information

- 4.1 The chief data steward is authorized to disclose Personal Health Information from the Repository in accordance with Schedule 4 (*Disclosure of Personal Health Information*) and any applicable provisions of Schedule 5 (*Limits on Collection, Storage, Use or Disclosure*).
- 4.2 For greater certainty, Schedule 4 (*Disclosure of Personal Health Information*) identifies the purposes, as set out in section 5 of the E-Health Act, for which Personal Health Information may be disclosed from the Repository, and except in the case of disclosure for a health research purpose, identifies to whom Personal Health Information may be disclosed from the Repository.

ARTICLE 5 – Limits on Collection, Storage, Use or Disclosure

- 5.1 The limits or conditions, if any, on the collection, storage, use or disclosure of Personal Health Information contained in or disclosed from the Repository are identified in Schedule 5 (*Limits on Collection, Storage, Use or Disclosure*).

ARTICLE 6 – Authorization of Disclosure Directives

- 6.1 A person whose Personal Health Information is contained in the Repository may make the following disclosure directive with respect to their Personal Health Information:
- (a) a disclosure directive that prevents all disclosure of Personal Health Information contained in the Repository where:
 - (i) the Personal Health Information is Client Demographic Information, Laboratory Order Information, Laboratory Specimen Information, or Laboratory Test Result Information,
 - (ii) the Personal Health Information is disclosed for a purpose identified in entry (a), (b), (c), (d) or (f) under column 1 of the table in Schedule 3 (*Collection and Use of Personal Health Information*), and
 - (iii) the Personal Health Information is disclosed pursuant to section 2 of Schedule 4 (*Disclosure of Personal Health Information*) to an authorized EHR User who has been assigned to one or more of the eHealth Roles identified in “Table 1: E-Health Roles subject to disclosure directives” in Schedule 4-1 (*Disclosure – E-Health Roles*).

SCHEDULE 1 DEFINITIONS

“Client Demographic Information” means Personal Health Information used to identify the person who is the subject of a laboratory order, including name, personal health number or alternative identifier, date of birth, gender, address and home telephone number;

“Conformance Standards” means the “British Columbia Professional and Software Conformance Standards” published by the Ministry of Health, as amended from time to time;

“E-Health Act” means the *E-Health (Personal Health Information Access and Protection of Privacy) Act*, S.B.C. 2008, c. 38, as amended from time to time;

“EHR User” or **“Electronic Health Record User”** means an individual, authorized by a person listed in column 1 of the table in section 2 of Schedule 4 (*Disclosure of Personal Health Information*) in accordance with the applicable privacy standards described in the Conformance Standards, to whom Personal Health Information contained in the Repository may be disclosed;

“Information-Sharing Agreement” means an information-sharing agreement made under section 19 of the E-Health Act with respect to the disclosure of Personal Health Information contained in the Repository;

“Laboratory Order Information” means Personal Health Information consisting of the particular details of the ordering of tests or a battery of tests ordered, including ordering provider, tests or battery of tests being ordered, and supporting clinical information relevant to the order (such as order date and time, urgent or confidential orders), system messaging (such as date and time of reports) and referring and sending facility;

“Laboratory Specimen Information” means Personal Health Information consisting of the particular details of the collection of the specimen, including date and time of specimen collection and receipt;

“Laboratory Test Result Information” means Personal Health Information consisting of the particular details of the results of the laboratory test, including all test result values and supporting details such as units of measure, reference ranges, abnormal flags, result comments and professional interpretations, as well as the identity of the performing and reporting laboratory;

“Personal Health Information” means personal health information that is collected, used or disclosed through the Repository pursuant to the terms of this order;

“Prescribed Diagnostic Facility” means a person described in section 2 of the *E-Health Regulation* (BC Reg 129/2011);

“Repository” means the Provincial Laboratory Information Solution (PLIS) Repository, managed by and in the custody or under the control of the Ministry of Health as a central repository of laboratory tests ordered or performed by health care providers in British Columbia, including the results of such tests.

SCHEDULE 2
SOURCES OF PERSONAL HEALTH INFORMATION

- (a) Ministry of Health [Client Demographic Information from the Enterprise Master Patient Index (EMPI)];
- (b) Fraser Health Authority;
- (c) Interior Health Authority;
- (d) Northern Health Authority;
- (e) Provincial Health Services Authority, including its branch societies;
- (f) Vancouver Coastal Health Authority;
- (g) Vancouver Island Health Authority;
- (h) denominational hospitals designated under the *Hospital Act* that have entered into an affiliation agreement under the Master Denominational Agreement;
- (i) BC Biomedical Laboratories Ltd; *
- (j) Okanagan Pathology Group; *
- (k) LifeLabs BC LP; *
- (l) Canadian Blood Services – Société Canadienne du Sang

*NOTE: Personal Health Information may be collected from these source persons through their common service provider, Excelleris Technologies LP.

SCHEDULE 3
COLLECTION AND USE OF PERSONAL HEALTH INFORMATION

Personal Health Information of the types identified in column 2 below may be collected and/or used through the Repository for a purpose listed in column 1 below:

1	2
Purpose	Type of Personal Health Information
(a) to identify an individual who needs or is receiving health services	(a) Client Demographic Information
(b) to provide health services to, or facilitate the care of, an individual	(a) Client Demographic Information (b) Laboratory Order Information (c) Laboratory Specimen Information (d) Laboratory Test Result Information
(c) to identify a person who is providing health services	(a) Laboratory Order Information
(d) to prevent or manage chronic conditions, at an individual or population level	(a) Client Demographic Information (b) Laboratory Order Information (c) Laboratory Specimen Information (d) Laboratory Test Result Information
(e) to facilitate health insurance and health service billing, including for the purposes of <ul style="list-style-type: none"> i. a payment in respect of health services to be made to or by the government of British Columbia or a public body; ii. authorizing, administering, processing, verifying or cancelling such a payment; iii. resolving an issue regarding such a 	(a) Client Demographic Information (b) Laboratory Order Information (c) Laboratory Specimen Information (d) Laboratory Test Result Information

<p>iv. payment; or, audits by a federal or provincial government payment agency that makes reimbursement for the cost of health services</p>	
<p>(f) to assess and address public health needs</p>	<p>(a) Client Demographic Information (b) Laboratory Order Information (c) Laboratory Specimen Information (d) Laboratory Test Result Information</p>
<p>(g) to engage in health system planning, management, evaluation or improvement, including</p> <ul style="list-style-type: none"> i. health service development, management, delivery, monitoring and evaluation; ii. the compilation of statistical information, iii. public health surveillance, and iv. the assessment of the safety and effectiveness of health services 	<p>(a) Client Demographic Information (b) Laboratory Order Information (c) Laboratory Specimen Information (d) Laboratory Test Result Information</p>
<p>(h) to conduct or facilitate research into health issues</p>	<p>(a) Client Demographic Information (b) Laboratory Order Information (c) Laboratory Specimen Information (d) Laboratory Test Result Information</p>
<p>(i) to assess and address threats to public health</p>	<p>(a) Client Demographic Information (b) Laboratory Order Information (c) Laboratory Specimen Information (d) Laboratory Test Result Information</p>

SCHEDULE 4

DISCLOSURE OF PERSONAL HEALTH INFORMATION

1. Subject to approval by the data stewardship committee, Personal Health Information contained in the Repository may be disclosed inside or outside of Canada for a health research purpose.
2. Subject to section 3 of this Schedule, Personal Health Information contained in the Repository may be disclosed to authorized EHR Users in the organizations of a person listed in column 1 below, who have been assigned one or more of the corresponding eHealth roles identified in column 2 below:

1	2
Person	eHealth Role
(a) Ministry of Health	Provincial Health Officer, Privacy Officer; Security Officer; Database Administrator; System Administrator
(b) Fraser Health Authority, Interior Health Authority, Northern Health Authority, Vancouver Coastal Health Authority, and Vancouver Island Health Authority	Prescriber; Clinical Consultant; Clinical Validator; Administers & Dispenses Medication; Administers & Dispenses Medication Student; Physical Care Provider; Physical Care Provider Student; Support Staff – Clinical; Laboratory Technologist; Laboratory Student; Clinical Manager/Coordinator; Health Records Technician; Privacy Officer
(c) Provincial Health Services Authority, including its branch societies	Prescriber; Clinical Consultant; Administers & Dispenses Medication; Administers & Dispenses Medication Student; Physical Care Provider; Physical Care Provider Student; Support Staff – Clinical; Laboratory Technologist; Laboratory Student; Clinical Manager/Coordinator; Health Records Technician; Clinical Validator; Privacy Officer; System Administrator
(d) Physicians engaged in Private Practice in British Columbia	Prescriber; Clinical Care Provider; Administers & Dispenses Medication; Administers & Dispenses Medication Student; Physical Care Provider; Physical Care Provider Student; Psycho-Social-Restorative Provider; Psycho-Social-Restorative Provider Student; Support Staff – Clinical; Support Staff - Administrative

(e) Prescribed Diagnostic Facility and Canadian Blood Services – Société Canadienne du Sang	Clinical Consultant; Laboratory Technologist; Laboratory Student; Support Staff – Administrative; Clinical Validator; Privacy Officer; Security Officer; System Administrator
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3. The disclosure of Personal Health Information pursuant to section 2 of this Schedule is subject to the following:

- (a) the eHealth role of the EHR User to whom disclosure is made must be listed in column 1 of a table in Schedule 4-1 (*Disclosure – E-Health Roles*),
- (b) the purpose for disclosure must be a purpose listed in the entry in column 2 of the table in Schedule 4-1 (*Disclosure – E-Health Roles*) that corresponds with the eHealth role identified under 3(a) above,
- (c) the type of Personal Health Information to be disclosed must be a type listed in the entry in column 3 of the table in Schedule 4-1 (*Disclosure – E-Health Roles*) that corresponds with the eHealth role identified under 3(a) above, and
- (d) the disclosure must not be outside of Canada unless the purpose for disclosure is “to assess and address threats to public health.”

4. Personal Health Information contained in the Repository may be disclosed to the Ministry of Health or the Provincial Health Services Authority for inclusion in the BC-Yukon instance of the Panorama Pan-Canadian Public Health Surveillance System, subject to the following:

- (a) the purpose for disclosure must be a purpose listed in (a), (b), (c), (d), (e), (f), (g) or (i) of column 1 of the table in Schedule 3 (*Collection and Use of Personal Health Information*),
- (b) the type of Personal Health Information disclosed for a purpose identified under 4(a) above must be a type listed in the entry in column 2 of the table in Schedule 3 (*Collection and Use of Personal Health Information*) that corresponds to that purpose, and
- (c) the disclosure must not be outside of Canada.

**SCHEDULE 4-1
DISCLOSURE – E-HEALTH ROLES**

Table 1: E-Health Roles Subject to Disclosure Directives		
1	2	3
E-Health Role	Disclosure Purpose [For Reference Refer To: Schedule 3, column 1]	Type of Personal Health Information Disclosed [For Reference Refer To: Schedule 3, column 2]
<p>(a) Prescriber [e.g. Medical Practitioner; Resident; Nurse Practitioner; Midwife]</p> <p>(b) Clinical Care Provider [e.g. An individual who is directly involved in delivering direct health care services, but cannot prescribe, administer, nor dispense medications, nor order laboratory tests, such as non-prescribing medical students and residents]</p>	<p>(a) to identify an individual who needs or is receiving health services</p> <p>(b) to provide health services to, or facilitate the care of, an individual</p> <p>(c) to identify a person who is providing health services</p> <p>(d) to prevent or manage chronic conditions, at an individual or population level</p> <p>(f) to assess and address public health needs</p>	<p>(a) Client Demographic Information</p> <p>(b) Laboratory Order Information</p> <p>(c) Laboratory Specimen Information</p> <p>(d) Laboratory Test Result Information</p>
<p>(c) Clinical Consultant [e.g. Pathologist; Radiologist]</p>	<p>(a) to identify an individual who needs or is receiving health services</p> <p>(b) to provide health services to, or facilitate the care of, an individual</p> <p>(c) to identify a person who is providing health services</p> <p>(d) to prevent or manage chronic conditions, at an individual or population level</p> <p>(f) to assess and address public health needs</p> <p>(i) to assess and address threats to public health</p>	<p>(a) Client Demographic Information</p> <p>(b) Laboratory Order Information</p> <p>(c) Laboratory Specimen Information</p> <p>(d) Laboratory Test Result Information</p>

<p>(d) Administers & Dispenses Medication [e.g. Registered Nurse]</p> <p>(e) Administers & Dispenses Medication Student</p> <p>(f) Physical Care Provider [e.g. Licensed Practical Nurse; Registered Psychiatric Nurse; Occupational Therapist; Physical Therapist; Respiratory Therapist; Dietician]</p> <p>(g) Physical Care Provider Student</p> <p>(h) Support Staff – Clinical [e.g. Unit Clerk; Medical Office Assistant]</p> <p>(i) Laboratory Technologist</p> <p>(j) Laboratory Student</p> <p>(k) Clinical Manager / Coordinator</p> <p>(l) Health Records Technician</p>	<p>(a) to identify an individual who needs or is receiving health services</p> <p>(b) to provide health services to, or facilitate the care of, an individual</p> <p>(c) to identify a person who is providing health services</p> <p>(d) to prevent or manage chronic conditions, at an individual or population level</p>	<p>(a) Client Demographic Information</p> <p>(b) Laboratory Order Information</p> <p>(c) Laboratory Specimen Information</p> <p>(d) Laboratory Test Result Information</p>
<p>(m) Support Staff - Administrative</p>	<p>(a) to identify an individual who needs or is receiving health services</p> <p>(c) to identify a person who is providing health services</p>	<p>(a) Client Demographic Information</p> <p>(b) Laboratory Order Information</p>

Table 2: E-Health Roles Not Subject to Disclosure Directives

1	2	3
E-Health Role	Disclosure Purpose [For Reference Refer To: Schedule 3, column 1]	Type of Personal Health Information Disclosed [For Reference Refer To: Schedule 3, column 2]
<p>(a) Clinical Validator (b) Database Administrator (c) System Administrator (d) Privacy Officer</p>	<p>(a) to identify an individual who needs or is receiving health services (b) to provide health services to, or facilitate the care of, an individual (c) to identify a person who is providing health services</p>	<p>(a) Client Demographic Information (b) Laboratory Order Information (c) Laboratory Specimen Information (d) Laboratory Test Result Information</p>
<p>(e) Security Officer</p>	<p>(a) to identify an individual who needs or is receiving health services (c) to identify a person who is providing health services</p>	<p>(a) Client Demographic Information (b) Laboratory Order Information</p>

SCHEDULE 5

LIMITS ON COLLECTION, STORAGE, USE OR DISCLOSURE

1. The limits and conditions on the collection, storage, use or disclosure of Personal Health Information contained in or disclosed from the Repository are as follows:
 - (a) all persons must protect the Personal Health Information in their custody or under their control by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal;
 - (b) without limiting 1 (a) above but subject to 1(c) below, all persons to whom Personal Health Information contained in a Repository is disclosed must comply with the applicable privacy and security standards described in the Conformance Standards;
 - (c) paragraph 1(b) above does not apply where Personal Health Information contained in a Repository is disclosed under an Information-Sharing Agreement made prior to the date of this order and such Information-Sharing Agreement requires that the person to whom that Personal Health Information is disclosed meets or exceeds the applicable privacy and security policies and standards, as amended from time to time, outlined in the Core Policy and Procedures Manual of the Government of British Columbia, and its supporting documents;
 - (d) disclosure pursuant to section 2 of Schedule 4 (*Disclosure of Personal Health Information*) is to be limited by the "least privilege" principle, meaning each authorized EHR User is granted the most restrictive set of privileges (or lowest clearance) needed for the performance of authorized tasks;
 - (e) disclosure pursuant to section 2 of Schedule 4 (*Disclosure of Personal Health Information*) is to be limited by the "need to know" principle, meaning disclosure is restricted to authorized EHR Users whose duties require such disclosure;
 - (f) all persons to whom Personal Health Information contained in the Repository is disclosed must comply with the applicable Information-Sharing Agreement; and
 - (g) any applicable Information-Sharing Agreements entered into on or after the date of this order must include obligations consistent with the limits and conditions set out in 1 (a), (b), (d), and (e) above.