

CMQ97-006

**Special Authority
Form: Patient
Consent for Release
of Information**

The Privacy Commissioner has provided the following direction to the BCMA and Pharmacare with respect to obtaining patient consent to provide medical information on the special authority form when applying for exemptions on reference based drugs.

Pharmacare has been granted the authority to collect personal information about a patient from a physician without the explicit consent of the patient on the Pharmacare Special Authority form, provided the following conditions are met:

Where practical, the physician obtains the explicit consent of the patient, preferably by signature on the Special Authority form, at the time the prescription is discussed and the physician is aware that the medication requires special authorization.

2. Obtaining the patient's consent does not entail a separate or additional visit to the physician. Consent of the patient by telephone is acceptable.

Note: The Special Authority form has been revised to include a place for patient's signature, granting release of information to Pharmacare concerning authority for reference-based prescription coverage.

CMQ97-007

**Payment of Benefits
Performed in an
Approved Diagnostic
Facility**

The following clarifies the administration and enforcement of Section 12(4) of the *Medicare Protection Act*, which reads:

"Payments for benefits performed in an approved diagnostic facility must be paid to the practitioner who was responsible for rendering the benefit."

Section 12(4) of the *Act* will be administered as follows:

- (a) For Laboratory Medicine, payees may use one practitioner number or assign practitioner numbers on a rotational basis.
- (b) For all other diagnostic areas, claims must be made using the practitioner number of the physician who actually rendered the service. The use of one practitioner number or rotating practitioner numbers is prohibited unless payees receive pre-approval in writing from MSP. Approval will be not be granted unless the practitioner(s) whose number is used agrees in writing to:
 - i) represent and warrant that all investigations claimed under this practitioner number are interpreted by accredited and approved physicians. To the extent that such representations are found to be untrue, the practitioner is liable for repayment for both the technical and professional components of claims paid in respect of services rendered by non-accredited and/or non-approved physicians;
 - ii) assume all responsibility for proration and audit recoveries for claims made using this practitioner number.

2. Claims found to be made using the wrong practitioner number are subject to recovery according to Section 25 of the *Act*.

Members:

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