

## Draft Regulations

### Draft Regulation

An Act respecting the sharing of certain health information (chapter P-9.0001)

#### Access authorizations and duration of use of health information

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain, appearing below, may be made by the Minister of Health and Social Services on the expiry of 45 days following this publication.

The draft Regulation

1. determines the access authorizations that may be assigned to a provider listed in the Act respecting the sharing of certain health information (chapter P-9.0001), according to the professional order to which the provider belongs, the provider's specialty or duties, or the information asset to which the provider is entitled to have access;
2. determines the access authorizations that may be assigned to a body identified in the Act, according to the services the body provides or the information asset to which the body is entitled to have access; and
3. prescribes the duration of use of health information held in a health information bank in a clinical domain.

Further information may be obtained by contacting John Gauvreau, Bureau de programme pour l'informatisation du réseau de la santé et des services sociaux, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 16<sup>e</sup> étage, Québec (Québec) G1S 2M1; telephone: 418 266-6923; fax: 418 266-4616; email: john.gauvreau@msss.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec) G1S 2M1.

RÉJEAN HÉBERT,  
*Minister of Health and Social Services*

### Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain

An Act respecting the sharing of certain health information (chapter P-9.0001, ss. 70, 72, 110 and 121)

#### DIVISION I

##### ACCESS AUTHORIZATIONS THAT MAY BE ASSIGNED TO A PROVIDER

**1.** Access authorizations may be assigned to a physician referred to in paragraph 1 or 2 of section 69 of the Act to enable the physician to receive information held in the health information banks in the following clinical domains:

- (1) the medication domain;
- (2) the laboratory domain;
- (3) the medical imaging domain.

Access authorizations may also be assigned to such a provider to enable the provider to

- (1) release any electronic prescription for medication written by that provider to the operations manager of the electronic prescription management system for medication; and
- (2) receive such information of prescriptions held in that system.

The same access authorizations may be assigned to the holder of a training card, issued by the secretary of the Collège des médecins du Québec, referred to in paragraph 9 of section 69 of the Act or the holder of an authorization, issued by the Collège des médecins du Québec under section 42.4 of the Professional Code (chapter C-26), referred to in paragraph 10 of section 69 of the Act.

**2.** Access authorizations may be assigned to a pharmacist referred to in paragraph 3 or 4 of section 69 of the Act to enable the pharmacist to receive information held in the health information banks in the following clinical domains:

- (1) the medication domain;
- (2) the laboratory domain;
- (3) the medical imaging domain.

Access authorizations may also be assigned to such a provider to enable the provider to

- (1) release any electronic prescription for medication written by that provider to the operations manager of the electronic prescription management system for medication;
- (2) receive such information of prescriptions held in that system; and
- (3) retrieve prescriptions held in that system.

The same access authorizations may be assigned to a pharmacy resident or a pharmacy intern referred to in paragraph 11 or 12 of section 69 of the Act.

**3.** Access authorizations may be assigned to a nurse referred to in paragraph 5 of section 69 of the Act to enable the nurse to receive information held in the health information banks in the following clinical domains:

- (1) the medication domain;
- (2) the laboratory domain;
- (3) the medical imaging domain.

Access authorizations may be assigned to such a provider with the legal authority to prescribe medications to enable the provider to

- (1) release any electronic prescription for medication written by that provider to the operations manager of the electronic prescription management system for medication; and
- (2) receive such information of prescriptions held in that system.

**4.** Access authorizations may be assigned to a nursing assistant referred to in paragraph 6 of section 69 of the Act to enable the nursing assistant to receive information held in the health information banks in the following clinical domains:

- (1) the medication domain;
- (2) the laboratory domain;
- (3) the medical imaging domain.

**5.** Access authorizations may be assigned to a midwife referred to in paragraph 7 of section 69 of the Act to enable the midwife to receive information held in the health information banks in the following clinical domains:

- (1) the medication domain;
- (2) the laboratory domain;
- (3) the medical imaging domain.

Access authorizations may also be assigned to such a provider to enable the provider to

- (1) release any electronic prescription for medication written by that provider to the operations manager of the electronic prescription management system for medication; and
- (2) receive such information of prescriptions held in that system.

**6.** Access authorizations may be assigned to a biochemist or microbiologist referred to in paragraph 8 of section 69 of the Act to enable the biochemist or microbiologist to receive information held in the health information banks in the following clinical domains:

- (1) the medication domain;
- (2) the laboratory domain.

**7.** Access authorizations may be assigned to a person providing technical support services to a physician and referred to in paragraph 13 of section 69 of the Act to enable the person to receive information held in the health information banks in the following clinical domains:

- (1) the medication domain;
- (2) the laboratory domain;
- (3) the medical imaging domain.

**8.** Access authorizations may be assigned to a person providing technical support services to a pharmacist and referred to in paragraph 14 of section 69 of the Act to enable the person to receive information held in the health information banks in the following clinical domains:

- (1) the medication domain;
- (2) the laboratory domain;
- (3) the medical imaging domain.

Access authorizations may also be assigned to such a provider to enable the provider to

(1) receive information of prescriptions held in the electronic prescription management system for medication; and

(2) retrieve prescriptions held in that system.

**9.** Access authorizations may be assigned to a medical archivist referred to in paragraph 15 of section 69 of the Act to enable the medical archivist to receive information held in the health information banks in the following clinical domains:

(1) the medication domain;

(2) the laboratory domain;

(3) the medical imaging domain.

**10.** The access authorizations that may be assigned to the providers referred to in this Division are so assigned in accordance with the terms and conditions provided for in the Act.

## DIVISION II

### ACCESS AUTHORIZATIONS THAT MAY BE ASSIGNED TO A BODY

**11.** Access authorizations may be assigned to an institution governed by the Act respecting health services and social services (chapter S-4.2) to enable the body to release information to the operations manager of a health information bank in the following clinical domains:

(1) the medication domain, provided that the institution operates a centre where a pharmacist practises;

(2) the laboratory domain, provided that the institution operates a medical biology laboratory or requests that a laboratory analysis be produced by the laboratory of Héma-Québec, the laboratory of the Centre de toxicologie du Québec or the Laboratoire de santé publique du Québec;

(3) the medical imaging domain, provided that the institution operates a centre in which a clinical radiology department is set up.

Access authorizations may be assigned to such a body to enable the body to receive information held in the health information banks in the following clinical domains:

(1) the medication domain;

(2) the laboratory domain;

(3) the medical imaging domain.

Such access authorizations may be assigned to the Cree Board of Health and Social Services of James Bay established under the Act respecting health services and social services for Cree Native persons (chapter S-5), on the same conditions.

**12.** Access authorizations may be assigned to persons or partnerships operating a community pharmacy to enable them to release information to the operations manager of a health information bank in the medication domain.

Access authorizations may be assigned to such a body to enable the body to receive information held in the health information banks in the following clinical domains:

(1) the medication domain;

(2) the laboratory domain;

(3) the medical imaging domain.

**13.** Access authorizations may be assigned to persons or partnerships operating a medical biology laboratory, within the meaning of the Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2, r. 1), to enable them to release information to the operations manager of a health information bank in the laboratory domain.

**14.** Access authorizations may be assigned to persons or partnerships operating a medical imaging laboratory or a medical diagnostic radiology laboratory, within the meaning, respectively, of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2) and the Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies, to enable them to release information to the operations manager of a health information bank in the medical imaging domain.

**15.** Access authorizations may be assigned to persons or partnerships operating a private physician's office or a specialized medical centre referred to in section 333.1 of the Act respecting health services and social services to enable them to receive information held in the health information banks in the following clinical domains:

- (1) the medication domain;
- (2) the laboratory domain;
- (3) the medical imaging domain.

**16.** Access authorizations may be assigned to health and social services agencies governed by the Act respecting health services and social services that, under section 520.3.1 of that Act, host health information for an institution, to enable them to release information to the operations manager of a health information bank in the following clinical domains:

(1) the medication domain, provided that the institution for which agencies host information operates a centre where a pharmacist practises;

(2) the laboratory domain, provided that the institution for which agencies host information operates a medical biology laboratory or requests that a laboratory analysis be produced by the laboratory of Héma-Québec, the laboratory of the Centre de toxicologie du Québec or the Laboratoire de santé publique du Québec;

(3) the medical imaging domain, provided that the institution for which agencies host information operates a centre in which a clinical radiology department is set up.

**17.** Access authorizations may be assigned to a body to enable the body to receive information held in the health information banks in a clinical domain only if an authorized provider performs his or her duties within that domain.

**18.** Access authorizations that may be assigned to the bodies referred to in this Division are so assigned in accordance with the terms and conditions provided for in the Act.

### **DIVISION III**

#### **DURATION OF USE**

**19.** Health information held in a health information bank in a clinical domain is used for a 5-year period from the time it is received by the operations manager of that information bank.

### **DIVISION IV**

#### **COMING INTO FORCE**

**20.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.