

## Draft Regulations

### Draft Regulation

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

#### Access authorizations and the duration of use of information held in a health information bank in a clinical domain

##### —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter-R 18.1), that the Regulation to amend 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 determines the access authorizations for the health information banks in a clinical domain or an electronic prescription management system for medication that may be assigned to a provider referred to in section 6 of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1). The draft Regulation also allows certain persons to act as access authorization managers.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Luc Larivée, legal research agent, Direction de la performance et de la gouvernance des ressources informationnelles, Ministère de la Santé et des Services sociaux, 930, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec) G1S 2L4; telephone: 581 814-9100, extension 6104; email: luc.larivee@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 for Health and Social Services, 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec) G1S 2M1.

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

Act respecting the sharing of certain health information (chapter P-9.0001, s. 65, par. 7, ss. 70 and 72, and s. 121, pars. 2 and 3)

1. The Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain (chapter P-9.0001, r. 1) is amended in the first paragraph of section 0.1

(1) by replacing “to what is provided for in section 65 of the Act” in the portion before subparagraph 1 by “to the persons referred to in section 65 of the Act respecting the sharing of certain health information (chapter P-9.0001)”;

(2) by replacing subparagraph 1 by the following:

“(1) a professional practising in a private health facility referred to in section 2 of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1), as replaced by section 2 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022;”;

(3) by replacing “of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1)” in subparagraph 2 by “of that Regulation”;

(4) by inserting the following after subparagraph 4:

“(4.1) a person designated by the operator of a private seniors’ residence referred to in section 346.0.1 of the Act respecting health services and social services (chapter S-4.2) in the case of a natural person or, in any other case, by the officer exercising the highest authority;

(4.2) a person designated by the officer exercising the highest authority in a palliative care hospice within the meaning of the Act respecting end-of-life care (chapter S-32.0001);

(4.3) a person designated by the executive director of Corporation d'urgences-santé;

(4.4) a person designated by the holder of an ambulance service permit issued in accordance with the Act respecting pre-hospital emergency services (chapter S-6.2);”

**2.** Section 1 is amended

(1) by replacing “Act respecting the sharing of certain health information (chapter P-9.0001)” in the portion before subparagraph 1 of the first paragraph by “Act”;

(2) by replacing the third paragraph by the following:

“The same access authorizations may be assigned to the following persons:

(1) the holder of a registration certificate in medicine referred to in paragraph 12.1 of section 6 of the Regulation respecting the application of the Act respecting the sharing of certain health information, as made by paragraph 12 of section 3 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022;

(2) the holder of a training card referred to in paragraph 9 of section 69 of the Act or in paragraph 12.2 of section 6 of the Regulation respecting the application of the Act respecting the sharing of certain health information, as made by paragraph 12 of section 3 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022;

(3) the holder of an authorization referred to in paragraph 10 of section 69 of the Act.”

**3.** Section 2 is amended by inserting “or in paragraph 11 of section 6 of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1), as amended by paragraph 11 of section 3 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022,” after “section 69 of the Act” in the portion before subparagraph 1 of the first paragraph.

**4.** Section 3 is amended by adding the following after the second paragraph:

“The same access authorizations may be assigned to a nurse practising in a private health facility referred to in section 2 of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P 9.0001, r. 0.1), as replaced by section 2 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022, a community pharmacy, a private seniors’ residence or a palliative care hospice.”

**5.** Section 4 is amended by inserting “or in paragraph 10.1 of section 6 of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1), as made by paragraph 10 of section 3 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022,” after “section 69 of the Act” in the portion before paragraph 1.

**6.** Section 9.2 is amended by adding the following paragraph at the end:

“The same access authorizations may be assigned to a dental medicine resident referred to in paragraph 1.1 of section 6 of the Regulation respecting the application of the Act respecting the sharing of certain health information, as made by paragraph 2 of section 3 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022.”

**7.** The following is added after section 9.2:

“**9.2.1.** Access authorizations may be assigned to a dental hygienist referred to in paragraph 1.2 of section 6 of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1), as made by paragraph 2 of section 3 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022, to enable the dental hygienist to receive information held in the health information banks in the medication domain.”

**8.** Section 9.5 is amended by replacing “physical rehabilitation therapist” in the portion before subparagraph 1 of the first paragraph by “physiotherapy technologist”.

**9.** The following is inserted after section 9.10:

“**9.11.** Access authorizations may be assigned to a podiatrist referred to in paragraph 14 of section 6 of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P 9.0001, r. 0.1), as made by paragraph 13 of section 3 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022, to enable the podiatrist 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;
- (4) the hospitalization domain.

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

(1) release to the operations manager of the electronic prescription management system for medication every electronic prescription for medication written by that provider; and

(2) receive information of prescriptions held in that system.

**9.12.** Access authorizations may be assigned to a professional technologist referred to in paragraph 15 of section 6 of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1), as made by paragraph 13 of section 3 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022, to enable the professional technologist 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;

(4) the hospitalization domain.

Access authorizations may also be assigned to such a provider to enable the provider to receive information of prescriptions held in the electronic prescription management system for medication.

**9.13.** Access authorizations may be assigned to a psychologist referred to in paragraph 16 of section 6 of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1), as made by paragraph 13 of section 3 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022, to enable the psychologist 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;
- (4) the hospitalization domain.

Access authorizations may also be assigned to such a provider to enable the provider to receive information of prescriptions held in the electronic prescription management system for medication.

**9.14.** Access authorizations may be assigned to a psychoeducator referred to in paragraph 17 of section 6 of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1), as made by paragraph 13 of section 3 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022, to enable the psychoeducator to receive information held in the health information banks in the following clinical domains:

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

Access authorizations may also be assigned to such a provider to enable the provider to receive information of prescriptions held in the electronic prescription management system for medication.

**9.15.** Access authorizations may be assigned to an ambulance technician referred to in paragraph 18 of section 6 of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1), as made by paragraph 13 of section 3 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022, to enable the ambulance technician to receive information held in the health information banks in the following clinical domains:

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

Access authorizations may also be assigned to such a provider to enable the provider to receive information of prescriptions held in the electronic prescription management system for medication.

**9.16.** Access authorizations may be assigned to a chiropractor referred to in paragraph 19 of section 6 of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1), as made by paragraph 13 of section 3 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022, to enable the chiropractor 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;
- (4) the hospitalization domain.

**9.17.** Access authorizations may be assigned to an optometrist referred to in paragraph 20 of section 6 of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1), as made by paragraph 13 of section 3 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022, to enable the optometrist 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;
- (4) the hospitalization domain.

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

(1) release to the operations manager of the electronic prescription management system for medication every electronic prescription for medication written by that provider; and

(2) receive information of prescriptions held in that system.

**9.18.** Access authorizations may be assigned to an audiologist or a speech language pathologist referred to in paragraph 21 of section 6 of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1), as made by paragraph 13 of section 3 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022, to enable them to receive information held in the health information banks in the following clinical domains:

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

**10.** Section 15 is amended by replacing “or dental office” in the portion before paragraph 1 by “office, a private health facility referred to in section 2 of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1), as replaced by section 2 of the Regulation to amend the Regulation respecting the application of the Act respecting the sharing of certain health information, made by Order in Council 1160-2022 dated 22 June 2022.”

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

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