

## Professional Practice

This handy Q&A document accompanies the professional practice article on privacy in the July, 2017 issue of *Front Lines*.

### Privacy Q & A

**Q: I mentor a nurse who now works a different shift than me. Can I review her charting on those shifts when we do not work together?**

**A:** Look at your employer's policies and procedures. Is there a policy that addresses this specific situation? If not, speak to a manager and clarify the employer's expectations. If your duties include assessment of these patients' charts, then you have not breached patient confidentiality. However, you still need to ensure that you can account for why you accessed these files if an audit is done at a later date or a complaint arises with the Information and Privacy Commission or the College of Nurses of Ontario; you may have no memory of the circumstances. Your employer should have a formal mentoring agreement in place for each mentor/mentee relationship. Ensure that the agreement includes a statement that you are expected to continue to access your mentee's patient files when you are on a different shift.

**Q: As a crisis team, we are asked to review charts of people reported in crisis on previous shifts. Is this a privacy breach?**

**A:** You do not breach privacy legislation if your duties include this type of chart review: you are part of the "circle of care" and have a clinical reason for accessing the charts. However, examine your employer's policies and procedures and seek clarification from a manager if necessary.

**Q: I work in the recovery room. The employer asks us to review charts of patients before they arrive in our unit, but I might not be the nurse doing the pre-op assessment the next day. Would this be considered a breach?**

**A:** If your normal duties include this type of chart review, there is no breach of confidentiality. However, review your employer's policies and procedures and check with a manager, as recommended above.

**Q: I work in a rehab facility. When a patient is about to be transferred to us from a hospital, we are expected to start the paperwork and access the patient's medical record before he/she arrives to facilitate an efficient transfer. Occasionally, the patient is transferred somewhere else instead. Do I breach privacy legislation by accessing this information?**

**A:** No, you do not. The circle of care extends beyond the walls of a single institution and there is implied consent for you to access this information. You do not breach confidentiality when you discuss relevant patient information with the sending institution or when you receive that information in written or electronic form, as long as it is handled in a secure manner. However, both the sender and the receiver in this situation should not share patient information with a third party, such as an insurer, unless they have express consent of the patient. The fact that the patient is never admitted to the rehab facility does not cause a privacy breach. However, at an institutional level, it would be wise to have a way of tracking these types of situations so they can be easily identified in an audit at a later date.