



Nursing LEADERSHIP Development Course

"The need for the development of nursing leadership is well documented. It is essential for the development of professional practice."

Next registration deadline: August 2011

This course is an introduction to the nursing leadership arena using an experiential learning approach.

The Nursing Leadership course:

- has four modules (see below),
- includes a mentorship component,
- is designed to be completed in 16 weeks, and
- is delivered in a self-study format.

A final test comprises material from all four modules. An exam grade of 75 per cent or higher is required to be eligible for the course certificate.

709 864 7979 • Toll Free (in prov. only): 1 866 959 8474 • lifelonglearning@mun.ca

Modules

1. Leadership Principles (3 units)
2. Personal Power (5 units)
3. Interpersonal Power (4 units)
4. Maintaining a High-Performance Environment (2 units)

Cost

IN PROVINCE

Registration fee: \$255

Administration fee: \$59

OUT-OF-PROVINCE

Registration fee: \$275

Administration fee: \$69



COLLEGE OF
LICENSED
PRACTICAL
NURSES
OF NEWFOUNDLAND
& LABRADOR

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COLLEGE OF
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& LABRADOR



Winter 2011

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PROFESSIONAL DEVELOPMENT WORKSHOP & ANNUAL GENERAL MEETING 2011

The CLPNNL 2011 AGM and Professional Development Workshops will be held on June 11 – 13, 2011 in Gander at the Hotel Gander. This year, the theme for the workshops is "Professional Practice in the 21st Century – The Cost of Caring". The Keynote speaker will be Rebecca Brown, MSW, RSW, Compassion Fatigue Solutions and Professional Development in Kingston, Ontario. Rebecca's session is titled "Running on Empty – Understanding Compassion Fatigue" and will guide us to balance the impact of the "cost of caring" for those in need.

In addition, three Licensed Practical Nurses will take us on a tour of their practice and will include presentations on the Community Health setting, the acute care setting and the long term care setting. You will also learn valuable information on the newly introduced Privacy Health Information Act (PHIA) and hear up to date information on the newly introduced model of care in Central Health. Also, the presentation of the Excellence in Practice and Excellence in Leadership Awards will be presented at the Annual dinner.

The Annual General Meeting and Professional Development Workshops are a great opportunity for Licensed Practical Nurses to meet other nurses, learn about exciting new ideas and discover fresh sources of inspiration.

Stay tuned to the CLPNNL website for more information.



PUBLIC INFORMATION

The PULSE is the official Publication of the
College of Licensed Practical Nurses of
Newfoundland and Labrador

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The Pulse is published three times a year. Usual editions are January, April, and September. The editor welcomes feedback and suggestions from readers on this newsletter.

MISSION

The College of Licensed Practical Nurses of Newfoundland and Labrador (CLPNNL) protects the public through the promotion of efficient, ethical nursing care, regulation of licensed practical nursing practice, the licensure of Practical Nurses and setting the strategic direction for the organization.

VISION

To foster a professional environment where Licensed Practical Nurses (LPNs) are respected, valued as integral members of the nursing team and provide quality health care services in Newfoundland and Labrador.

VALUES

We Believe:

- Licensed Practical Nursing practice is founded on professionalism, compassion and caring
- Licensed Practical Nurses are accountable for their actions
- Licensed Practical Nurses take responsibility for lifelong learning aimed at building and maintaining professional competency and
- Partnerships with key stakeholders are essential to enhancing the profession.

The CLPNNL has the legislative responsibility for regulating the practice of LPNs in Newfoundland and Labrador. In doing so, it serves to protect the public. It supports the Vision and promotes the Values of LPNs by providing leadership and supporting the integrity of the profession.

COMPETENCY PROFILE

The Competency Profile for LPNs has been developed and final revisions and consultations are completed. The profile outlines the required competencies of LPNs in Newfoundland and Labrador. While no one LPN possesses all the competencies described in the profile, every LPN is required to ensure s/he has the LPN competencies required in her/his area of practice.

Intended uses for the profile include:

- A reference for self assessment
- Direction to the Centre for Nursing Studies curriculum components
- A guideline for developing continuing competency assessment tools and job descriptions
- A reference for employers, stakeholders and health human resource planning.

The Competency Profile will be sent for printing in the coming weeks. Information on obtaining your copy will be made available on the CLPNNL website.

Mandatory Education Requirements for April 1, 2012

The post basic Medication Administration course has been available for LPNs through the Centre for Nursing Studies (CNS) since February 2000. When April 1, 2012 arrives, LPNs will have had approximately twelve years to have completed this course. The post basic Health Assessment course has been available through the CNS since October 2005. LPNs will have had approximately seven years to have completed this course. Given the significant timeframe that the Medication Administration and Health Assessment courses have been available to Licensed Practical Nurses (LPNs), the Board of the College of Licensed Practical Nurses of Newfoundland and Labrador has made the decision that there will be no extension to the mandatory education deadline of April 1, 2012. All LPNs will be required to have successfully completed approved courses in Medication Administration and Health Assessment to be eligible for licensure effective April 1, 2012.

LPNs that have not completed the Medication Administration and/or Health Assessment courses and plan to do so prior to April 1, 2012, are strongly encouraged to enroll in these courses ASAP. There will be approximately two more intakes (Jan. 2011, and Sept. 2011) for these courses which will allow LPNs to meet the April 1, 2012 deadline. The CNS has only a designated number of seats allocated for each course intake. If a large number of LPNs wait until the last offering to enroll in these courses, there is no guarantee that the CNS will be able to accommodate all LPNs if the numbers exceed their intake capacity. Additional information about these courses is available on the CNS website at www.cns.nf.ca.

If you have completed a Medication Administration and/or Health Assessment course(s) other than the courses that are offered through the Centre for Nursing Studies please contact the CLPNNL ASAP, so that an assessment of the course(s) can be completed to determine if they are equivalent to the courses offered through the Centre for Nursing Studies.

College Election Results:

The following LPN has been re-elected to the Board of the College of Licensed Practical Nurses of NL for a three (3) year term (January 1, 2011 – December 31, 2013):

Zone II Gloria Barrett, LPN (Carbonear)

The following LPN has been elected by acclamation to the Board of the College of Licensed Practical Nurses of NL for a three year term (January 1, 2011 – December 31, 2013):

Zone V Darwin McGee, LPN (Happy Valley-Goose Bay)

Congratulations to the PN Program Class of 2010 graduates.....

To the graduates of the Centre for Nursing Studies (45), College of the North Atlantic Clarenville Campus (21), Burin Campus (14), Grand Falls-Windsor Campus (26), Corner Brook Campus (31), Bay St. George Campus (22) and Happy Valley-Goose Bay Campus (14) who completed their 4 semester practical nursing diploma program in December 2010 and who wrote the CPNRE on January 12, 2011.

Best wishes as well to the new classes of practical nursing students enrolled in the PN Program in September 2010 at the Centre for Nursing Studies, College of the North Atlantic Clarenville Campus; College of the North Atlantic Burin Campus; College of the North Atlantic Grand Falls-Windsor Campus; College of the North Atlantic Corner Brook Campus; College of the North Atlantic Bay St. George Campus and College of the North Atlantic Happy Valley-Goose Bay Campus.

National Nursing Week 2011

National Nursing Week will be celebrated May 8 – 14, 2011. The theme this year is: Nursing – The Health of our Nation. Licensed Practical Nurses are encouraged to create opportunities to network and connect with each other during this time. National Nursing Week is also an opportunity to educate the public about the many contributions Licensed Practical Nurses make in the lives of the people of NL. This is our opportunity to recognize and celebrate the many contributions and achievements of the Licensed Practical Nursing Profession. Start making plans now! Stay tuned to www.clpnnl.ca <<http://www.clpnnl.ca>> for more details.

Update Your E-Mail

The CLPNNL is continuing to ensure we have your current contact information in our data base to provide members with current news and releases. If you have not submitted your e-mail address to the CLPNNL, please forward to the office.

2011/12 Licensure Renewal Reminders

IMPORTANT INFORMATION:

- Licensure Renewal forms were mailed during the week of December 20th, 2010. If you do not receive your renewal form, contact CLPNNL at 1-888-579-2576, 709-579-3843 or e-mail info@clpnnl.ca
- It is your responsibility to notify CLPNNL of any changes to your contact information such as address, telephone number and email address.
- A \$28.25 late fee will be charged on licensure renewal forms received after March 31st, 2011, including incomplete forms returned to the member for completion.
- If your licensure renewal form is received after March 31st 2011 and you have not practiced in 2010, you will be required to pay a Reinstatement fee of \$28.25 in addition to the annual renewal fee of \$225.00.

DID YOU KNOW?

It is a serious offence to practice as a LPN without a valid license. In addition, you are taking a personal risk as you do not have any liability insurance coverage from CLPNNL when you do not hold a current license.

Members found practicing without a valid license in 2011 constitutes professional misconduct and you may be subject to sanctions including a fine of \$25.00 per day per shift worked up to \$500.00 and may be subject to disciplinary action in accordance with the Licensed Practical Nurses' Act (2005).

Tips to Achieve a Complete Licensure Renewal Form:

1. Read the Licensure Renewal form carefully. Confirm your address and employment information and make all necessary changes.
2. If you are retiring, going on maternity leave, changing careers or on any extended leave, please complete and send your licensure renewal form so that our records are accurate.
3. Your licensure renewal form is a legal document. By signing the form, you are declaring that all the information on the form is accurate and true.
4. Please be sure to answer questions 16, 17 and 18 and date and sign your completed form.
5. Make renewing your licensure renewal easy. Complete your form when you receive it in the mail and submit it to your employer if you are on payroll deduction or to the office of CLPNNL as soon as possible with the appropriate fee.
6. Incomplete licensure renewal forms will be returned to the member by mail for completion and resubmission. This will result in a delay in processing.
7. If you have any questions about renewing your license, please contact the office of CLPNNL at 1-888-579-2576 or 709-579-3843 or info@clpnnl.ca.

LIAISON LPNS NEEDED:

The College of Licensed Practical Nurses of Newfoundland and Labrador is looking for LPNs interested in assuming the role of Liaison LPN for the St. Patrick's Mercy Home, St. John's, St. Clare's Mercy Hospital, St. John's and Carmelite House, Grand Falls-Windsor.

Liaison LPNs are agency LPN representatives who volunteer to serve as a direct link between CLPNNL and nursing colleagues in their workplace. Liaison LPNs provide information about CLPNNL services, policies, positions and activities to colleagues and conversely, they provide information regarding their colleagues nursing issues and priorities to CLPNNL. Please take the time to consider this important role. For more information on this role and responsibilities, please contact Janice at the office of CLPNNL.

WE WOULD LIKE TO INTRODUCE YOU TO...

April Watkins, LPN

I became a Licensed Practical Nurse because I believe in providing excellent nursing care and empowering individuals to strive toward achieving and maintaining their optimal level of health and independence. I love providing health education, promoting healthy living and providing holistic nursing care.

I am employed with Labrador Grenfell Health at Captain William Jackman Memorial Hospital on the Inpatient Services Unit.

I am proud to be a Licensed Practical Nurse because I believe Licensed Practical Nurses are important members of the health care team. Knowing that I do make a difference in the lives of my clients and their families provides me with great satisfaction and personal growth.

I would like people to know that the Licensed Practical Nursing profession is evolving! LPN scope of practice has increased and we are on our way to working to our full potential! The opportunities for continuous learning enable me to apply the appropriate knowledge, skills, attitudes and judgments necessary to provide safe, competent and ethical nursing care. Being a nurse sometimes comes with many challenges, but is an extremely rewarding career choice.

People may be surprised to know that I always wanted to be a nurse since I was four years old. My aunt is a nurse and from the first moment I played dress up and wore her nursing hat, my dream was to follow in her footsteps. I am living my dream!



Darwin McGee, LPN

I became a Licensed Practical Nurse because I was currently working as an emergency responder Level II in the communities of Northwest River and Sheshatshiu, Labrador when the advertisement for the Practical Nursing program offering was posted in the local paper. I had just finished completing a two year diploma program in Natural Resources and was unsuccessful in finding full time employment. My wife, who is a BN, suggested I apply. I have not been out of work since!

I am employed with Labrador Grenfell Health in a full time float position where I work at the new Long Term Care facility and also work in acute care where I am practicing to my full scope of practice. I also complete medivacs within my scope of practice which can take me anywhere at any time. I am also fortunate to be a preceptor for new LPN graduates as they enter the workforce to use their new found knowledge and skills.

I am proud to be an LPN as I am able to provide care for sick patients as they enter the healthcare system. Seeing them recover and leave the system feeling well again is very rewarding. Long term care provides me with the opportunity and experience of caring for our elderly and to provide care they require to enjoy this stage of their lives. This is the greatest gift of thanks anyone can give.

I would like people to know that the LPN profession is constantly changing as seen in our educational programs, our knowledge, skills and responsibilities. I believe it is a great time to be a LPN or to consider entering the profession.

People may be surprised to know that I am the newest CLPNNL Board member for Zone 5. I have spent most of my working career in the Canadian Armed Forces as a Combat Engineer with most of my time spent with the Special Service Force/Airborne Battle group. Some of the highlights were being employed as an Airborne (Army) diver and I completed a United Nations tour in Israel. In my spare time, I enjoy time with my family, riding my motorcycle and playing music as a drummer. I would like to extend Happy New Year to all.



CORRECTION

Oops! CLPNNL wishes to apologize to Ms. Judy Clarke, LPN winner of the 2009/2010 Anne Keough Excellence in Leadership Award whose school of graduation was printed incorrectly in the September 2010 edition of the Pulse. Judy graduated from Central NL Hospital in 1977. Congratulations again Judy!

PRACTICE POINTERS

Janice O'Neill, LPN, Practice Consultant

The following question has been directed to CLPNNL's Practice Consultant by our members, employers, clinical educators and managers that could provide valuable information for you in your area of practice.

QA significant number of consultations related to clarification of the competencies within LPNs' scope of practice are received by the College. The following question has been asked to clarify how a specific function that is outside of the LPN scope of practice can be delegated by an employer?

AThis question is often asked and is a reflection of the changing health care environments, the introduction of new models of care and/or facility based strategies to optimize LPN scope of practice. A specific function, other than those included in the current curriculum for the education of practical nurses, may, without danger to the client, be designated by an employer to a licensed practical nurse, taking into consideration his/her educational preparation and additional education required for the performance of that procedure. Guidelines were established by the College of Licensed Practical Nurses of NL to allow for the delegation of functions to LPNs which promote protection of both the public and the LPN. These guidelines provide direction and all criteria outlined in the guidelines must be met prior to the delegation of function. For example, the employing agency making the request must have supporting policies and procedures for the delegation of function to LPNs which clearly identify their accountability and responsibility. The employing agency must also develop and provide the LPN with appropriate theoretical and practical education and supervised clinical practice in the function to be delegated to ensure the safety of the client and the protection of the LPN.

References: College of Licensed Practical Nurses of NL Guidelines for Delegations of Functions to Licensed Practical Nurses (1999)

LPNs LICENSED FOR 2010/2011

Members and employers can easily check the licensure renewal status of any LPN by accessing the Public registry at www.clpnnl.ca and click on licensure information. Employers and managers are encouraged to ensure their LPN employees are licensed for the coming year and able to practice, as it is a serious offence to practice as a LPN without current licensure.



NEW Perioperative OR Standards for LPNs

Released by
National Regulators

The Canadian Council of Practical Nurse Regulators (CCPNR) announces the release of Standards of Practice and Competencies for Perioperative Licensed Practical Nurses (CCPNR, 2010).

The document is designed to identify the desired and achievable level of performance expected of perioperative Licensed Practical Nurses in Canada to nurses, the public, government, and other stakeholders. In addition, the document can provide direction in the development of policies and procedures in the practice environment.

The Standards of Practice and Competencies for Perioperative Licensed Practical Nurses reflect the following components of professional practice in the perioperative setting:

- Self-Regulation and Accountability
- Specialized Body of Knowledge
- Utilization of the Nursing Process in Perioperative Care
- Collaboration
- Advocacy
- Leadership

Perioperative LPNs practise in a variety of settings including: ambulatory settings, surgeon's offices and clinics, and hospital operating room suites. The Standards are broad in scope in order to encompass the scrub role and circulating role, which include assisting the anesthesia provider in all perioperative settings.

Standards of Practice and Competencies for Perioperative Licensed Practical Nurses is available from the CCPNR at www.ccpnr.ca.



The CCPNR is a federation of provincial and territorial members who are identified in legislation, and responsible for the safety of the public through the regulation of Licensed Practical Nurses. Member jurisdictions in 2010 include: British Columbia, Alberta, Saskatchewan, Manitoba, New Brunswick, Prince Edward Island, Nova Scotia, Newfoundland and Labrador.

The insurer is equipped with a team of analysts, adjusters and legal professionals to ensure claims are adequately handled and proactively managed. Their expertise is critical in guiding you through the claims process, while respecting your privacy and the organizations confidentiality.

The policy includes coverage for all practicing members of the college or association. Since the policy is intended to only cover errors and omissions resulting from your professional practice, it is important to note there are exclusions. Some of the notable exclusions include:

- Deliberate, Dishonest and Fraudulent Acts
- Fines and Penalties
- Libel and Slander
- Abuse and Sexual Misconduct
- Issues outside of your scope of practice

In a hospital or other care facility, your employer will likely maintain an Errors & Omissions Liability policy on behalf of the facility and the employees. In this circumstance, the program provides excess coverage in the event the facility coverage is insufficient. If the LPN does not work in a facility which provides Errors & Omissions coverage, this program becomes primary to protect the individual. For licensed practical nurses who are self employed or who do contract work this liability insurance is critical protection. Providing your work in these roles falls within your scope of practice, you are covered.

This program has been developed by the College of Licensed of Practical Nurses for the benefit of the members. It is important to understand your coverage and know you have protection against errors in your day-to-day work.

ERRORS & OMISSIONS LIABILITY AND LICENSED PRACTICAL NURSES

Errors & Omissions liability issues are of great concern today. There was a time when health practitioners were not lawsuit targets; clients would never consider bringing forth an action against people who helped them. Today the public and legal system have high expectations and are more inclined to initiate a lawsuit. Organizations employees and services are being scrutinized by the public like never before. When adjudicating cases, the courts base their judgments on increasingly higher standards of care and responsibility.

Licensed practical nurses have daily contact with people and patients in their work. These people are dependent upon your skillful care and extensive knowledge. Errors & Omissions Liability Insurance helps protect you from allegations of errors, omissions and negligent acts whether or not they have merit.

As a licensed practical nurse, the legal system views you as a professional, meaning you are expected to have extensive technical knowledge and training in your area of expertise. You are also expected to perform the services for which you were hired according to a professional code of conduct and within the scope of practice. If an LPN fails to use the degree of skill expected of them, they can be held personally responsible in a court of law for any harm they cause to another person. Not only can your professional reputation be damaged in a lawsuit, but your personal assets may be at risk.

As a member of a Provincial College or Association of Licensed Practical Nurses, you are automatically provided with Errors & Omissions Liability coverage. Included in your annual membership, your association or college provides an Errors & Omissions Liability policy with a \$2,000,000 per claim limit and an annual program aggregate of \$50,000,000. The program covers the LPN for faults, errors, omissions and negligence for services rendered while acting within their scope and duties. The basis of the policy is to provide protection for:

- Defense costs associated with defending an allegation, even if the allegation is false
- Settlement costs if the LPN is found negligent
- Additional limits over employer limits
- Helping shield the personal assets of members

HAPPY NEW YEAR

CLPNNL Board and Staff would like to take this opportunity to thank members for your contribution toward Excellence in Practice over the last year and to express best wishes for 2011!

NOMINATIONS INVITED FOR :

EXCELLENCE IN PRACTICE AND LEADERSHIP AWARDS

Employers, colleagues and students are encouraged to nominate outstanding LPNs for the following:

CLPNNL EXCELLENCE IN PRACTICE AWARD

Nominate a LPN for an Award for Excellence in Practice. Each year, the CLPNNL presents an award for Excellence in Practice to a Licensed Practical Nurse who demonstrates Excellence in Practice. We know that there are many LPNs who demonstrate professional excellence on a daily basis, and are very deserving of this award. However, in order for Licensed Practical Nurses to be considered for this accolade, they must be nominated. That’s where you come in....take this opportunity to nominate a colleague for the Excellence in Practice Award today. Nomination forms and the criteria are available by calling the office of CLPNNL. Nomination forms will be accepted until May 20th, 2011.

The award recipient will be announced at the AGM on June 12th, 2011.

CLPNNL ANNE KEOUGH LEADERSHIP AWARD

The Anne Keough Leadership Award was introduced in June 2009 at the AGM and Professional Development Workshops in Corner Brook. This annual award will honor and pay tribute to a Licensed Practical Nurse who demonstrates excellence in leadership, advocacy, communication and passion for the profession. Take the opportunity to nominate a colleague for the Anne Keough Leadership Award today. Nomination forms and guidelines are available by calling the office of CLPNNL. Nomination forms will be accepted until May 20th, 2011.

The award recipient will be announced at the AGM on June 12th, 2011.

Bulletin

Licensed Practical Nurses Insurance Programs

Lloyd Sadd Insurance Brokers Ltd. is pleased to continue providing insurance programs to Licensed Practical Nurses who are members of the provincial Colleges or Associations. Below are a few bulletins of interest about the program.

GENERAL LIABILITY PROGRAM

Commercial General Liability (CGL) is imperative if you are self-employed and/or contract your professional services to hospitals, clinics, other community care providers or render services to clients in their home or other locations including your own home or workplace. A CGL program including coverage for Bodily Injury, Property Damage and Tenants Legal Liability is available through Lloyd Sadd Insurance Brokers Ltd. \$1,000,000 and \$2,000,000 options are available for annual premiums of \$100 - \$125. Coverage can be provided immediately upon contacting any of the Lloyd Sadd team members.

INTERNATIONAL COVERAGE

Coverage is available for Licensed Practical Nurses travelling outside of Canada on a short-term contract or humanitarian work. There are no additional premiums or charges associated with this coverage. The only requirement is individuals need to notify their College or Association and/or Lloyd Sadd Insurance Brokers Ltd. with respect to destination and duration of the work for International coverage to apply.

INCIDENT REPORTING

Coverage under Errors & Omissions Liability (E&O) policies is on a Claims Made and Reported basis. This means the policy will respond to claims made during the policy term regardless of when the occurrence in question actually took place. However; the policy stipulates incidents/claims must be reported to Lloyd Sadd Insurance Brokers Ltd. or Encon Group Inc. as soon as individuals first learn of an allegation or claim or the potential of one. This is extremely important as coverage could be denied if the individual does not advise in a timely manner or jeopardizes the potential of an early defense, should it be required.

For additional information, please contact a member of your service team.

The Newfoundland and Labrador Personal Health Information Act

An Overview of PHIA

This overview is presented for the convenience of reference only. Nothing in this overview should be construed as legal advice. You should consult the Act and your own solicitors and/or privacy officer for all purposes of interpretation.

Introduction

In the spring of 2008, the Newfoundland and Labrador Personal Health Information Act (PHIA) was passed by Newfoundland and Labrador’s House of Assembly. When proclaimed, PHIA will apply to both public- and private-sector custodians of personal health information, and will establish rules relating to the collection, use and disclosure of such information. PHIA also provides individuals with the right to access and to request correction of their own personal health information.

A copy of PHIA is available on the Government of Newfoundland and Labrador’s website at <http://www.assembly.nl.ca/legislation/sr/statutes/p07-01.htm>.

Conceptual Underpinning of PHIA

PHIA is based on the Model Code for the Protection of Personal Information (Q830) developed by the Canadian Standards Association (CSA). The ten principles of the CSA Model Code are:

- 
1. Accountability
 2. Identifying Purposes
 3. Consent
 4. Limiting Collection
 5. Limiting Use, Disclosure and Retention
 6. Accuracy
 7. Safeguards
 8. Openness
 9. Individual Access
 10. Challenging Compliance

Purposes of PHIA

The purposes of PHIA, as defined in the text of the Act are as follows:

- To establish rules for the collection, use and disclosure of personal health information that protect the confidentiality of that information and the privacy of individuals with respect to that information;
- To provide individuals with a right of access to personal health information about themselves, subject to limited and specific exceptions set out in this Act;
- To provide individuals with a right to require the correction or amendment of personal health information about themselves, subject to limited and specific exceptions set out in the Act;
- To establish mechanisms to ensure the accountability of persons having custody or control of personal health information and to safeguard the security and integrity of the personal health information in their custody or control;
- To provide for an independent review of decisions and resolution of complaints with respect to personal health information in the custody or control of custodians; and
- To establish measures to promote the compliance with the Act by persons having the custody or control of personal health information.

The Development of PHIA

In brief, the history of the development of PHIA is as follows:

- 2006: Government approved in principle the Health Information Act, a draft Bill at the time
- Fall, 2006 – Spring, 2007: Stakeholder and Public consultations
- July, 2007: Government approved the Bill, the Personal Health Information Act, for introduction into the House of Assembly

The Newfoundland and Labrador Personal Health Information Act

Cont.'d...

- June, 2008: The Personal Health Information Act (“PHIA”) was passed by the House of Assembly and became law in this province

PHIA was developed by the government of Newfoundland and Labrador in partnership and consultation with key stakeholders in the provincial health and community services sector, including:

- The Regional Health Authorities
- The Newfoundland and Labrador Workplace Health, Safety and Compensation Commission
- The Newfoundland and Labrador Medical Association
- The Association of Registered Nurses of Newfoundland and Labrador
- The Pharmacists’ Association of Newfoundland and Labrador
- The Newfoundland and Labrador Association of Social Workers
- Memorial University of Newfoundland and Labrador
- The Department of Health and Community Services

Key Aspects of the Newfoundland and Labrador Personal Health Information Act

(1) Scope of the application of the NL PHIA:

When proclaimed in force PHIA will apply to defined custodians of health information that collect, use and disclose personal health information. PHIA will apply to all such custodians, irrespective of whether they are in the public or the private sector.

PHIA will also indirectly apply to entities that are not health information custodians where they receive personal health information from a health information custodian, as per the use and disclosure provisions of the Act.

By specific exception, PHIA does not apply to personal health information that is held under or for the purpose of the Newfoundland and Labrador Child, Youth and Family Services Act or the Adoption Act.

(2) Health information custodians under the NL PHIA:

PHIA clearly defines entities that are and are not custodians of health information under the Act. Custodians of health information include:

- Health care professionals and providers
- Regional Health Authorities
- Pharmacies
- Laboratories
- Community care homes
- Centres, programs or services for community health or mental health

(3) Scope of personal health information under the NL PHIA:

PHIA will apply to personal health information held by custodians as defined in the Act. PHIA defines “personal health information” as being identifying information in either oral or recorded form about an individual that relates to:

- (a) the physical or mental health of the individual, including information respecting the individual's health care status and history and the health history of the individual's family;
- (b) the provision of health care to the individual, including information respecting the person providing the health care; the name, business title, address and telephone number; licence number; and profession, job classification and employment status.
- (c) the donation by an individual of a body part or bodily substance, including information derived from the testing or examination of a body part or bodily substance;

The Newfoundland and Labrador Personal Health Information Act

Cont.'d...

- (d) registration information;
- (e) payments or eligibility for a health care program or service in respect of the individual, including eligibility for coverage under an insurance or payment arrangement with respect to health care;
- (f) an individual's entitlement to benefits under or participation in a health care program or service;
- (g) information about the individual that is collected in the course of, and is incidental to, the provision of a health care program or service or payment for a health care program or service;
- (h) a drug as defined in the Pharmacy Act, a health care aid, device, product, equipment or other item provided to an individual under a prescription or other authorization issued by a health care professional; or
- (i) the identity of a person referred to in section 7 of the Personal Health Information Act (i.e., an individual’s duly appointed representative).

Personal health information does not include identifying information contained in a record that is in the custody or under the control of a custodian where:

- (1) the identifying information contained in the record relates primarily to an employee or agent of a health information custodian; and
- (2) the record is created or maintained primarily for a purpose other than the provision of health care or assistance in providing health care to the employee or agent.

(4) Consent under the NL PHIA:

Under PHIA, consent will be required for the collection, use, disclosure of personal health information, subject to specific exceptions set out in the Act.

Consent will have to:

- be a consent of the individual;
- be knowledgeable;
- relate to the information; and,
- not be obtained through deception or coercion

Consent may be express or implied, depending on the circumstances of the collection, use or disclosure. Custodians of personal health information may rely on implied consent where they are providing health care within an individual’s circle of care. Custodians will be required to obtain express consent when disclosing personal health information to a non-custodian or to another custodian for a purpose other than providing health care to the individual.

5) Right of access and correction under PHIA:

PHIA codifies and expands an individual’s Common Law right of access to their own information.

Regarding access, a custodian must make a record in its custody or under its control (or a copy thereof) available if requested within 30 days, with a possible 30-day extension. A custodian must take reasonable steps to be satisfied of a requesting individual’s identity before disclosing information to that individual.

Regarding correction, once a custodian has granted an individual access to a record, the individual may request that a correction be changed, subject to specific exceptions set out in the Act.

(6) Oversight and enforcement

The Office of the Newfoundland and Labrador Privacy Commissioner (NL OIPC) has oversight of activities conducted under the authority of PHIA. The NL OIPC may investigate the activities of a custodian of personal health information where:

- A complaint has been received; or,
- Where the Commissioner has reasonable grounds to believe that a person has contravened or is about to contravene PHIA.

You should consult the Act, with your regulatory authority and your legal counsel, as necessary and as the case may be, for further interpretation of PHIA.