

ASK THE PRACTICE ADVISOR

Who is the Trustee of Personal Health Information?

Question

I am considering a term contract position where I will work in a rural clinic as a sole practitioner under the umbrella of a larger physiotherapy clinic located in a city close by. For charting and scheduling purposes, I will have access to all electronic clinic management and medical records software. As this is a term position, I would like to ensure I am aware of my responsibilities for keeping the personal health information (PHI) of clients safe when I leave the practice. How do I know, who is responsible to ensure confidentiality is maintained and records are available for future needs of the client?

Practice Advisor Response

For confidentiality of PHI refer to:

- [SCPT Standards of Practice Privacy/Confidentiality](#) on the SCPT website, including its related standards
- IPC Guide to Health Information Protection Act– specifically information related to the definition of “Who is the Trustee?” and “Duty of a trustee to protect PHI” [IPC Guide to HIPA](#).

It should be noted that the trustee may or may not be the Physiotherapist providing care to the client but is the one with custody and control of the PHI. The trustee has a duty to protect the PHI and administer its collection, use, disclosure, and disposition. This will include ensuring that the electronic service provider and the use and security of the software provided, meets the expectations of HIPA.



The trustee is also responsible to ensure that the PHI is not abandoned when you cease your contractual arrangement. According to HIPA the trustee must make the PHI available in the event the patient requests disclosure following your departure.

Even if you are not the trustee, you do continue to hold obligations under HIPA ensuring the protection and security of information you collect and use as well as respecting the management and disclosure of that information. You are also obligated to be aware of and follow all related employer policies and procedures.

As a contract worker you may want to consider that the trustee is indicated on the contractual agreement you sign so there is no confusion who the responsibility lies with. Of course, legal counsel would provide you with the most accurate information pertaining to your specific contract situation.

The Saskatchewan Medical Association resource - [*Guidelines on Requirements and Good Practices For Protecting Personal Health Information*](#) is a practical guideline based on HIPA, developed for physicians but the information applies to your situation and would be good for you to consider.