

ROIA0600 – ACCESS FOR MINORS AND INCAPABLE ADULTS (MYHEALTHPORTAL)

Interior Health would like to recognize and acknowledge the traditional, ancestral, and unceded territories of the Dākelh Dené, Ktunaxa, Nlaka’pamux, Secwépemc, St’át’imc, Syilx, and Tšilhqot’in Nations, where we live, learn, collaborate and work together.

Interior Health recognizes that diversity in the workplace shapes values, attitudes, expectations, perception of self and others and in turn impacts behaviors in the workplace. The dimensions of a diverse workplace includes the protected characteristics under the human rights code of: race, color, ancestry, place of origin, political belief, religion, marital status, family status, physical disability, mental disability, sex, sexual orientation, gender identity or expression, age, criminal or summary conviction unrelated to employment.

1.0 PURPOSE

This policy provides a consistent approach for Minors and Incapable Adults to access their personal health information within their MyHealthPortal account. This policy aligns with provincial legislation, regulations and standards of professional practice.

2.0 DEFINITIONS

TERM	DEFINITION
<i>Health Care Provider</i>	<i>Physician, Nurse Practitioner or Psychologist licensed, certified or registered in British Columbia to provide health care.</i>
<i>Immature Minor</i>	<i>Person aged 12 – 18 years deemed as not sufficiently mature by a health care provider.</i>
<i>Incapable Adult</i>	<i>Persons over the age of majority incapable of exercising their information rights due to permanent mental impairment.</i>
<i>Incapable Minor</i>	<i>Person between the ages of 12-18 years, incapable of exercising their information rights through MyHealthPortal.</i>
<i>Mature Minor</i>	<i>Persons between the ages of 12-18 years, deemed ‘mature’ by a professional health care provider.</i>
<i>Minor</i>	<i>Persons under the age of majority, identified as 19 years of age.</i>
<i>Minor (0-11)</i>	<i>Persons between the ages of 0-11 years.</i>

3.0 POLICY

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3.1 Access to Personal Health Record

Everyone (regardless of age) has a right to their personal health information, however, ‘capability’ and ‘maturity’ are key indicators of when a Minor should be provided access to their own personal health information.

- For the protection of the privacy of Minors between the ages of 12 – 18 years, access to personal information through MyHealthPortal will only be granted to Mature Minors.
- Parents or legal guardians will only be granted access to the information of Minors between the ages of 0-11 years and Incapable Minors between the ages of 12 – 18 years.

3.2 Assessment of Maturity

- Assessment of maturity is complex and depends on context. A Minor may be deemed sufficiently mature for some things, but not for others.
- A health care provider is required to assess whether a Minor is considered ‘mature’ or ‘incapable’. The health care provider must be a Physician, Nurse Practitioner or Psychologist.

3.3 Legislation

There is no clear legislation in B.C. regarding the age at which a person can be given access to their personal health information. Age groups referenced in *Age of Majority Act* are used to define Mature Minors.

3.4 Review of Legal Documentation

- 3.4.1 Health Record Services is responsible for reviewing legal documents to establish proof of guardianship for an Incapable Minor, or representative for an Incapable Adult.
- 3.4.2 Health Record Services will provide a copy and the original Declaration of Status (Request) to the MyHealthPortal team Health Record Services will not retain these forms or documentation on the client record.

3.5 Personal Health Information in MyHealthPortal

Access to a client’s personal health information through MyHealthPortal is ‘all or nothing’; however, some information that is deemed sensitive may not be displayed within the client’s portal account to protect the privacy or safety of the client or that of a third party.

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3.6 Proxy Access

Proxy access can only be given to an authorized person who has their own MyHealthPortal account. In order to best protect the privacy of the minor, Mature Minors do not have the option to give anyone proxy access.

4.0 PROCEDURES

4.1 Minors (0-11 Years)

4.1.1 For Minors aged 0-11 years, it is assumed that they are unable to understand their own personal health information therefore not capable of exercising their information rights through MyHealthPortal.

Proxy access can be given to their parent or legal guardian following:

- Completion of a Declaration of Status to Access (Request) form (Appendix E), declaring status to access records of the Minor.
- Confirmation of the parent or legal guardian relationship to the Minor.

4.1.2 If the status of the requestor’s relationship to the Minor is not straightforward (not noted in the MEDITECH system as the Next of Kin or not residing at the same address), the requestor will be directed to the Health Record Services Department to submit further documentation.

4.1.3 See Appendix B – Proxy Access for Minors (0-11 years) Process Flow.

4.1.4 Three (3) months prior to a Minor (0-11 years) reaching age 12 years the parent or legal guardian will be given notice via email (Appendix G) indicating their proxy access will be revoked.

4.2 Mature Minors (12 – 18 Years)

- 4.2.1 Access will be granted following:
- Health Record Services verification of the Mature Minor’s identity.
 - Health Record Services confirmation that a health care provider, as defined above, has adequately completed all fields on the form.

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4.2.2 In order to best protect the privacy of the minor, a Mature Minor does not have the option to give anyone proxy access.

4.2.3 When a Mature Minor, who has access to a MyHealthPortal account, reaches the age of majority (19 years), they will receive notice via email they can now allow proxy access to another adult (including their parent or legal guardian).

4.2.4 See Access for Mature Minors (12-18 years) Process Flow, Appendix C.

4.3 Minors lacking sufficient maturity 12-18 years

4.3.1 For the protection of the Minor's privacy, if a health care provider does not deem a Minor as sufficiently mature enough to have unrestricted access to their own personal health information, access to the Immature Minor's personal health information will not be provided to anyone until such time as the Minor reaches the age of majority, or the Minor is subsequently assessed as sufficiently 'mature'.

4.3.2 If access is requested but a health care provider does not deem the Minor to be Mature, the Minor and parent / legal guardian will be advised that copies of records can be requested by submitting a Freedom of Information request to the appropriate Health Record Services Department.

4.4 Incapable Minors (12-18 years) / Adults

4.4.1 If a Minor or Adult is deemed to be incapable, by a professional health care provider, due to permanent mental impairment, access to MyHealthPortal may be provided to the parent, legal guardian or representative of the Minor or Adult if the completed Declaration of Status to Access form (Appendix E) and supporting documentation is presented and verified by the Health Record Services Department. The requestor must have an established MyHealthPortal account in order to be granted proxy access for the Incapable Minor/Adult.

4.4.2 See Access for Incapable Minors / Adults Process Flow, Appendix D.

5.0 REFERENCES

1. [Age of Majority Act](#)
2. [Child, Family and Community Service Act](#)

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3. [Health Care \(Consent\) and Care Facility \(Admission\) Act](#)
4. [Health Professions Act](#)
5. [Infants Act](#)
6. [Freedom of Information and Protection of Privacy Act](#)
7. APPENDIX A – Summary of Legislation Acts
8. APPENDIX B – Proxy Access for Minors (0-11) Process Flow
9. APPENDIX C – Access for Mature Minors (12-18) Process Flow
10. APPENDIX D – Access for Incapable Minors / Adults Process Flow
11. APPENDIX E – Declaration of Status to Access (Request) Form
12. APPENDIX F – Access Request for a Mature Minor Form
13. APPENDIX G – Discontinuation of Parental / Legal Guardian Access for Minors Notification

APPENDIX A: SUMMARY OF LEGISLATION

List of Relevant BC Law relating to IH's MyHealthPortal, and access to personal health information.

TOPIC	RELEVANT LEGISLATION	LEGISLATION (LINK)
Age of Majority	Age of majority in BC is 19 years (section 1) A person who has not reached the age of majority may be described as a minor instead of as an infant, and "minor" means such a person. (section 4)	Age of Majority Act http://www.bclaws.ca/civix/document/id/complete/statreg/96007_01
Who can act for a child	The term "child" is used in this act. A person who has legal care of a child under 12 years of age may, on behalf of the child, exercise the child's rights under the <i>Freedom of Information and Protection of Privacy Act</i> (section 76(1)) A person who has legal care of a child 12 years of age or older may, on behalf of the child, exercise the child's rights under the <i>Freedom of Information and Protection of Privacy Act</i> if the child is incapable of exercising those rights (section 76(2))	Child, Family and Community Service Act http://www.bclaws.ca/civix/document/id/consol23/consol23/00_96046_01#section76
Health Care decisions - adults and	When deciding whether an adult is incapable of giving, refusing or revoking consent to health care, a health care provider must base the	Health Care (Consent) and Care Facility (Admission) Act

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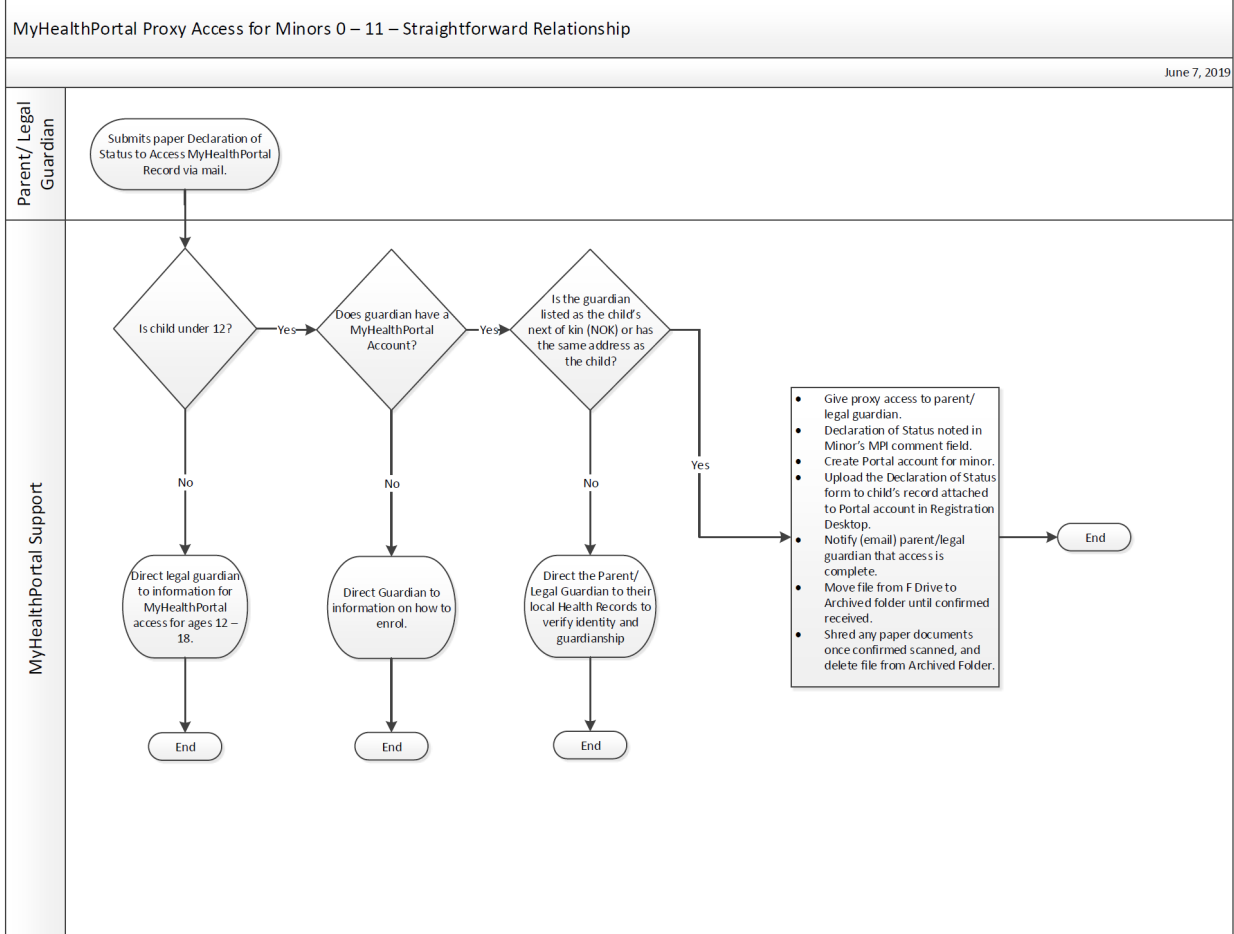
TOPIC	RELEVANT LEGISLATION	LEGISLATION (LINK)
incapable adults	<p>decision on whether or not the adult demonstrates that he or she understands the information given by the health care provider and that the information applies to the situation of the adult for whom the health care is proposed (section 7)</p> <p>"health care provider" means a person, or a person in a prescribed class of persons, who, under a prescribed Act, is licensed, certified or registered to provide health care (definition section)</p> <p>The Act sets out a list of people who can provide substitute consent. They are, in order:</p> <p>A court appointed committee of person A representative An advance directive A temporary substitute decision maker (TSDM):</p> <ul style="list-style-type: none"> • the adult's spouse; • child; • parent; • sibling; • grandparent; • grandchild; • anyone related to the adult by birth or adoption; • a close friend; • a person immediately related to the adult by marriage. (section 16) 	<p>http://www.bclaws.ca/civix/document/id/complet/statreg/96181_01</p>
Health professional	<p>"health profession" means a profession in which a person exercises skill or judgment or provides a service related to</p> <ul style="list-style-type: none"> • the preservation or improvement of the health of individuals, or • the treatment or care of individuals who are injured, sick, disabled or infirm; (definition section) 	<p>Health Professions Act http://www.bclaws.ca/Recon/document/ID/freeside/00_96183_01#section1</p>

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TOPIC	RELEVANT LEGISLATION	LEGISLATION (LINK)
	"health profession association" means a society, whose members are persons practicing a health profession (definition section)	
Health care decisions - minors	<p>Children (anyone under 19 years old) can consent (or agree) to their own medical care—if they are capable (section 17)</p> <p>This law considers children capable if they understand the need for a medical treatment, what the treatment involves, and the consequences (benefits and risks) if they get—or don't get—the treatment. If a health care provider explains the consequences and decides that the child understands them and the health care is in the child's best interest, they can treat a child who consents, without consent of the parents or guardians (section 17)</p> <p>"health care" means anything that is done for a therapeutic, preventive, palliative, diagnostic, cosmetic or other health related purpose, and includes a course of health care (definition section)</p> <p>"health care provider" includes a person licensed, certified or registered in British Columbia to provide health care (definition section)</p>	<p>Infants Act http://www.bclaws.ca/civix/document/id/complete/statreg/96223_01</p>
Collection, Protection and Retention of Personal Information by Public Bodies	A public body must protect personal information in its custody or under its control by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.	<p>Freedom of Information and Protection of Privacy Act https://www2.gov.bc.ca/gov/content/governments/services-for-government/policies-procedures/foipppa-manual/protection-personal-information</p>

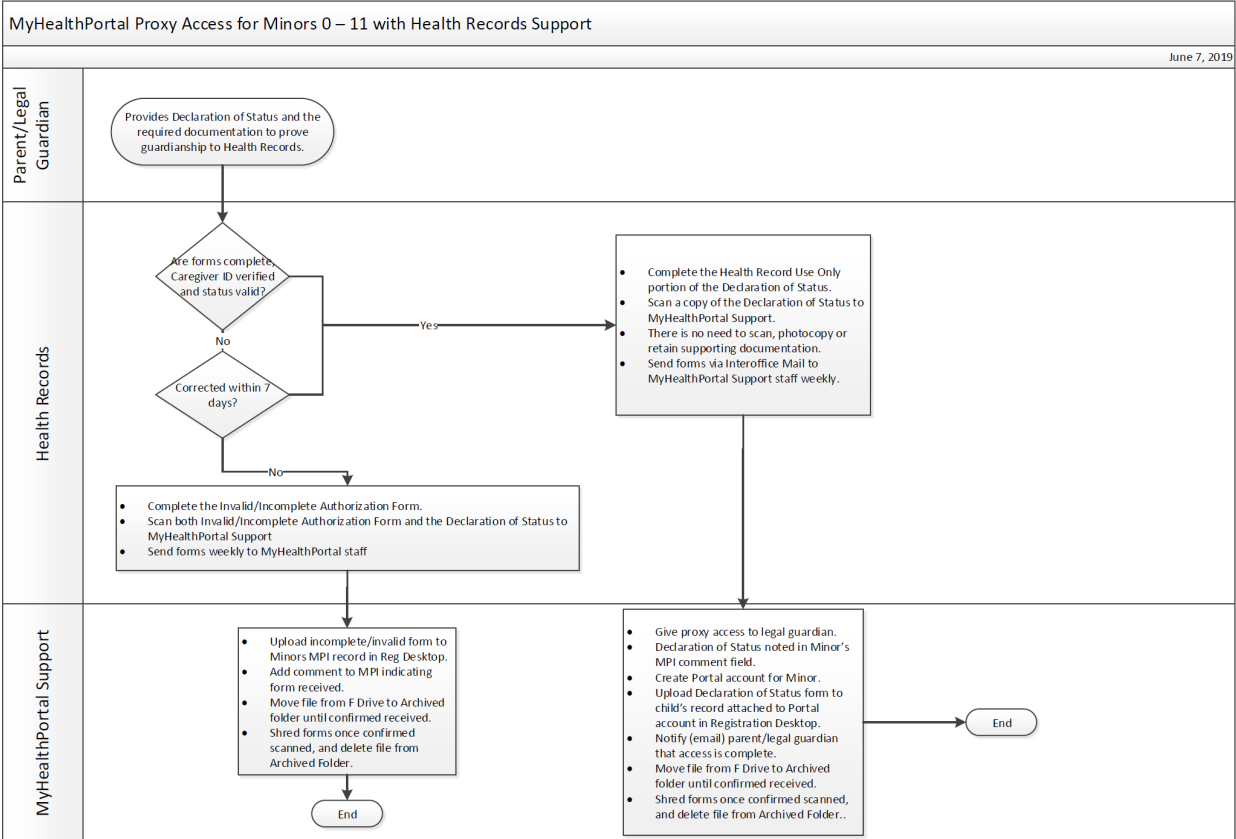
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APPENDIX B: PROXY ACCESS FOR MINORS (0-11) PROCESS FLOW



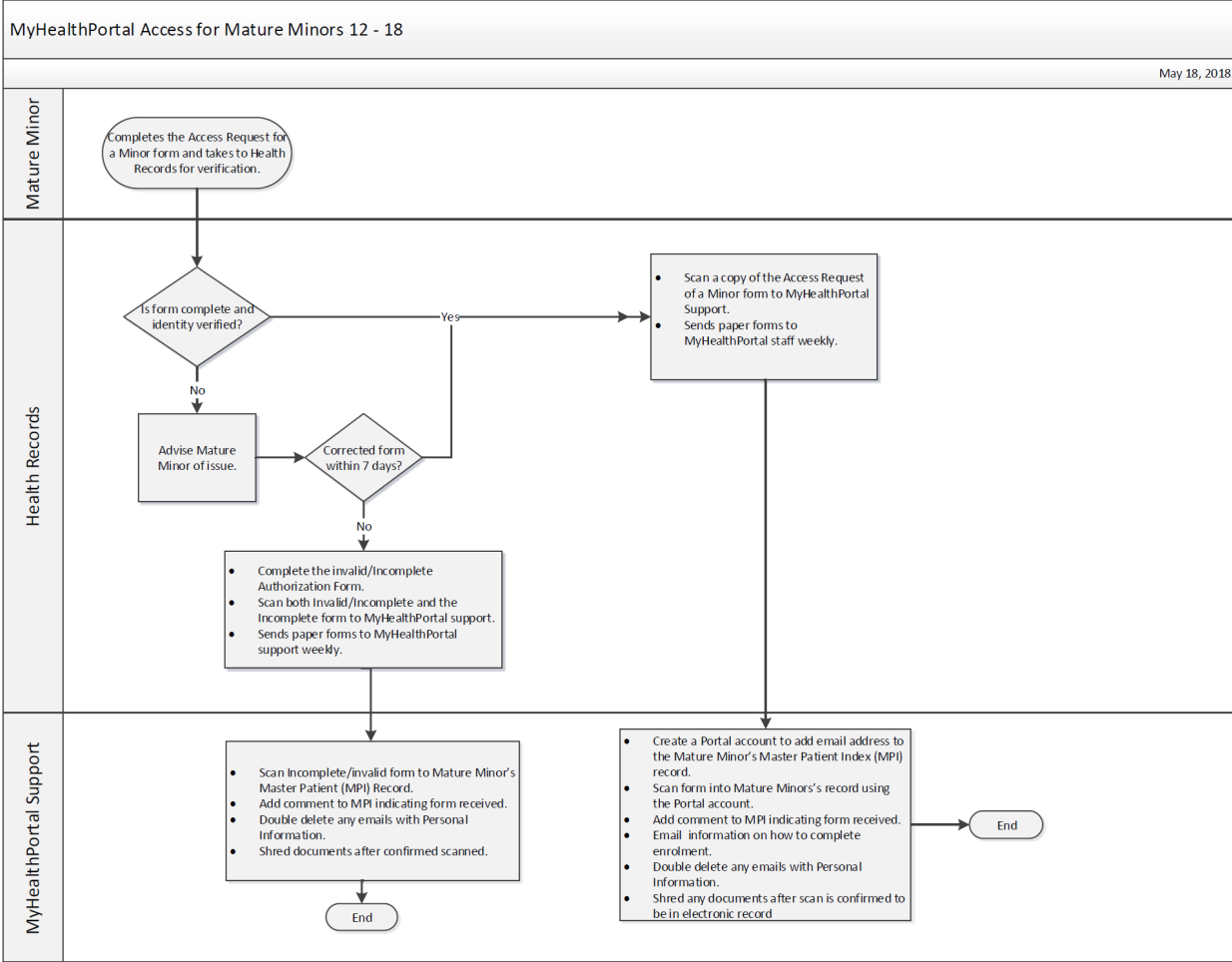
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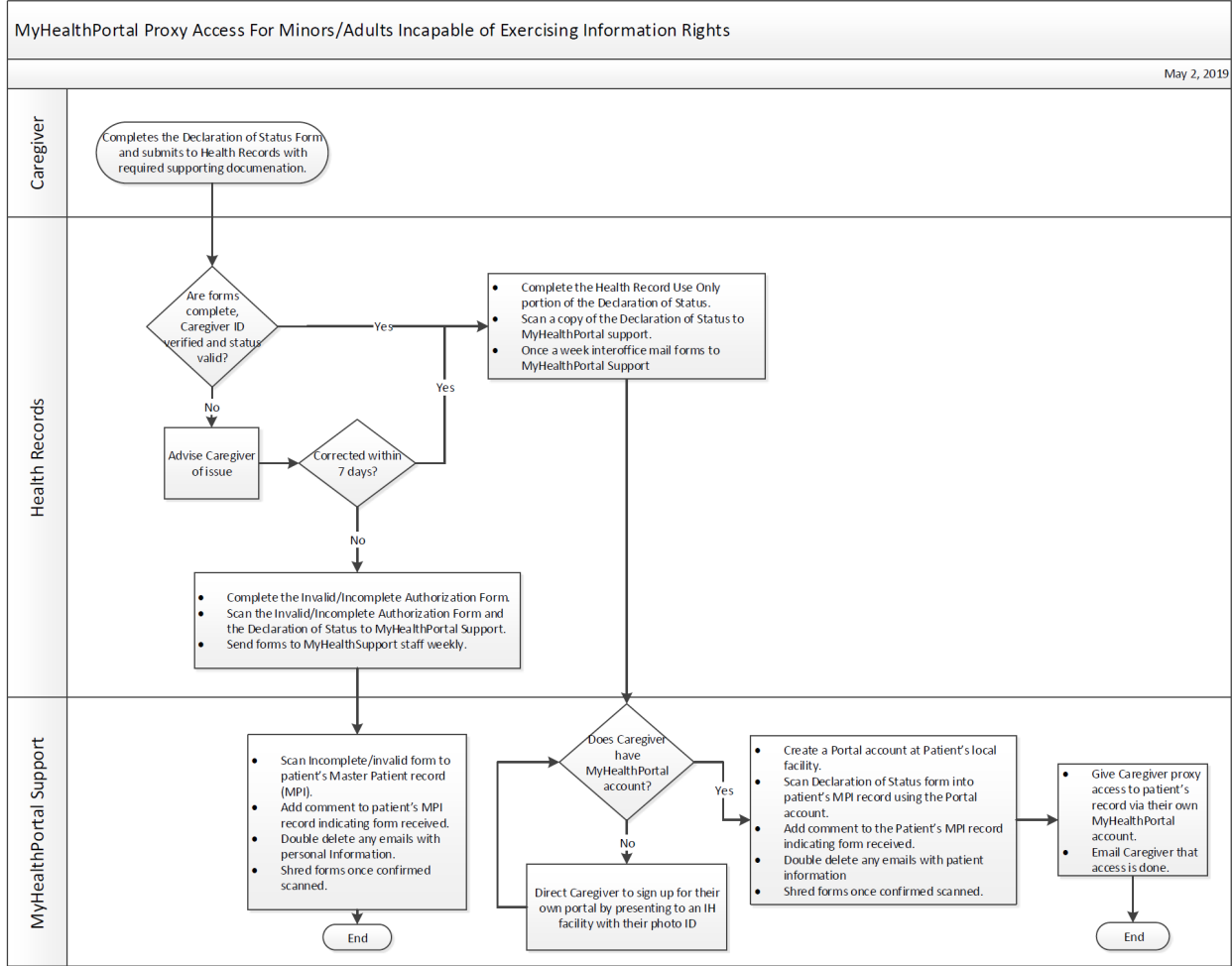
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APPENDIX C: ACCESS FOR MATURE MINORS (12-19) PROCESS FLOW



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APPENDIX D: ACCESS FOR INCAPABLE MINORS/ADULTS PROCESS FLOW



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APPENDIX E: DECLARATION OF STATUS TO ACCESS FORM



Declaration Of Status To Access MyHealthPortal Record Of Minor 0–11 / Incapable Minor 12–18 / Incapable Adult

Personal Information contained on this form is collected under The Freedom of Information and Protection of Privacy Act and will be used only for the purpose of responding to your request.

- Please check the appropriate box below to indicate what authority you have to act on behalf of the client.
- You must be the highest ranking individual shown on the list and proof of status will be required.
- Please note, if a dispute exists (e.g. lack of clarity regarding status) the access will be denied. Applicants may appeal the decision with the Office of the Information & Privacy Commissioner.

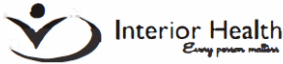
Hierarchy of Authorization	
<p>Complete the form below if client is under the age of 12</p> <p><input type="checkbox"/> Parent with whom the child primarily resides</p> <p><input type="checkbox"/> Parent with whom the child does not reside with but has guardianship</p> <p><input type="checkbox"/> Legal Guardian granted by Court Order or Separation Agreement</p>	<p>Complete the form below if client is 12 years and older and incapable of exercising information rights</p> <p><input type="checkbox"/> Personal Representative (Committee of Person)</p> <p><input type="checkbox"/> Personal Representative (Committee of Estate)</p> <p><input type="checkbox"/> Representative with legal authority (Representation Agreement)</p> <p><input type="checkbox"/> Spouse (including common law and/or same sex partner residing with the client in a marriage like relationship)</p> <p><input type="checkbox"/> Adult Child of Client</p> <p><input type="checkbox"/> Adult Parent of Client</p> <p><input type="checkbox"/> Adult Brother or Sister of Client</p>
<p>Part 1: Client</p> <p>Name (First/Middle/Last) _____</p> <p>Date of Birth (dd/mm/yyyy) _____ PHN (Provincial Health Number/Care Card) _____</p>	
<p>Part 2: Person Receiving Access</p> <p>Name (First/Middle/Last) _____</p> <p>Date of Birth (dd/mm/yyyy) _____ PHN (Provincial Health Number/Care Card) _____</p> <p>Day Phone _____ Email _____</p>	
<p>Part 3: Authorization on Behalf of Client (if client is unable to authorize the release of personal information)</p> <p>By signing below I confirm that I have legal authority to act on behalf of the client and I hereby authorize Interior Health to give proxy access to the person named in the "Person Receiving Access" section.</p> <p>Signature _____ Date (dd/mm/yyyy) _____</p>	

Health Record Use Only	Supporting Documentation Reviewed & Authorization Validated (provide specific details):
<p>Staff Initial _____</p> <p>Date (dd/mm/yyyy) _____</p>	<p>_____</p> <p>_____</p> <p>_____</p>

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APPENDIX F: ACCESS REQUEST FOR A MATURE MINOR FORM



**Request For A Minor To Access Their Personal
Health Records Online Via MyHealthPortal**

Personal Information contained on this form is collected under The Freedom of Information and Protection of Privacy Act and will be used only for the purpose of responding to your request.

I would like to request unrestricted access to my personal health information contained within MyHealthPortal:	
Name (First / Middle / Last) _____	
Date of Birth (dd / mm / yyyy) _____	PHN (Provincial Health Number / Care Card) _____
Day Phone _____	Email _____
Mailing Address _____	
City / Town _____	Province _____ Country _____ Postal Code _____

Section below to be completed by a Physician, Nurse Practitioner or Psychologist

The Minor above has requested to have unrestricted access to his /her Personal Health Record via the Interior Health Patient Portal – MyHealthPortal.

MyHealthPortal is an on-line web-based system that displays information contained in the Interior Health Enterprise Medical System (MEDITECH). This currently includes Lab and Microbiology Results, Medical Imaging Reports, Certain Transcribed Reports, Upcoming Visits, Visit History, Allergies and Personal Demographic Information. Additional information will be made available in the future.

As his /her Health Care Provider you are requested to complete this Form to confirm that the Minor is sufficiently mature and capable to understand the information contained in their Personal Health Record.

A Minor is defined as anyone under the Age of Majority (19 years in B.C.)

I confirm that this Patient is sufficiently mature / capable to have unrestricted access to the personal health information contained within MyHealthPortal:	
Health Care Provider Name (First / Middle / Last) _____	
Health Care Provider Specialty (Profession or Society) _____	MSP _____
Signature _____	
Date _____	Phone Number _____
Mailing Address _____	
City / Town _____	Province _____ Country _____ Postal Code _____

Note: The signing of this form is for Information Access only; it does not apply to Emergency Health Care or Treatment.
Minors have the option to request access to their health care record information at the Health Records Department of their local IH facility.
The minor is to present form and identification to health records for verification.

Health Record Use Only Form Completed and Identity Verified	Staff Initial _____	Date (dd / mm / yyyy) _____
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Release of Information
Code: ROI Release of Information

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APPENDIX G: DISCONTINUATION OF PARENTAL ACCESS TO MINOR AT 12 EMAIL

Subject Line: Access to MyHealthPortal

Hello,

Your access to your minor (under 12) child's MyHealthPortal account will be discontinued on their 12th birthday.

Your child will be able to get access to their own MyHealthPortal account by having their health care provider sign an Access Request for a Minor form. (Link to Form on website)

You and/or your child can also request access to copies of your health information from your Physician or by completing an FOI request at your local Health Record Services Department.

Your child will receive a letter informing them of this change in the next few weeks.

For more information see the attached brochure and form.

*Please let us know if you have any questions.
Thank you,*

*MyHealthPortal Support
1-844-870-4756
MyHealthPortal@interiorhealth.ca*

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