



April 14, 2010

Dear OOM MEMBERS

For your information, The Personal Health Information Amendment Act (2) comes into force on May 1, 2010. We thought that you should be aware of some provisions of the amendments given that they may impact on you..

These amendments to *The Personal Health Information Act* (the "*PHIA*") appear to be quite extensive – including clarifying the nature of the consent that is required before personal health information can be shared and permitting the disclosure of personal health information to police services, family members and close friends.

The following addition to the *PHIA* which is of particular significance for opticians (and any other "trustee" as defined under the *PHIA*):

**Notice of right to access information**

**9.1** In accordance with the regulations, a trustee must take reasonable steps to inform individuals

- (a) of their right to examine and receive a copy of their personal health information that the trustee maintains; and
- (b) about how they can exercise that right.

There are also amendments to the *PHIA*'s Regulations which come into force simultaneously on May 1, 2010. The following provisions are added to the Regulations and are associated with the foregoing addition of section 9.1 to the *PHIA*:

**Notice of right to access information**

**1.4(1)** For the purpose of section 9.1 of the Act, a trustee must use a sign, poster, brochure or other similar type of notice to inform individuals.

**1.4(2)** The notice must

- (a) set out the information clearly in a manner that the individual can reasonably be expected to understand;
- (b) state that the individual has a right to examine and receive a copy of his or her personal health information; and
- (c) state that the individual has a right to authorize another person to examine and receive a copy of the information.

**1.4(3)** The notice may also contain other information about the trustee's practices and procedures relating to personal health information, including information about the trustee's collection practices required by section 15 of the Act.

1.4(4) The notice must be prominently displayed in as many locations and in such numbers as the trustee reasonably considers adequate to ensure that the information is likely to come to the individuals' attention

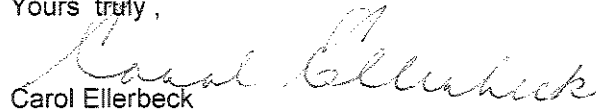
**As per the letter of April 1, 2010 from Manitoba Health which was sent to members, brochures and a poster that meets the notice requirement, i.e.:**

*" that in accordance with the regulation, trustees take reasonable steps to inform individuals of their right to examine and receive a copy of their personal health information that the trustee maintains ,and how they can exercise that right and their right to authorize another individual access their personal health information on their behalf",*

**will be available to all Opticians, shortly after May 1, 2010 . If you wish to receive posters or brochures, please contact Meredith Kennedy at 788-6612 or by email [Meredith.Kennedy@gov.mb.ca](mailto:Meredith.Kennedy@gov.mb.ca). There is no limit to the quantities that you can order and there are no fees for the service. Copies of the brochures will also be available for download from the Manitoba Health website [www.gov.mb.ca/healthy/phia/](http://www.gov.mb.ca/healthy/phia/) as soon as they become available which will probably be shortly after May 1, 2010.**

Please don't hesitate to contact me if you require any additional information.

Yours truly ,

  
Carol Ellerbeck

Registrar  
Opticians of Manitoba