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<b>TO:</b>	<b>CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE MEETING ON JANUARY 19, 2016</b>
<b>FROM:</b>	<b>SANDRA DATARS BERE MANAGING DIRECTOR, HOUSING, SOCIAL SERVICES AND DEARNESS HOME</b>
<b>SUBJECT:</b>	<b>INTEGRATED ASSESSMENT RECORD (IAR) PROJECT AGREEMENT THE CORPORATION OF THE CITY OF LONDON - DEARNESS HOME</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of Administrator, Dearness Home, with the concurrence of the Managing Director, Housing, Social Services and Dearness Home,

1. The attached proposed by-law (Appendix A) to authorize the an Integrated Assessment Record (IAR) Data Sharing Agreement **BE INTRODUCED** (attached to the by-law in Appendix A as Schedule 1), between The Corporation of the City of London and Consolidated Health Information Services (CHIS) and other Parties; it being noted that the Agreement enables sharing of assessment information across community care health service providers (participants and CHIS); it being further noted that all Long Term Care Homes are required to submit Long Term Care standardized assessment information to the Integrated Assessment Record (IAR) **BE APPROVE**; and
2. The Mayor and the City Clerk **BE AUTHORIZED** to execute the Agreement.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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None.

<b>BACKGROUND</b>
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**General Overview**

In 2012, the Ministry of Health and Long Term Care (MOHLTC), mandated the submission of standardized assessments of residents of Long Term Care homes to an Integrated Assessment Record (IAR). This action was taken pursuant to s. 88(2) of the *Long-Term Care Homes Act*, 2007, as a measure to assist in the provision of health care and facilitate the collection of accurate and timely information. The legislation requires that all long-term care homes provide similar data elements for each resident in care that form the basis for the Integrated Resident Assessment (IAR). Attached letter as Appendix B, dated December 22, 2015 from the South West Local Health Integrated Network outlines the requirement for Dearness Home to enter into the IAR Data Sharing Agreement.

The IAR has been implemented across the Province in a variety of sectors including: Community Care Access Centres; Community Mental Health; Community Support Services; in-patient Mental Health Hospitals; and Long Term Care Homes. The IAR, is an electronic platform that serves as a repository of clinical assessments that are completed within these various areas of the health care system. When these assessments are completed, they are uploaded to the IAR platform and can be accessed by authorized providers. In this way, clinical assessments follow patients as they move through different sectors of the health care system. By having access to these electronic records on the shared platform, continuity of care is optimized and sectors can build upon care that has previously been provided. This ability to access and share information within

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a resident's circle of care allows for better coordination of care planning, improves information accuracy, and reduces the time and effort spent on requesting files or repeating assessments. Additionally, IAR supports efficient annual Resident Quality Inspections (RQI) by providing timely and accurate data to Ministry inspectors. The assessment is used to benchmark against other homes. However the assessments are not accessible to other healthcare providers unless specifically requested, in which case the resident's consent must be obtained. If consent is given, the assessment is then printed and faxed to the requesting institution.

In section The IAR is accessed electronically in a secure manner and is bound by the Data Sharing Agreement between the City of London, CHIS and other Parties. The Agreement is being put in place to safeguard privacy and outline detailed responsibilities for each party involved, including:

- the terms and conditions governing the data sharing,
- the accountabilities and responsibilities with regard to data sharing,
- the obligations and rights of each participant, and
- the Personal Health Information privacy and security requirements.

Authorized users from each of the participants in the Data Sharing Agreement are able to access the assessment data for Dearness Home residents on a need to know basis, for the purpose of providing health care or assisting in provision of health care in accordance with the Personal Health Information Protection Act (PHIPA).

The legislative requirement for the IAR is only applicable to Dearness Long Term Care Home, not the Adult Day Program nor the Homemaking Program.

### **IAR Summary of Privacy and Security Safeguards**

There are numerous controls built into the IAR to protect Personal Health Information. Parties are obligated under the Ontario health information privacy legislation, the *Personal Health Information Protection Act, 2004, Sch. A* (PHIPA) to provide the following safeguards:

- (a) Secure Hosting
- (b) Authorization
- (c) Authentication
- (d) Data Security
- (e) Logging
- (f) Security Assessment
- (g) Privacy

The Integrated Assessment Record platform is established and maintained by a private third party provider: "Consolidated Health Information Systems", now amalgamated with ProCure Healthcare as Transform Share Services Organization. The agreement is not only between the Corporation of the City of London and CHIS, it is also between the Participants listed in Schedule A, and also between any new participants who may sign an Adhesion Agreement in the future.

Civic Administration confirms that current policies and procedures are in place to ensure that employees and specifically authorized users of the IAR understand their obligations with respect to the IAR, privacy, and the protection of personal health information. If future amendments are required, policies and procedures would be revised accordingly.

IAR Policies and Procedure (s) in place within the home, in order to comply with this agreement, include:

- IAR Overview – training manual for CHIS;
- IAR Roles and Responsibilities – identifies roles and responsibilities in regards to IAR;
- Privacy Safeguard Policy - safeguard features in place to protect health information;
- Consent Management – managing the resident consent to sharing their health information;
- User Policy – address roles and responsibilities of using the system safely;
- Auditing and Reporting – identifier of user activity;
- Incident Management – breaches of privacy policy and how to mitigate the breach.



## Review of Data Sharing Agreement

A comprehensive review of the various aspects of the Data Sharing Agreement has been undertaken and the Dearness Home has policies and training in place to ensure a successful roll out. The following aspects were considered and addressed as part of the review process:

- The Dearness Homes' ability to comply with the *Personal Health Information Protection Act* (PHIPA).
- Compliance with the City's data security requirements.
- Liability indemnification and insurance provisions.
- Ongoing and documented education and training for all network users.
- Designation of a Privacy Officer who is fully informed of their obligations under this agreement.
- Designation of a contact person and primary contact with other participants.
- Designation of a person responsible for the protection of personal health information.
- Implementation of an access control policy.
- Designation of authorized users to access the shared system in accordance with the access control policy.
- Establishment of "user account management procedures".
- Establishment of logging, auditing and monitoring policies and procedures, including communication of these controls to authorized users.
- Establishment of an incident management process.
- Establishment of a consent management process.
- Establishment of a client privacy support process.
- Confidential and secure retention of assessment data and the shared system.
- Written agreement with the Dearness Home for authorized users.
- Compliance with all the requirements of the Data Sharing Agreement.

It should be noted that the Administrator of the Dearness Home will be responsible for ensuring compliance of the Data Sharing Agreement.

## Risk Considerations

Article 9 of the Data Sharing Agreement details the indemnity provisions, which are non-negotiable. The limitation on liability and the disclaimer regarding warranties are standard, albeit onerous. The Corporation's ability to mitigate risk includes insurance, and liabilities of the provider and other partners. However, there is potential liability on the City for the tort of intrusion upon seclusion, including a class action lawsuit, if there is an improper accessing of Dearness residents' information (either by City employees/agents/contractors, or by other Parties to the agreement who can access the data), or improper accessing of another Parties' client's data by a City employee/agent/contractor. There could be consequences to the City under *Municipal Freedom of Information and Protection of Privacy Act* and PHIPA for any breach.

Every effort to mitigate risk has been made through a security audit by Information Technology Services and the implementation of policies and procedures to govern the use of the IAR. While there will always be a degree of risk, the potential benefits of the IAR far outweigh the potential risks.

## Privacy and Security

The Dearness Home has complied, and will continue to comply, with the Personal Health Information and Protection Act (PHIPA) and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), which govern practices related to the collection, use, disclosure, retention and disposal of Personal and Personal Health Information. Those Acts already govern Dearness operations and will, by extension, apply to the IAR.

Two key personnel are responsible for overseeing any and all privacy considerations related to the IAR. They include:

- Privacy Contact - Administrator of the Home
- Primary Contact - Continuous Quality Improvement Manager (CQI)

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The Dearness Home has implemented a process to obtain informed consent from all current residents and any new admissions, in order for them to participate in the sharing of their assessment data. Residents are not mandated to participate and information on how to opt out will also be provided to those individuals through an information brochure. The manager CQI is responsible for ensuring compliance with all resident consents.

**Financial Impact**

There is no financial impact for the implementation of this agreement.

<b>RECOMMENDED BY:</b>	<b>CONCURRED BY:</b>
<b>ANGIE HEINZ ADMINISTRATOR, DEARNESS HOME</b>	<b>SANDRA DATARS BERE MANAGING DIRECTOR HOUSING, SOCIAL SERVICES AND DEARNESS HOME</b>

Attachment

- cc: A. Zuidema, City Manager
- C. Saunders, City Clerk
- J. Browne, Financial Business Administrator
- L. Marshall, Solicitor
- J. Wills, Risk Management
- A. Loft, Regional Director, Extencicare Assist