



## Access to Client Information and Records

This occupational therapist (OT) has been selected to participate in Competency Review and Evaluation, a component of the College of Occupational Therapists of Ontario's Quality Assurance Program. Competency Review and Evaluation is a process designed to collect information about the therapist's practice and assess their knowledge, skill and judgment. It also provides feedback to the therapist to encourage practice improvement. Competency Review and Evaluation is a regular Quality Assurance activity and the College's goal is to have each occupational therapist participate in the process approximately once every five years.

The peer assessment is one step of this process, which involves the review of the therapist's client records. To facilitate the assessment the occupational therapist is asked to have available, on the day of the assessment ten (10) client records for clients who have been discharge from their OT service. These records will be reviewed by a College Peer Assessor. All information collected and results of the assessment is kept confidential between the College's Quality Assurance program and the occupational therapist.

One of the questions that therapists and employers may have is whether the occupational therapist can access clients' records if they are no longer providing service or no longer an employee of the facility/agency. It is the College's position that under the *Health Professions Procedural Code* made under the *Regulated Health Professions Act, 1991*(RPHA), ss. 82. (1)(c) the College does have the authority to request access to personal information for the purpose of conducting an assessment and gathering information about the occupational therapist's care of patients. Under ss. 82(2) and 82(3) of the *Code* facility operators and health information custodians are required to provide access to premises and charts. This section applies despite any provision in any Act relating to confidentiality of health records [(*Code*), ss.82 (5)]. Further, the *Personal Health Information Protection Act, 2004* (PHIPA), clause.9(2)(e) supports the College's right of access and states that PHIPA is not to be construed to interfere with the regulatory activities of the College under the RPHA.

The College encourages OTs to follow the applicable policies set out by their practice setting to facilitate access to the client records. For example, where the practice setting requires notification of an employer before client charts are accessed for non-treatment purposes the College would encourage OTs to do so.

If it still unclear as to the duty to cooperate we encourage health care custodians (employers) to speak with their lawyer and/or contact Leanne Worsfold, Manager Quality Programs at 416-214-1177 / 1-800- 890-6570 ext. 227 at the College of Occupational Therapist of Ontario.