

Patient Confidentiality and the Release of Confidential Records

The Code of Ethics of the Saskatchewan College of Pharmacists states that "a pharmacist shall protect the patient's right of confidentiality". During the course of practice, pharmacists acquire medication and other medical and personal information about their patients. Therefore, the pharmacist is ethically obliged to respect the confidential nature of this information. These records, including prescriptions and patient profiles, are part of the record of the patient, which belong to the pharmacist.

However, because our Code of Ethics also states that "a pharmacist shall hold the health and safety of the public to be a first consideration", "a pharmacist shall observe the law", and that "a pharmacist shall cooperate with other health care practitioners to ensure delivery of the highest level of pharmaceutical services to the public", it is recognized that this confidential information must be disclosed in certain circumstances, and in other cases should not be disclosed.

Circumstances when confidential patient information may be disclosed to third parties include:

1. The patient consents to release of the information. Written consent from the patient should be obtained. At a minimum, the pharmacist should be satisfied that the patient has expressly permitted the release of the information sought.
2. Release of the information is necessary to comply with the law. For example:
 - a police officer presents a warrant
 - a member is served with a subpoena which requires delivery of documents containing the patient records
 - release of the information is required by Rules of Court that relate to production of information in a law suit
 - an inspector authorized under *The Pharmacy Act, 1996*, to have access to the records, makes a request to access the records
 - an inspector authorized to have access to the records under *The Controlled Drugs and Substances Act*, or *The Food and Drugs Act* makes a request to access the records pertaining to Narcotic and Controlled Drugs, and other drugs respectively
3. Police, other law enforcement agencies or officials, or licensing authorities request the information and the pharmacist deems it to be in the best interest of the public to provide such information.
4. Pharmacists and other health care professionals for bona fide medical and/or pharmaceutical reasons where, in the judgement of the pharmacist, it is prudent to provide this information in the interests of the patient to protect the mental or physical health or safety of the patient.
5. Release of the information is required to be made to legal counsel for use in providing legal services to the Association and/or one or more of its members.
6. Pharmacists may disclose to third parties (i.e. a commercial data compiler) prescription information including information concerning the prescriber/pharmacist/pharmacy, which does not, and may not reasonably be expected to, identify the patient on the understanding that the third party will not disclose this information with respect to the prescriber/pharmacist/pharmacy except in an aggregate format (i.e., which does not disclose specific individual prescribing or dispensing information), without signed consent from the prescriber/pharmacist/pharmacy. The onus to obtain this consent is on the third party requesting such information.

Therefore, confidential patient information should not be released without the patient's consent or the consent of others as described above, where legal authority does not exist, or in situations where it is not in the interests of the patient or the public at large to provide the information. Where consent is required, it is recommended that the permission be in writing.

**Please refer to supplemental guidelines entitled
"Preparing Your Community Pharmacy for HIPA and PIPEDA" and
"Release of Confidential Records of Minors to Parents/Guardians"**