

Are you ready to meet the complexities of privacy compliance?

March
4 & 5
2010
Toronto

Two-Day Event!

This program has been accredited by the Law Society of Upper Canada
towards the professional development requirement for certification.
Health Law: 10 hours.



3rd

PRIVACY COMPLIANCE IN HEALTHCARE

Key issues, latest development & best practices for
meeting your privacy obligations

**Workshop Included: Developing a Governance Program
for Ensuring Privacy of Personal Health Information**

who should attend

Health Lawyers & In-House Counsel, Chief Privacy Officers, Chief Information Officers,
Privacy & Security Professionals, and Vice-Presidents, Directors & Managers of:
Privacy, Health Records & Information

course highlights

- Acquire the tools to hire the right privacy officer and set them up to succeed
- Review the risk management and liability issues associated with privacy compliance
- Learn about the privacy concerns surrounding e-health networks and records
- Gain a better understanding of the concept of Circle of Care

participating organizations

Bell Information & Communications Technology Solutions
Borden Ladner Gervais LLP
Canadian Institute for Health Information
Dykeman Dewhirst O'Brien LLP
Informatica Corporation
Information and Privacy Commissioner of Ontario

John Wunderlich & Associates
Kennedy Jones & Sweeney Inc.
Markham Stouffville Hospital
Sunnybrook Health Sciences Center
Trillium Health Centre

"Better understanding of what is involved in assessments and audits. Great employee training ideas. Small and very interactive group. This course has given me some tools in order to help me better understand what is expected in regards to privacy compliance."

- Catherine Hegarty,
Shouldice Hospital

"10/10 - Very informative and engaging. Thank you!"

- Judi Bickle,
Whitby Mental Health Centre

"I knew almost nothing about privacy before this conference and now feel I have a great base to help build policy in my own health centre."

- Peter Voth,
Carlington Community and Health Services

"Heightened awareness of barriers and successes. Networking. Lots of great ideas for our existing programs."

- Shauna Young,
Carlington Community and Health Services

"I did benefit from this course. Being new to the privacy officer role, I learnt a lot of things I didn't know."

- Andrée-Anne Ménard,
Champlain Community Care Access Centre

"10/10 - This is the first course on privacy I have attended. I thoroughly and completely enjoyed and benefited from this very informative session. The choice of speakers were excellent and very knowledgeable."

- 2008 Delegate



Course Leader
John Wunderlich,
John Wunderlich & Associates



Ayanna Ferdinand,
Trillium Health Centre



Mary Jane Dykeman,
Dykeman Dewhirst O'Brien LLP



Claudiu Popa,
Informatica Corporation



Patrick J. Hawkins,
Borden Ladner Gervais LLP



Sarah K. Jones,
Kennedy Jones & Sweeney Inc.



Mimi M. Lepage,
Canadian Institute for Health Information

as well as:

Manuela Di Re,
Information and Privacy Commissioner of Ontario
Janet Guevara,
Sunnybrook Health Sciences Center

Mike Gurski,
Bell Information & Communications Technology Solutions

Sharon Tai-Young,
Markham Stouffville Hospital

FACULTY

COURSE LEADER

JOHN WUNDERLICH

John Wunderlich of **John Wunderlich & Associates** is an information security and privacy consultant who helps organizations meet customer, client, patient, and/or regulatory expectations for responsible information management of personal information. His clients include Fortune 500 companies, health information custodians, information technology service providers, and a variety of other organizations.

CO-LECTURERS

AYANNA FERDINAND

Over the years, Ayanna Ferdinand acted as legal counsel for various health care organizations and has published in the area of privacy. She is currently General Counsel for **Trillium Health Centre**, one of the largest community hospitals in Canada.

MANUELA DI RE

Since her call to the bar Manuela Di Re has practised exclusively in the area of health law. She began her practice representing physicians in claims for medical malpractice and professional negligence. She continued her practice as senior legal counsel to a board of health, an ambulance service and two homes for the aged. In 2004, she joined the Office of the **Information and Privacy Commissioner of Ontario** as health law legal counsel.

SHARON TAI-YOUNG

Sharon Tai-Young is Director, Decision Support and Health Information & Chief Privacy Officer at **Markham Stouffville Hospital**.

MARY JANE DYKEMAN

Mary Jane Dykeman is a partner with **Dyke-man Dewhirst O'Brien LLP**. She advises health sector clients on matters relating to mental health, consent and capacity, clinical, systemic and enterprise risk management, corporate governance, privacy and regulation of the health professions.

CLAUDIU POPA

Claudiu Popa is an information security and privacy professional with two decades of information systems and risk management experience. As president and Chief Security Officer of **Informatica Security**, he is involved in supporting regulatory compliance efforts and helping to define and implement effective industry standards.

JANET GUEVARA

Janet Guevara is Coordinator, Privacy Office at **Sunnybrook Health Sciences Center**.

PATRICK J. HAWKINS

Patrick J. Hawkins is a Partner practicing in the Health Law Group in **Borden Ladner Gervais LLP's** Toronto office. For the past 18 years,

he has acted as general counsel and provides situational advice to hospitals, other health care organisations and health care providers on a wide range of issues including privacy, consent to treatment, mental health issues, quality of care reviews, and physician credentialing.

SARAH K. JONES

Sarah K. Jones is Partner with **Kennedy Jones & Sweeney Inc.** Sarah has more than 25 years experience in marketing and strategic communications gained through senior positions in a variety of Ontario government organizations. Sarah is also a recognized expert in issues of privacy and freedom of information.

MIKE GURSKI

Mike Gurski is the Director of the Bell Privacy Centre of Excellence and the Privacy Strategist for **Bell Information & Communications Technology Solutions**. At the Centre, Mike leads a comprehensive privacy professional services arm for enterprise customers. Mike also heads a research arm focused on developing privacy technologies. As well, Mike is a founding member of the The Privacy Network (www.theprivacynetwork.org): a knowledge exchange network that links various privacy communities in Canada.

MIMI LEPAGE

Mimi Lepage is Chief Privacy Officer at and General Counsel to the **Canadian Institute for Health Information (CIHI)**. She is responsible for ensuring that the organization's privacy policies and principles are current and are consistent with existing legislation and are responsive to CIHI's overall mandate.

COURSE PROGRAM

THE EVOLVING ROLE OF THE PRIVACY OFFICER

The Personal Information and Electronic Documents Act states that organizations must designate a privacy official who will be accountable for ensuring compliance with the Act. Creating and filling this position has become an important and challenging undertaking for healthcare institutions across the country, even as legislation and best practices within privacy compliance are poised to evolve. This session will provide attendees with the tools to craft a position description, select the right candidate and maximize their chances of success in leading your organization's privacy efforts.

- Identifying and embracing a privacy skill set
- Defining and demonstrating leadership as part of privacy and security oversight committees
- Establishing standard corporate policies and procedures for privacy
- Deploying and communicating your institution's privacy policy
- Interacting with other groups and roles to maximize compliance and accountability

LEGAL & LEGISLATIVE IMPERATIVES FOR PRIVACY COMPLIANCE: LATEST DEVELOPMENTS

New provincial health privacy legislation, coupled with significant healthcare related developments affecting the federal PIPEDA regime, have made the health privacy landscape more complicated. Any organization involved in the delivery of health services, or otherwise handles personal health information, must be prepared to operate in this new, more challenging environment. This session will detail the latest legal and legislative developments impacting this area.

- Latest federal and provincial initiatives in healthcare privacy
- Relevant statutes, professional regulations and common law decisions
- Harmonization: impossible dream or imminent reality?
- PIPEDA update and healthcare sector compliance
- Interaction of provincial initiatives with PIPEDA

MEETING THE CHALLENGES OF CONSENT & COMPLIANCE

The implementation of computer-based patient record systems has forced healthcare institutions of all types to confront new issues related to health information security and confidentiality. Combined with government regulations, these technologies have created a need for healthcare organizations to look at consent, compliance, confidentiality and security as a systematic, ongoing program. This session will provide a detailed overview of the risk management and liability issues associated with privacy compliance.

- Differences and distinctions between different types of consent
- Special consent scenarios and implied consent
- Identifying risks related to improper privacy management
- Establishing an effective privacy management program
- Adopting best privacy practices for effective risk management
- Monitoring, auditing and reporting privacy practices

THIRD-PARTY ACCESS & DISCLOSURE

Electronic health records can be comprised of an individual's lifelong health information, incorporating data from several sources, including healthcare providers as well as support and feeder systems. Such systems incorporate the capacity to make the data available to healthcare professionals and other outlets anywhere on a need-to-know basis. However, such capabilities raise as many questions as they answer. Who can access the information? What types of information can be released? Where and when can the information be made available? This session develops answers to these questions.

- Access vs. disclosure
- Responding to access requests
- Identifying who is entitled to access information and who is not
- Providing appropriate access
- Access practices in emergency scenarios
- Releasing information without consent: when is it permissible?

PRIVACY & ELECTRONIC HEALTH NETWORKS & RECORDS

Electronic health data can improve the quality and efficiency of healthcare and research as well as public health surveillance and interventions. The critical challenge is to achieve these benefits without unacceptable risk to patient confidentiality. Electronic health data must be created, used, transmitted, aggregated and abstracted in environments that maintain data security and accuracy. This session will highlight the issues surrounding electronic health networks and records and privacy concerns.

- Meeting access and security challenges
- An update on harmonization issues, provincial health networks
- Privacy and online health information systems: managing internal access to health information
- Warehousing health data: who owns it and who can use it?
- Managing cross-border and international data flow

HEALTH RESEARCH & PRIVACY COMPLIANCE

As health and medical research pushes the envelope and opens new frontiers for scientific knowledge, the challenge of finding the appropriate balance between the objectives of research and personal health privacy emerges. What are the legal and ethical parameters and hurdles that define this issue, what are the implementation and operational challenges and how can the security and technical risks be managed? This session examines health privacy compliance in the research context.

- Balancing personal health privacy against research objectives: managing electronic research information
- Privacy compliance and the Research Ethics Board: latest guidelines and best practices
- Handling consent issues
- Protecting privacy in long-term data retention
- Managing anonymous data
- Destroying records and establishing a paper trail

CONDUCTING A PRIVACY IMPACT ASSESSMENT AND PRIVACY AUDIT

With healthcare institutions implementing electronic patient records, physicians communicating with patients via email and web sites that provide healthcare information, there is a growing need for healthcare organizations to re-evaluate their systems of protecting healthcare privacy. If they haven't already, healthcare organizations must design and implement health privacy compliance protocols to ensure compliance with the relevant privacy regimes.

- Primary objectives and uses for the privacy impact assessment and privacy audit
- Timing of a privacy impact assessment or privacy audit
- Identifying and avoiding risks
- Design and format best practices

PRIVACY COMPLIANCE TOOLS & METHODOLOGIES

All health organizations must confront the issue of information security as they move into the world of e-health records. The question of creating a security/confidentiality strategy that also integrates long-term issues such as identification, signatures, security measures for the Internet and internal policies, are all crucial to building a privacy compliance program. This session will illustrate through case examples the benefits of using web-based privacy management tools.

- Implementing security features and controlled access online
- Electronic charting
- Security and privacy in information
- Smart systems and smart cards

THE CONCEPT OF CIRCLE OF CARE

The ability of a health information custodian to assume a patient's implied consent to collect, use or disclose personal health information for health care purposes, commonly referred to as the "circle of care", is an integral part of the Personal Health Information Protection Act. However, its meaning and scope has been the subject of much confusion. This session will shed light on the concept.

- Health information custodians' entitlement to rely on the "circle of care" concept
- The circumstances in which personal health information may be collected, used and disclosed based on the "circle of care"
- The ability of patients to withhold or withdraw to such collections, uses and disclosures
- The options available to health information custodians where the "circle of care" is inapplicable

WORKSHOP

DEVELOPING A GOVERNANCE PROGRAM FOR ENSURING PRIVACY OF PERSONAL HEALTH INFORMATION

Underlying any privacy compliance strategy should be sound governance and oversight procedures. This practical and interactive workshop will show you how to support your healthcare privacy initiatives with a governance framework, procedures and an ongoing plan to monitor its effectiveness.

- Elements of an effective privacy compliance program
- Considerations for developing e-health information management systems
- Addressing all aspects of collection, use, disclosure, retention and destruction of personal information
- Developing regulations and controls for information sharing
- Establishing accountability
- Auditing your information handling practices
- Monitoring compliance with privacy policies both internally and externally

MULTIMEDIA PRESENTATIONS

Register for Privacy Compliance in Healthcare and we will give you free of charge a CD-ROM comprising the following virtual presentations from recent Federated Press courses and conferences. Presented in their entirety with complete audio and accompanying PowerPoint slides totaling 702 minutes of expert learning, these presentations are an added bonus to this year's course. Bear in mind that these presenters are not necessarily those that you will see and hear at this year's course.

Role of privacy officer & lockbox

Kathleen Lavoie,
Grand River Hospital
Time: 35 Slides: 18

Health research & privacy compliance

Sheila Chapman,
Canadian Institute of Health Research
Time: 51 Slides: 22

Limits & obligations on commercial uses of health information

Wendy Komar,
London Health Sciences Centre
Time: 43 Slides: 21

Privacy & electronic health networks & records

Sandra Odorico,
Cambridge Memorial Hospital
Time: 27 Slides: 13

Third-party access & disclosure

Erfa Alani,
IBM Business Consulting Services
Time: 34 Slides: 13

Update on PHIPA since 2005/Various health orders issued by IPC

Dr. Ann Cavoukian,
Office of the Privacy Commissioner of Ontario
Time: 57 Slides: 34

Privacy assessments and audits

Michael Power,
Ontario Smart Systems for Health Agency
Time: 42 Slides: 14

Meeting the challenges of consent and compliance

Judy Farrell,
London Health Sciences Centre
Time: 46 Slides: 24

Privacy compliance tools and methodologies

Gene Norvaisa,
Providence Healthcare
Time: 35 Slides: 30

Panel discussion: Challenging third party access scenarios - Electronic vs manual records

Anita Fineberg, Judy Farrell and Gene Norvaisa,
IMS Health Canada, London Health Sciences Centre and Providence Healthcare
Time: 74

Healthcare trends: Considerations after EHR implementation

Abigail Carter and Natalie Comeau,
University Health Network
Time: 70 Slides: 22

Governance of data privacy & security

Peter Lambert,
St. Michael's Hospital
Time: 21 Slides: 21

Issues in e-health implementation & integration

Cielo Medel,
Ontario Smart Systems for Health Agency
Time: 60 Slides: 35

Measuring impact of e-health records and information systems

Linda Long,
Royal Victoria Hospital
Time: 48 Slides: 14

Advanced practices in privacy policy & policy notice

Terry McQuay,
Nymity Inc.
Time: 59 Slides: 28

Audio/Video segments clickable slide by slide
Papers and overheads also included
Print any of the material for your own use



Registration: To reserve your place, call Federated Press toll-free at 1-800-363-0722. In Toronto, call (416) 665-6868 or fax to (416) 665-7733. Then mail your payment along with the registration form. Places are limited. Your reservation will be confirmed before the course.

Location: Metropolitan Hotel, 108 Chestnut Street, Toronto, Ontario, M5G 1R3

Cost: The attendance fee for the course is \$895 per person and covers attendance for one person and the lecturers' presentation material. The fee further includes lunch on both days, morning coffee on both days and refreshments during all breaks. You may purchase a Proceedings CD-ROM containing edited actual proceedings and materials from the course.

Time: This course is a two-day event. Registration begins at 8:00 a.m. The morning sessions start promptly at 9:00. The second day ends at 4:00 p.m.

Cancellation: Please note that non-attendance at the course does not entitle the registrant to a refund. In the event that a registrant becomes unable to attend following the deadline for cancellation, a substitute attendee may be delegated. Please notify Federated Press of any changes as soon as possible. Federated Press assumes no liability for changes in program content or speakers. A full refund of the attendance fee will be provided upon cancellation in writing received prior to February 19, 2010. No refunds will be issued after this date. Please note that a 15% service charge will be held in case of a cancellation.

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Payment must be received prior to February 26, 2010

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