



Province of Alberta

## HEALTH INFORMATION ACT

# **ALBERTA ELECTRONIC HEALTH RECORD REGULATION**

### **Alberta Regulation 118/2010**

With amendments up to and including Alberta Regulation 17/2018

### Office Consolidation

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(Consolidated up to 17/2018)

## **ALBERTA REGULATION 118/2010**

### **Health Information Act**

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#### **Definitions**

**1** In this Regulation,

- (a) “Act” means the *Health Information Act*;
- (b) “electronic health record information system” means the system used by an authorized custodian to collect, use and disclose health information about an individual.

#### **Designation of information manager**

**2** The Department is designated the information manager of the Alberta EHR.

#### **Eligibility requirements to become an authorized custodian**

**3(1)** For the purposes of section 56.1(b)(ii) of the Act, the eligibility requirements that a custodian must meet in order to become an authorized custodian are as follows:

- (a) the custodian must establish or adopt policies and procedures in accordance with section 63 of the Act;
- (b) the custodian must prepare and submit to the Commissioner a privacy impact assessment in accordance with section 64 of the Act;

- (c) the custodian must complete a Provincial Organizational Readiness Assessment established by the Department or meet any security requirements established by the Department, as directed by the Department;
- (d) the custodian must enter into an Information Manager Agreement with the Department;
- (e) the custodian must obtain approval for access to the Alberta EHR from the Department;
- (f) subject to subsection (2), in the case of a custodian who is a regulated health professional, the health professional body of which the custodian is a member must have in place within 12 months after the coming into force of this Regulation standards of practice respecting
  - (i) the management of information in records, and
  - (ii) the management of electronic records, including, without limitation, standards respecting the protection, privacy and security of electronic records.

**(2)** Subsection (1)(f) does not apply in respect of a custodian who meets the requirements set out in subsection (1)(a) to (e) within 12 months from the coming into force of this Regulation.

**(3)** Despite subsections (1) and (2), any custodian who immediately before the coming into force of this Regulation was a participating custodian as defined in the Information Exchange Protocol under Alberta Netcare is an authorized custodian.

#### **Prescribed health information**

**4** For the purposes of section 56.1(c) of the Act, prescribed health information in respect of an individual includes

- (a) personal demographic information that uniquely identifies the individual,
- (b) information that uniquely identifies health service providers who provide health services to the individual,
- (c) information about where health services are performed on and delivered to the individual,
- (d) information about key clinical events at the point of care in respect of the individual,
- (e) known allergies and intolerances of the individual,
- (f) immunizations of the individual,

- (g) prescription information in respect of the individual,
- (h) dispensing information relating to prescriptions in respect of the individual,
- (i) drug-to-drug interaction alerts in respect of the individual,
- (j) laboratory test results of the individual,
- (k) diagnostic imaging reports and tests of the individual,
- (l) diagnostic imaging digital images of the individual, and
- (m) other medical reports of the individual.

**Manner in which prescribed health information must be made accessible by regulated health professional**

**5** For the purposes of section 56.3(1) of the Act, a regulated health professional must make prescribed health information accessible to authorized custodians via the Alberta EHR in accordance with the written directions issued by

- (a) the health professional body of which the regulated health professional is a member, or
- (b) the Minister.

**Logging capacity required**

**6(1)** A custodian must ensure its electronic health record information system creates and maintains logs containing the following information:

- (a) user identification and application identification associated with an access;
- (b) name of user and application that performs an access;
- (c) role or job functions of user who performs an access;
- (d) date of an access;
- (e) time of an access;
- (f) actions performed by a user during an access, including, without limitation, creating, viewing, editing and deleting information;
- (g) name of facility or organization at which an access is performed;

- (h) display screen number or reference;
- (i) personal health number of the individual in respect of whom an access is performed;
- (j) name of the individual in respect of whom an access is performed;
- (k) any other information required by the Minister.

(2) This section applies only to electronic health record information systems established after the coming into force of this section.

#### **Audit of information logs**

**7** The information manager of the Alberta EHR shall conduct an audit each month of the information logs of the Alberta EHR.

**8** Repealed AR 17/2018 s2.

#### **Coming into force**

**9** This Regulation comes into force on the coming into force of section 20 of the *Health Information Amendment Act, 2009*.





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