
Regulations and other Acts

M.O., 2018

Order number 2018 016 of the Minister of Health and Social Services dated 4 October 2018

An Act respecting the sharing of certain health information (chapter P-9.0001)

Regulation to amend the Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING paragraph 7 of section 65 of the Act respecting the sharing of certain health information (chapter P-9.0001), which provides that any other person determined by regulation of the Minister may be access authorization managers;

CONSIDERING section 70 and paragraph 2 of section 121 of the Act, which provide that the Minister determines by regulation the access authorizations that may be assigned to a provider listed in section 69 of the Act, according to the professional order to which the provider belongs, the provider's specialty or duties, or the information asset to which the provider is entitled to have access;

CONSIDERING section 72 and paragraph 3 of section 121 of the Act, which provide that the Minister determines by regulation the access authorizations that may be assigned to a body identified in section 96 of the Act, according to the services the body provides or the information asset to which the body is entitled to have access;

CONSIDERING the second paragraph of section 105.1 of the Act, which provides in particular that the provisions of the Act that apply to the access authorization manager apply, with the necessary modifications, to the president of the Collège des médecins du Québec and to the president of the Ordre des pharmaciens du Québec and the provisions applicable to an authorized provider apply to an inspector, investigator or syndic referred to in that section;

CONSIDERING section 110 and paragraph 5 of section 121 of the Act, which provide that the Minister may make regulations to prescribe how long the health information that is held in a health information bank in a clinical domain is used, which may vary depending on the case, conditions and circumstances, the clinical domain concerned, the information identified or the purpose specified in the regulation;

CONSIDERING that the Minister made the Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain (chapter P-9.0001, r. 1);

CONSIDERING that it is expedient to amend the Regulation;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain was published in Part 2 of the *Gazette officielle du Québec* of 2 May 2018 with a notice that it could be made by the Minister on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation to amend the Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain with amendments;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain, attached as a Schedule, is hereby made.

GAÉTAN BARRETTE,
*Minister of Health and
Social Services*

Regulation to amend the Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain

An Act respecting the sharing of certain health information
(chapter P-9.0001, s. 65, par. 7, ss. 70, 72, 105.1, 110 and 121, pars. 2, 3 and 5)

1. The Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain (chapter P-9.0001, r. 1) is amended by inserting the following after Division I:

“DIVISION 0.1

OTHER PERSONS WHO MAY BE ACCESS AUTHORIZATION MANAGERS

0.1. In addition to what is provided in section 65 of the Act, a person operating a pharmacist placement agency and who has a supervisory or managerial power towards pharmacists who have a status of employee of that agency may be an access authorization manager.

For the purposes of this Regulation, “pharmacist placement agency” means an enterprise whose activities consist in providing pharmacist placement or temporary help services to pharmacies the owner of which is a pharmacist subject to the application of an agreement described in section 19 of the Health Insurance Act (chapter A-29).”

2. The following is added after subparagraph 3 of the first paragraph of section 1:

“(4) the hospitalization domain.”.

3. The following is added after subparagraph 3 of the first paragraph of section 2:

“(4) the hospitalization domain.”.

4. The following is inserted after section 9:

“**9.1.** An inspector, an investigator or a syndic referred to in section 192 of the Professional Code (chapter C-26) acting for the Collège des médecins du Québec or for the Ordre des pharmaciens du Québec may be assigned access authorizations allowing them to receive health information held in the health information banks in the following clinical domains:

- (1) the medication domain;
- (2) the laboratory domain;
- (3) the medical imaging domain;
- (4) the hospitalization domain.

Such a provider may also be assigned access authorizations allowing the provider to receive information of prescriptions held in the electronic prescription management system for medication.”.

5. Section 11 is amended

(1) by adding the following after subparagraph 3 of the first paragraph:

“(4) the hospitalization domain, provided that the institution operates a hospital centre.”;

(2) by adding the following after subparagraph 3 of the first paragraph:

“(4) the hospitalization domain.”.

6. The following is added after subparagraph 3 of the second paragraph of section 12:

“(4) the hospitalization domain.”.

7. The following is added after paragraph 3 of section 15:

“(4) the hospitalization domain.”.

8. Section 16 is revoked.

9. Section 19 is amended by replacing “5” by “7”.

10. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 2 and 3, section 4, to the extent where it enacts subparagraph 4 of the first paragraph of section 9.1 of the Regulation, sections 5, 6 and 7, which come into force on the date of coming into force of section 45 of the Act respecting the sharing of certain health information (chapter P-9.0001).

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