

Member Memo

To: BC Care Providers Association (BCCPA) Service Provider Members

From: Michael Kary, Director of Policy and Research

Date: July 15, 2016

Re: **Update:** Office of the Senior's Advocate's Resident Satisfaction Survey: Key Points of Clarification regarding Insurance and Privacy

OVERVIEW:

- In regards to the Residential Care Survey that the Office of the Seniors Advocate (OSA) is undertaking the following points of clarification regarding the survey including issues around insurance and privacy have been provided from Lena Cuthbertson, Provincial Director, Patient-Centred Performance Measurement & Improvement.

Certificate of Insurance

- [A Certificate of Insurance](#) has been issued by the Health Care Protection Program for the residential care sector survey for \$2M limit of liability per occurrence.
- This is for the liability protection of volunteers who will be conducting the survey in residential care homes.

Project Oversight

- The survey will be funded by the Office of the Seniors Advocate (OSA). Lena Cuthbertson, chair of the British Columbia Patient-Centred Measurement Working Group (BCPCM WG) from Providence Health Care, was appointed by Heather Davidson, Assistant Deputy Minister, to implement this survey. Lillian Parsons from Providence Health Care is the Project Manager for the survey, and the Regional Engagement Leads who are Providence employees, are responsible for the recruiting, screening and deploying of the volunteers who will conduct the survey interviews.

Data Collection by third party survey vendor

- The National Research Corporation Canada (NRCC) will receive the personal information of the residents and their most frequent visitors (MFV) for the purposes of implementing this residential

care survey. This includes: preparing the resident interview survey forms with lithocodes; preparing the surveys to be mailed to the visitors; collating the survey responses/data; and providing some analytical and reporting services.

- The personal information of residents and visitors will flow from the health authority or care home, as outlined in the attached Privacy Impact Assessment (PIA), to the NRCC (the vendor), a service provider to the health authorities. No personal information/personal health information will flow to the OSA.
- An audit of the privacy and information security controls of NRCC and their named subcontractors was conducted recently by two cybersecurity and privacy experts.
- Every health authority and their affiliate organizations with publicly funded residential care beds in BC are named as participating organizations in the services agreement with NRCC.

Phase I: Publicly Funded Clients Only

- The Privacy Impact Assessment (PIA) addresses the personal information flows for this project for those residents in publicly funded beds. Inclusion of private pay residents in care homes with publicly funded beds contracted by a health authority will be the subject of a second privacy review and, once approved, will be added to the PIA as an addendum. As such, only residents and their most frequent visitors in publicly funded beds will be included in the first phase of the roll-out of this project.
- Assurances by the OIPC have been received that private service providers have the authority to disclose the personal information outlined in the data dictionary in the PIA to their health authority or their service providers, and they have the authority to collect it and use it to fulfill their public mandate to evaluate seniors' services.

License agreement with interRAI Permitting Use by Affiliates and HA's

- A license agreement with interRAI for the use of the interRAI Resident Quality of Life and Family survey instruments has been executed. It provides rights to the health authorities (HAs)' and their affiliates for the use of the surveys. In order for the organizations to be able to use the surveys for future quality improvement initiatives, the HAs and their affiliates may extend the rights in the license to their contracted providers, including for use with private pay residents, to the Ministry and to the OSA. A briefing note on the permitted uses and restrictions of use of the license will be made available by the OSA.
- The license is royalty free and no identifiable information will be provided to interRAI. Each HAs Executive Sponsor for Patient Experience, in some cases the HA CEO, has signed the license agreement.

Privacy Impact Assessment (PIA) – Certificate of Approval

- The Privacy Impact Assessment (PIA) for this project has been approved by the Health Information, Privacy and Security Operations Committee of BC (HIPSOC), representative of the participating health authorities and the Ministry of Health. The PIA outlines all the data flows for

this survey project and it has been submitted to the Office of the Information and Privacy Commissioner of BC (OIPC) and was reviewed by a Policy Analyst within the OIPC.

Consent Issues with Publicly and Privately funded Clients

- Legal counsel for the BCPCMWG has been consulted as well as the OIPC on the issue of consent related to its survey protocols. BC FOIPPA has governed all sector surveys in BC over the past 13 years and the Act requires a notification regime, which will be followed for this survey.
- This survey will be in accordance with BC FOIPPA Section 26 and pursuant to the health authorities' mandate to evaluate their residential care programs and services. All residents and frequent visitors invited to participate in this survey who are in publicly funded beds will be advised of the purposes for the survey. They will also have an opportunity to decline to participate in the survey.
- The OSA has developed protocols to ensure that residents and their most frequent visitors in publicly funded beds are provided with reasonable notice, including notification posters that the survey will be conducted and that they are free to "opt out". They will also be provided with the name and contact information of someone to speak with about the survey (on the posters), should they have questions or concerns or wish to be removed from the survey. The posters will be provided to Care Home Coordinators at least 4 weeks in advance of the commencement of onsite survey interviews with the request to post these on each unit in their care home and in common areas.
- The BC Personal Information Protection Act (BC PIPA) requires a "consent regime". As indicated, the inclusion of private pay residents in the survey will be addressed separately. Discussions with legal advisors and the OIPC will result in a draft PIA addendum to address private pay resident's participation. The draft addendum will be vetted by HIPSOC and the OIPC in July of 2016.

Survey Data Management and Control:

- The NRCC, as a service provider to the five health authorities that provide long term residential services in BC, will receive the personal information of the residents and their most frequent visitors in publicly funded beds in order to conduct the survey. The survey vendor will provide data collation, analysis and reporting services for this survey project. It is stipulated in the PIA, that the OSA will receive only de-identified, aggregated survey results at the conclusion of the survey project.
- This is a large survey project that will be conducted in stages over the next 7 to 9 months.

Privacy training module and privacy pledge for the volunteer interviewers

- The privacy module and pledge have now gone "live" and are hosted on an online learning platform; volunteers must complete the training and execute the pledge as a part of their training as survey interviewers. The module was developed by a cybersecurity and privacy expert and was

approved by the HIPSOC. The Volunteer Management database also at www.surveyBCseniors.org will track completion.

- The logos of all the participating HA's and the OSA are included on the introductory page of the privacy module and pledge. The privacy training module and pledge, were developed with the intent that they would serve their purpose for this survey and be a resource for future use by long term care volunteer resource managers.