

Member Memo

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

From: Michael Kary, Director of Policy and Research

Date: June 20, 2016

Re: Update: Office of the Senior's Advocate's Resident Satisfaction Survey

OVERVIEW:

- On May 9th, 2016 the OSA publicly announced that it would be under-taking a province-wide survey of the 27,000 residents living in BC's 303 publicly -subsidized residential care homes. This would include those residents in both publicly subsidized and private pay beds. The OSA proposes to survey every resident regarding their quality of life, as well as to assess their level of satisfaction regarding their care. Residents who wish not to participate can voluntarily opt out.
- Residents will be interviewed in-person, and their most frequent visitor (often a family member) will be sent a mail-out survey. There is no option for doing the survey on line as is the currently health authority process. The OSA proposes to recruit up to 1,500 volunteers to implement the survey, who will receive one day of training and commit to providing at least 30 hours of volunteer time over the survey period.
- As of a couple of weeks ago, the OSA was able to identify only 200 volunteers – and they indicated they were still without an identified Regional Engagement Lead for the Northern Health Region.
- The OSA has communicated that it intends to publicly release the results of this quality improvement survey, including down to the care home level. For further information, the OSA has established a separate website regarding the survey (<http://surveybcseniors.org/>).
- The BCCPA was asked by the OSA to identify a member who would be willing to participate in some of the consultations on the survey. However, the BCCPA has not officially endorsed this particular survey nor its current methodology.
- On behalf of our Members, the BCCPA has been working to clarify a number of details regarding the conception, development, funding, and implementation of the resident satisfaction survey.

- On April 21, 2016 the BCCPA sent a letter directly to the OSA, as well as to the CEO's of the five regional Health Authorities, outlining a number of questions and concerns including: clarifying issues regarding informed consent for residents with cognitive impairment, ensuring the survey has undergone appropriate research ethics and review and concerns regarding the length of the survey, as well as potential issues with respect to a volunteer implemented survey.
- As of June 17th, the BCCPA has received no response from the Health Authorities to these letters. The Office of the Seniors Advocate (OSA) has indicated that the Privacy Impact Assessment (PIA) for this project has been approved by the Health Information, Privacy and Security Operations Committee (HIPSOC),¹ which represents the five regional health authorities and the BC Ministry of Health.
- The OSA has indicated during one of its webinars that some of the issues identified by the BCCPA and other care providers are "being reviewed and should be addressed."
- More recently, the BCCPA has been working to address a number of privacy concerns expressed by our members, including around the legality of disclosing the information regarding a resident's MFV for the purposes of a mail-out survey.
- On June 13, 2016 the BCCPA sent a letter to the Office of the Information and Privacy Commissioner for British Columbia (OIPC) outlining a number of concerns, and requesting clarification regarding whether the OSA survey methodology complies with *Freedom of Information and Protection of Privacy Act (FOIPPA)* and the *Personal Information Protection Act (PIPA)*, and requesting that the OIPC confirm that their office has reviewed and approved the residential care survey, including any Privacy Impact Assessment (PIA). As of June 17, 2016 no formal response to this letter has been received.

Privacy Impact Concerns:

- On February 1, 2016 Health Shared Services BC (HSSBC) released a Request for Proposal (RFP) on behalf of the OSA inviting proposals for the data collection and implementation of the Resident Satisfaction Survey.
- The Privacy Impact Assessment (PIA) was submitted to the Health Information, Privacy and Security Operations Committee (HIPSOC) on May 4, 2016 and approved by Quorum on May 19, 2016. The HIPSOC represents the five regional health authorities, the First Nations Health Authority, Providence Health Care, Provincial Health Services Authority, and the Ministry of Health.
- However, there are a number of discrepancies between the RFP, PIA, and statements made by the OSA.
- In particular, both the RFP and the PIA specifically state that the information is being collected "on behalf of the OSA" for the purpose of public release of information, whereas the OSA has

¹ Previously the BC Health Information Privacy Security Standing Committee (HIPSSC)

stated that it is merely funding the survey: “My Office is funding the survey and will publicly release the aggregated, non-personally identifiable results at [the] facility and provincial levels.”

- According to the OSA, the survey vendor (the National Research Corporation Canada [NRCC]) will receive the personal information of the residents and their most frequent visitor (MFV) for the purposes of implementing the survey, and the OSA will receive only anonymous or de-identified aggregated survey results at the conclusion of the survey project. This contradicts previous statements made by the OSA where it announced that it would publicly release the results from the survey on a facility or care home level.
- The PIA states that the survey will be “implemented in a scientifically rigorous and provincially coordinated manner.” However, it should be noted that as a ‘quality improvement’ survey, this survey project has not had to undergo an ethics review.
- The OSA has not completed a Privacy Impact Assessment (PIA) for private pay residents whose information falls under the *Personal Information Protection Act (PIPA)*. Therefore, **no private pay residents will be included until such time as the PIA is completed and approved.**