

June 14, 2007

Mr. Jean-Guy Finn, Co-Chair  
Mr. Kevin Malone, Co-Chair  
Personal Health Information Task Force  
Department of Health,  
Health Planning and Legislation Branch  
PO Box 5100  
Fredericton, N.B.  
E3B 5G8

Dear Sirs,

Thank you for providing Medavie Blue Cross with an opportunity to provide feedback regarding the proposed legislation regulating access to, and privacy of, personal health information in the province of New Brunswick. Medavie Blue Cross has been providing pre-paid health and dental benefits and life and disability products to New Brunswickers for more than 60 years, as well as administering programs on behalf of various provincial and federal governments. Ensuring the protection and privacy of our customers' information has always been fundamental to the way we do business.

While we applaud any movement to increase the protection of personal health information, we emphasize the need to strike an appropriate balance between protecting the privacy of the individual and creating legislation that does not impede an organization's ability to conduct business in an efficient manner. In that regard, we provide the following comments for your consideration:

- Medavie Blue Cross conducts business in a number of provinces, many of whom have, or are in the process of developing, their own legislation pertaining to personal health information. In addition, we are required to follow the Federal Personal Information Protection and Electronic Documents Act (PIPEDA). Harmonization of the proposed New Brunswick legislation with that of other jurisdictions would certainly facilitate the compliance with the legislation for the many companies operating in New Brunswick as well as other provinces.
- A significant volume of the personal health information that we receive is through electronic claim submissions from pharmacists, hospitals, dentists, physiotherapists, etc. It is important that the proposed legislation contain the provisions necessary to enable our clients to continue using this feature. More specifically, the proposed legislation should provide health care providers with clear authority to disclose personal health information for the purposes of payment in the context of electronic submission of information to non-health care providers (i.e. health and life insurers).

- Electronic Health Records offer the potential of improving health outcomes for residents of New Brunswick and other provinces. We recommend that any proposed legislation recognize the importance of these records and not constrain their use as valuable tools for the use of clinicians in managing the health outcomes of residents of the province. In this regard, as you are no doubt aware, Canada Health Infoway has just released a White Paper entitled *Information Governance of the Interoperable Electronic Health Record*, which outlines information governance topics with privacy and security implications for personal health information specifically related to electronic health records. This may provide some guidance on a standardized approach.
- By their very nature, some of our products require that we share limited health information with selected parties, as part of the administration process. These would include attendance support and employee and family assistance programs, as well as disability management services. In order to continue to provide value to our customers through these products and services, it is important that the administration of these “non-traditional” products and services be considered when drafting the proposed legislation.

It is our understanding that the Canadian Life and Health Insurance Association (CHLIA). Of which we are a member organization, will also be participating in this consultation process. As the association representing the collective interests of its member life and health insurers, they will no doubt be providing additional feedback for you to consider.

Again, we thank you for the opportunity to be involved in the development of this legislation, and would welcome the opportunity to participate in other phases of this work.

Yours truly,

Donna Whiteway,  
Director, Risk Management  
Chief Privacy Officer,  
Medavie Blue Cross