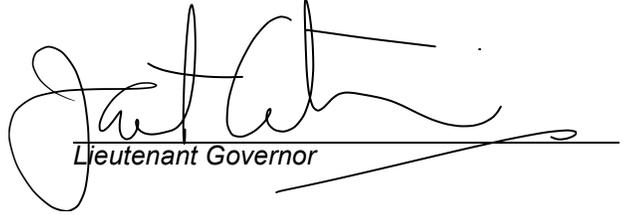


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 711

, Approved and Ordered December 13, 2021



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) the Information Management Regulation, B.C. Reg. 74/2015, is repealed,
- (b) the attached Information Management Regulation is made, and
- (c) effective September 1, 2023, the Information Management Regulation, as enacted under paragraph (b) of this order, is amended
 - (i) by adding “and” to the end of section 6 (b), and
 - (ii) by repealing sections 6 (c) and 31 (c), Part 5 and Schedule 2.



Minister of Health



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Pharmaceutical Services Act*, S.B.C. 2012, c. 22, ss. 61 (1), 63 and 65

Other: OIC 232/2015

R20481403

INFORMATION MANAGEMENT REGULATION

Contents

PART 1 – DEFINITIONS

- 1 Definitions

PART 2 – PHARMANET

Division 1 – Prescribed Information Management Technology

- 2 Prescribed information management technology
- 3 Who may access PharmaNet
- 4 Who may record information in PharmaNet

Division 2 – Access to Own Information

- 5 Limits on own access

Division 3 – Grants of Access

- 6 Eligibility for grant of access
- 7 Ineligibility for grant of access
- 8 Issuing grants of access
- 9 Changes to and confirmation of information
- 10 Credentials
- 11 Limits on grant of access
- 12 Exceptions

Division 4 – Grants of Emergency Access

- 13 Grants of emergency access
- 14 Limits on grant of emergency access

Division 5 – Technical Support

- 15 Access for technical support
- 16 Limits on access for technical support
- 17 Records of authorized technician
- 18 If grant holder provides technical support

Division 6 – Administration and Enforcement

- 19 Act not affected
- 20 Grounds for administrative action
- 21 Administrative actions the minister may take
- 22 When notice or hearing is not required
- 23 When notice or hearing may be delayed
- 24 After a hearing
- 25 Notices and hearings generally
- 26 Service and receipt of notices

PART 3 – PROTECTIVE WORDS

- 27 Definitions
- 28 Attaching or removing protective words at a pharmacy
- 29 Attaching or removing protective words through the minister
- 30 How to make a request to the minister
- 31 Dealing with personal information if protective word attached
- 32 Keywords attached to personal information

PART 4 – PERSONAL INFORMATION, AUDITS AND INSPECTIONS

- 33 Use and disclosure of personal information if consent
- 34 Use of personal information by medical staff committees

- 35 Use of personal information to monitor own practice
- 36 Use and disclosure of personal information to monitor veterinary practice
- 37 Audits and inspections

PART 5 – TRANSITION

- 38 Definitions
- 39 Transition – pre-existing users
- 40 Transition – registrant on-behalf-of users
- 41 Transition – access from locations without PharmaNet access agreement

SCHEDULE 1

SCHEDULE 2

PART 1 – DEFINITIONS

Definitions

1 In this regulation:

“**Act**” means the *Pharmaceutical Services Act*;

“**adult**” means a person who is at least 19 years of age;

“**authorized technician**” means a person who is authorized to access PharmaNet under section 15 [*access for technical support*];

“**claims history**” means information recorded in PharmaNet about an identifiable person that is related to one or more of the following:

- (a) the submission of claims made by or on behalf of the person in respect of drugs, devices and substances dispensed, and related services provided, to that person;
- (b) co-payments paid or payable by the person;
- (c) the assessment of claims referred to in paragraph (a);

“**credentials**” include names, passwords, codes and other information that a person uses to access PharmaNet;

“**device provider agent**” means a person who is qualified to fit a type of device referred to in section 4 (3) of the Provider Regulation, or who provides devices other than those referred to in that section, and

- (a) is enrolled in the device provider class under that regulation, or
- (b) provides benefits through the location of a person who is enrolled in that class;

“**electronic system**” includes networks and internet service providers;

“**grant**” means a grant of access or grant of emergency access, as the context requires;

“**grant of access**” means a grant, issued under section 8 [*issuing grants of access*], that permits the holder to access PharmaNet;

“**grant of emergency access**” means a grant, issued under section 13 [*grants of emergency access*], that permits the holder to access PharmaNet;

“health services” means services that

- (a) are within the scope of practice that a registrant may provide under the *Health Professions Act*, and
- (b) are provided by the registrant in accordance with any prohibitions, limits or conditions imposed on the registrant under that Act;

“medical history” means information recorded in PharmaNet about an identifiable person that is related to one or both of the following, except to the extent that the information is part of the person’s claims history:

- (a) the person’s health;
- (b) the provision to the person of drugs, devices, substances and related services;

“minor” means a person who is under 19 years of age;

“non-photo BC services card” means a non-photo BC services card within the meaning of the Identification Card Regulation;

“on-behalf-of user” means a grant holder who is approved by the minister to access PharmaNet on behalf of another grant holder;

“PharmaNet” means the information management technology prescribed under section 2 [*prescribed information management technology*];

“PharmaNet access agreement” means an agreement referred to in section 11 (3) (b) [*limits on grant of access*];

“photo BC services card” means

- (a) a photo BC services card within the meaning of the Identification Card Regulation, or
- (b) a driver’s licence that
 - (i) is issued under section 25 (1.3) of the *Motor Vehicle Act*, and
 - (ii) indicates that the holder is a beneficiary under the *Medicare Protection Act*;

“principal” means a grant holder on whose behalf an on-behalf-of user is acting;

“registrant” means a registrant within the meaning of the *Health Professions Act* who is authorized to use a title listed in section 1 (1) of Schedule 1 to this regulation;

“representative” means a person having authority under the common law or an enactment to make personal and health care decisions with respect to a beneficiary, former beneficiary or services card holder;

“services card holder” means a person who holds either a non-photo BC services card or a photo BC services card;

“technical support” means an action referred to in section 15 (b);

“title” means a title that a registrant may, under the *Health Professions Act*, use in the course of practising a designated health profession within the meaning of that Act;

- “vary”, with respect to access to PharmaNet, means
- (a) to add new limits and conditions on access, or
 - (b) to change existing limits and conditions on access.

PART 2 – PHARMANET

Division 1 – Prescribed Information Management Technology

Prescribed information management technology

- 2 The computerized networks and associated databases operated and maintained by the ministry of the minister, collectively known as “PharmaNet”, are prescribed information management technology for the purposes of the Act.

Who may access PharmaNet

- 3 (1) For the purposes of section 27 (2) of the Act, the following are prescribed as persons who may access PharmaNet:
- (a) beneficiaries, former beneficiaries, services card holders and their representatives;
 - (b) grant holders;
 - (c) authorized technicians.
- (2) Despite subsection (1), a person must not access PharmaNet if the person’s access to PharmaNet is suspended or prohibited under Division 6 [*Administration and Enforcement*].

Who may record information in PharmaNet

- 4 For the purposes of section 27 (4) of the Act, grant holders are prescribed as persons who may record in PharmaNet information relevant to the provision of a drug, device, substance or related service.

Division 2 – Access to Own Information

Limits on own access

- 5 (1) The minister may
- (a) permit classes of beneficiaries, former beneficiaries or services card holders, and their representatives, to access PharmaNet, and
 - (b) set, for each class, limits and conditions that apply to all class members.
- (2) A person within a class permitted to access PharmaNet under subsection (1) may access PharmaNet only with respect to the following:
- (a) the person’s own claims history and medical history;
 - (b) subject to subsection (3), the claims history and medical history of those persons for whom the person is a representative.

- (3) A representative must not access PharmaNet on behalf of a person who is at least 12 years of age unless the person
 - (a) consents in writing, or
 - (b) is incapable of giving consent.
- (4) A person within a class permitted to access PharmaNet under subsection (1) may access PharmaNet only in the form and manner permitted by the minister.

Division 3 – Grants of Access

Eligibility for grant of access

- 6 A person is eligible to hold a grant of access if the person
 - (a) is an individual,
 - (b) is a registrant or device provider agent, or will be acting as an on-behalf-of user,
 - (c) is within a class of persons who, under Schedule 2, may apply for a grant of access, and
 - (d) is not ineligible under section 7.

Ineligibility for grant of access

- 7 (1) In this section, “**unlawful or improper action**” means any of the following actions taken by a person or by another person for whom the person was responsible:
 - (a) unlawful or improper access to personal information;
 - (b) unlawful or improper collection, retention, use or disclosure of personal information.
- (2) A person is not eligible to hold a grant of access if, with respect to an unlawful or improper action, the person has been the subject of any of the following:
 - (a) an order or a conviction under an enactment of British Columbia or another jurisdiction;
 - (b) the imposition, whether by order or with consent, of prohibitions, limits or conditions on the person’s practice of a health profession
 - (i) under the *Health Professions Act* or the *Pharmacy Operations and Drug Scheduling Act*, or
 - (ii) by a body that regulates a health profession in another jurisdiction;
 - (c) disciplinary action or termination by an employer;
 - (d) the termination of a contract for services.
- (3) A person is not eligible to hold a grant of access if, with respect to an unlawful or improper action, the person’s access to PharmaNet or any other health information system, whether or not electronic, has ever been suspended or cancelled in British Columbia or another jurisdiction.
- (4) A person whose access to PharmaNet was prohibited under section 24 [*after a hearing*] is not eligible to hold a grant of access until the minister gives the person approval to apply to lift the prohibition.

Issuing grants of access

- 8** (1) On receiving an application for a grant of access, the minister may issue the grant with or without limits or conditions if satisfied that one of the following applies:
- (a) the applicant is eligible to hold a grant of access and it would not be contrary to the public interest to issue the grant;
 - (b) the applicant is not eligible to hold a grant of access but
 - (i) there is no material risk to the personal information of any person,
 - (ii) there is no material risk to the integrity of PharmaNet or the provincial drug program, and
 - (iii) it is in the public interest to issue the grant.
- (2) The minister may refuse to issue a grant of access to a person as an on-behalf-of user if the person is otherwise eligible to hold a grant of access as a registrant or device provider agent.
- (3) The minister may refuse to issue a grant of access without notice or an opportunity to be heard if any of the following apply:
- (a) the applicant is applying to be an on-behalf-of user;
 - (b) the applicant is not, in the opinion of the minister, eligible to hold a grant of access;
 - (c) the applicant has previously been refused a grant of access.

Changes to and confirmation of information

- 9** (1) A person who holds a grant of access must notify the minister immediately if either of the following applies:
- (a) the person will not require access to PharmaNet for a period of 90 days or more;
 - (b) the person becomes aware of a circumstance that may cause the person to be ineligible to hold the grant.
- (2) A person who holds a grant of access must notify the minister of any change to the information provided with the person's application for the grant within 7 days after the change.
- (3) Unless permitted otherwise by the minister, a person who holds a grant of access must annually confirm with the minister that there has been no change to the information provided with the person's application, other than information for which the minister was notified under subsection (1) or (2).

Credentials

- 10** A person who holds a grant of access
- (a) must, for the purpose of accessing PharmaNet, use only credentials that are unique to that person, and
 - (b) must not permit any other person to use those credentials except as necessary to receive technical support in accordance with Division 5 [*Technical Support*].

Limits on grant of access

- 11**
- (1) A person who holds a grant of access may access PharmaNet only in accordance with all applicable limits and conditions of the person's grant and as set under
 - (a) this section, section 12 and, if applicable, Division 6 [*Administration and Enforcement*], and
 - (b) Schedule 1.
 - (2) A person who holds a grant of access may access PharmaNet only from a location within British Columbia.
 - (3) Unless the minister permits otherwise, a person who holds a grant of access may access PharmaNet only from a location
 - (a) within which the person or the person's principal is directly providing health services, devices or related services to the person in respect of whom PharmaNet is being accessed, and
 - (b) that is the subject of a PharmaNet access agreement that
 - (i) meets the requirements of subsection (4), and
 - (ii) is not suspended and has not been terminated.
 - (4) For the purposes of subsection (3) (b) (i), a PharmaNet access agreement must
 - (a) be made between the minister and the owner or operator of the location from which PharmaNet will be accessed, and
 - (b) include limits and conditions with respect to the following:
 - (i) privacy and security measures with respect to the electronic system and associated equipment installed at the location;
 - (ii) the persons who may access the electronic system and associated equipment and the purpose and conditions of access;
 - (iii) facilitation of inspections and enforcement measures;
 - (iv) termination of access to PharmaNet from the location.

Exceptions

- 12**
- (1) The minister may make exceptions to section 11 (3) (a) for the purpose of permitting on-behalf-of users to access PharmaNet from different locations than those from which their principals provide health services, devices or related services.
 - (2) The minister may make exceptions to section 11 (3) (b) for the purpose of permitting grant holders who are registrants to access PharmaNet while outside of a location that is the subject of a PharmaNet access agreement.
 - (3) For the purposes of this section, the minister may
 - (a) establish classes of grant holders, and
 - (b) set, for each class, limits and conditions that apply to all class members.

Division 4 – Grants of Emergency Access

Grants of emergency access

- 13** (1) On receiving an application for a grant of emergency access, the minister may issue the grant with or without limits or conditions if satisfied that issuing a grant under this section
- (a) is necessary to
 - (i) provide urgent care to a person, or
 - (ii) prevent disruption to the delivery of health services or related services, or
 - (b) is otherwise in the public interest.
- (2) A grant of emergency access expires 96 hours after it is issued, unless the minister specifies a shorter term.
- (3) The minister may refuse to issue a grant of emergency access without notice or an opportunity to be heard.

Limits on grant of emergency access

- 14** (1) A person who holds a grant of emergency access may access a person's claims history or medical history only in accordance with the limits and conditions
- (a) of the person's grant, if any, and
 - (b) that apply under Schedule 1.
- (2) A person who holds a grant of emergency access may access PharmaNet only from a location specified by the minister.

Division 5 – Technical Support

Access for technical support

- 15** A person may access PharmaNet under this Division if all of the following conditions are met:
- (a) access is under a contract made for the purpose of taking an action referred to in paragraph (b);
 - (b) access is necessary
 - (i) to install, implement, maintain, repair, troubleshoot or upgrade an electronic system or associated equipment that is used by a grant holder to access PharmaNet, or
 - (ii) to recover data after the failure of an electronic system that is used by a grant holder to access PharmaNet;
 - (c) access is limited to the minimum time necessary to complete the work referred to in paragraph (b);
 - (d) if applicable, access to recover data under paragraph (b) (ii) occurs only after the system failure has occurred;
 - (e) access occurs in Canada only.

Limits on access for technical support

- 16** (1) An authorized technician must not access the personal information, recorded in PharmaNet, of any person unless all of the following conditions are met:
- (a) a grant holder authorizes the access before the access occurs, and gives directions respecting the nature and extent of the access;
 - (b) the grant holder directly supervises the access;
 - (c) the authorized technician complies with all directions given by the grant holder.
- (2) An authorized technician must not copy or retain any personal information accessed under subsection (1).
- (3) Despite subsection (1) (b), access may be unsupervised if
- (a) attempts to provide supervised technical support have been unsuccessful, and
 - (b) unsupervised access is necessary to provide technical support.
- (4) An authorized technician may access PharmaNet only in accordance with all applicable limits and conditions set under Division 6 [*Administration and Enforcement*], if any.

Records of authorized technician

- 17** (1) An authorized technician must make a record of the following:
- (a) the authorized technician's own name and contact information;
 - (b) the name and contact information of
 - (i) the grant holder for whom technical support is being provided, and
 - (ii) each person whose credentials were used to access PharmaNet;
 - (c) the date and time of each access;
 - (d) if the authorized technician had unsupervised access to personal information, the reasons why this was necessary, including details of the attempts made to provide supervised technical support.
- (2) An authorized technician must
- (a) keep the record required under subsection (1) for at least 4 years, and
 - (b) produce the record to the minister on request of the minister.

If grant holder provides technical support

- 18** If a grant holder accesses PharmaNet to provide technical support to another grant holder, all of the conditions and requirements of this Division apply as if the grant holder was an authorized technician and not a grant holder.

Division 6 – Administration and Enforcement

Act not affected

- 19** For certainty, nothing in this Division imposes requirements, limits or conditions on, or otherwise affects, any action that the minister may take under the Act, including in response to a circumstance referred to in section 20.

Grounds for administrative action

- 20** (1) The minister may take administrative action under this Division against a person if the minister has reason to believe that any of the following circumstances exist:
- (a) the person has contravened a provision of the Act or the regulations;
 - (b) the person gave false or misleading information in an application;
 - (c) the person is authorized to access PharmaNet from a location that is the subject of a PharmaNet access agreement and the agreement is suspended or terminated;
 - (d) the person has acted in a manner that gives rise to concerns that continued access to PharmaNet by the person may compromise
 - (i) the personal information of any person, or
 - (ii) the integrity of PharmaNet, the provincial drug program or any government network or electronic system;
 - (e) the personal information of any person or the integrity of PharmaNet, the provincial drug program or any government network or electronic system may be compromised by
 - (i) a technical issue affecting PharmaNet generally or the person's electronic system specifically, or
 - (ii) unauthorized access, by the person or by any other person, to PharmaNet generally or to the person's electronic system specifically;
 - (f) circumstances involving the person are of such a nature or of such gravity that the minister is of the opinion that it is in the public interest to take administrative action.
- (2) If a person referred to in subsection (1) is an on-behalf-of user, the minister may take administrative action under this Division against the user's principal.

Administrative actions the minister may take

- 21** (1) If there are grounds under section 20 for taking administrative action, the minister may do any of the following:
- (a) vary the limits and conditions that apply to the person's access to PharmaNet;
 - (b) suspend a person's access to PharmaNet;
 - (c) prohibit a person from further access to PharmaNet.
- (2) Subject to sections 22 and 23 [*when notice or hearing not required or may be delayed*], the minister must give notice and an opportunity to be heard as follows:
- (a) as soon as reasonably practicable after varying the limits and conditions on, or suspending, a person's access to PharmaNet;
 - (b) before prohibiting a person from further access to PharmaNet.
- (3) The grant of a grant holder is deemed to be
- (a) suspended if the grant holder's access to PharmaNet is suspended, and
 - (b) revoked if the grant holder's further access to PharmaNet is prohibited.

When notice or hearing is not required

- 22 (1) The minister is not required to give a person notice or an opportunity to be heard in respect of an administrative action taken or to be taken against the person if any of the following circumstances apply:
- (a) the administrative action is with respect to the person's access to PharmaNet under section 5 (1) [*limits on own access*];
 - (b) the person is a grant holder and the minister is of the opinion that the person is not eligible to hold a grant of access;
 - (c) a limit or condition of the person's access to PharmaNet is varied by a change to a limit or condition of a PharmaNet access agreement.
- (2) The minister is not required to give a person notice or an opportunity to be heard in respect of an administrative action taken or to be taken against the person if, before giving the notice or holding the hearing, the minister becomes satisfied that administrative action is unnecessary because the minister
- (a) no longer believes that the grounds for administrative action exist,
 - (b) is satisfied that administrative action is not required to protect
 - (i) the personal information of any person,
 - (ii) the integrity of PharmaNet, the provincial drug program or any government network or electronic system, or
 - (iii) the public interest, or
 - (c) is satisfied, in the case of a principal, that the principal
 - (i) did not direct or acquiesce in the actions of the principal's on-behalf-of user, and
 - (ii) had no reason to believe that the principal's on-behalf-of user was doing anything that might be grounds for administrative action.

When notice or hearing may be delayed

- 23 (1) In this section, "**proceeding**" means an ongoing investigation, inquiry, prosecution, qualifications review or similar proceeding being conducted
- (a) under the *Health Professions Act*, the *Pharmacy Operations and Drug Scheduling Act* or a similar enactment in another jurisdiction,
 - (b) under the *Hospital Act*, if the suspended person is a member of the medical staff and the proceeding is with respect to the person's permit to practice in the hospital,
 - (c) by a body referred to in section 4 (3) (b), (d) or (e) of the Provider Regulation,
 - (d) by a branch of the government that is responsible for investigating matters with respect to the privacy or security of a government network or electronic system,
 - (e) by the office of the Information and Privacy Commissioner or a similar body in another jurisdiction, or

- (f) by a law enforcement agency for the purposes of law enforcement, as that term is defined in the *Freedom of Information and Protection of Privacy Act*.
- (2) If access to PharmaNet is suspended on a ground referred to in section 20 [*grounds for administrative action*] with respect to a proceeding,
 - (a) the minister is not required to give notice of the suspension if the minister is of the opinion, or has been advised by the person conducting the proceeding, that giving notice may compromise the proceeding, and
 - (b) as soon as reasonably practicable after the proceeding is complete, the minister must
 - (i) reinstate access for a reason referred to in section 22 (2), or
 - (ii) give notice of the suspension, unless notice has already been given, and an opportunity to be heard.

After a hearing

- 24** (1) After giving a person an opportunity to be heard, or if section 25 (3) [*no response to notice*] applies, the minister may take whichever action under subsection (2) the minister believes to be appropriate to do one or more of the following:
- (a) protect the personal information of any person;
 - (b) protect the integrity of PharmaNet, the provincial drug program or any government network or electronic system;
 - (c) respond to a contravention of the Act or the regulations;
 - (d) ensure future compliance with the Act and the regulations.
- (2) The actions the minister may take after giving a person an opportunity to be heard are as follows:
- (a) restore one or more of the original limits and conditions that apply to the person's access to PharmaNet;
 - (b) reinstate the person's access to PharmaNet, with or without conditions, if the person's access was suspended or prohibited;
 - (c) vary, or confirm a variation of, the limits and conditions that apply to the person's access to PharmaNet;
 - (d) suspend, or confirm a suspension of, the person's access to PharmaNet for a set period of time or until specified conditions are met;
 - (e) prohibit, or confirm a prohibition of, the person's further access to PharmaNet.

Notices and hearings generally

- 25** (1) Despite any provision to the contrary, the minister may waive a requirement for notice under this Part if the minister is of the opinion that giving notice is not reasonably practicable.
- (2) Unless the minister permits otherwise, a hearing under this Part must be in writing.

- (3) If a person does not respond to the minister within 21 days after a notice is given under this Part,
 - (a) the person is not entitled to further notice or an opportunity to be heard, and
 - (b) the minister may take any action that the minister could take if a hearing had occurred.

Service and receipt of notices

- 26 (1) The minister may give a notice required under this Part to any physical or electronic address
 - (a) stated in an application made under this regulation by the person who is the subject of the notice, or
 - (b) that, in the opinion of the minister, will result in the notice coming to the attention of the person who is the subject of the notice.
- (2) A notice given by the minister under this Part is deemed to have been received as follows:
 - (a) if sent by any form of delivery other than personally or electronically, 3 days after the date the notice was sent;
 - (b) if sent electronically, immediately.

PART 3 – PROTECTIVE WORDS

Definitions

- 27 In this Part:
 - “**CareCard**” means a card issued by the Medical Services Commission under the *Medicare Protection Act* that shows the identity number referred to in section 15 of the *Pharmaceutical Services Act*;
 - “**photocopy**”, in relation to a non-photo BC services card or a photo BC services card, means a photocopy of both the front and back of the card;
 - “**satisfactory identification**” means identification that is
 - (a) issued by the government of Canada or a province, and
 - (b) satisfactory to the minister.

Attaching or removing protective words at a pharmacy

- 28 (1) An adult may attach or remove a protective word on the adult’s own behalf by
 - (a) making a request to a pharmacist at a pharmacy, and
 - (b) showing to the pharmacist
 - (i) the adult’s photo BC services card, or
 - (ii) satisfactory identification and either the CareCard or non-photo BC services card that belongs to that adult.
- (2) A pharmacist who receives a request under subsection (1) must,
 - (a) if satisfied of the adult’s identification,

- (i) comply with a request to attach a protective word and provide notice of the attachment to the minister, or
 - (ii) forward to the minister notice of a request to remove a protective word, or
- (b) if in any doubt of the adult's identification, refuse the request.

Attaching or removing protective words through the minister

- 29** (1) A person may request the minister to attach or remove a protective word as follows:
- (a) on the person's own behalf;
 - (b) on behalf of an adult for whom the person is a representative;
 - (c) on behalf of a minor for whom the person is a representative if the minor
 - (i) has not made a request on the minor's own behalf, or
 - (ii) made a request on the minor's own behalf but was refused.
- (2) If a request is made by a minor,
- (a) the presumption referred to in section 28 (3) of the Act applies with respect to persons aged 12 and over, and
 - (b) the minister may comply with a request made by a person under 12 years of age if satisfied that the person is capable of understanding the matters referred to in that section.

How to make a request to the minister

- 30** (1) A request made to the minister to attach or remove a protective word must be
- (a) in writing,
 - (b) signed by the person making the request, and
 - (c) accompanied by
 - (i) information satisfactory to the minister, and
 - (ii) the proof described in subsection (2), (3) or (4), as applicable.
- (2) A request made by a person on the person's own behalf must be accompanied by a photocopy of
- (a) that person's photo BC services card, or
 - (b) satisfactory identification and either the CareCard or the non-photo BC services card that belongs to that person.
- (3) A request made by a representative on behalf of an adult must be accompanied by a photocopy of
- (a) either
 - (i) the adult's photo BC services card, or
 - (ii) satisfactory identification for the adult and either the CareCard or the non-photo BC services card that belongs to that adult,
 - (b) satisfactory identification for the representative, and
 - (c) evidence satisfactory to the minister that the representative has authority to make decisions on the adult's behalf.

- (4) A request made by a representative on behalf of a minor must be accompanied by a photocopy of
 - (a) the minor's photo BC services card, CareCard or non-photo BC services card,
 - (b) satisfactory identification for the representative, and
 - (c) the minor's birth certificate.

Dealing with personal information if protective word attached

- 31** The following classes of persons are prescribed for the purposes of section 29 (1) and (3) of the Act with respect to personal information to which a protective word is attached:
- (a) grant holders;
 - (b) representatives;
 - (c) a person who is a pre-existing user within the meaning of section 38 [*transitional definitions*].

Keywords attached to personal information

- 32** If, on May 31, 2015, a person had what is commonly known as a "keyword" attached to the person's personal information in PharmaNet, the keyword
- (a) is deemed to be a protective word for all purposes of the Act and this regulation, and
 - (b) continues as a protective word until removed under this Part.

PART 4 – PERSONAL INFORMATION, AUDITS AND INSPECTIONS

Use and disclosure of personal information if consent

- 33**
- (1) Subject to section 25 (3) of the Act, a person to whom the minister discloses personal information obtained under the Act may use and disclose the information for any purpose to which the subject of the personal information consents.
 - (2) For the purpose of subsection (1), the person giving consent must specify, in writing, all of the following:
 - (a) the personal information in respect of which the person is providing consent;
 - (b) the purpose for which the information may be used or disclosed;
 - (c) who may use or disclose the information;
 - (d) to whom the information may be disclosed;
 - (e) the date on which the consent is effective;
 - (f) the date on which the consent expires, if applicable.
 - (3) A person who uses or discloses information under subsection (1) must keep a copy of the written consent referred to in subsection (2) for at least 4 years.

- (4) If consent is validly given before the date that subsection (2) (d) comes into force but does not specify to whom the information may be disclosed,
 - (a) the consent remains valid according to its terms and conditions until the consent is amended, revoked or expired, and
 - (b) if amended after that date, the consent must be in accordance with subsection (2) as that provision reads on the date the consent is amended.

Use of personal information by medical staff committees

- 34** (1) In this section:
- “**medical staff committee**” has the same meaning as in section 41 of the *Hospital Act*;
 - “**quality control function**” means a function described in section 41 (1) (b) of the *Hospital Act*.
- (2) For the purpose of performing a quality control function in relation to the actions or omissions of a particular grant holder only, a medical staff committee may use personal information obtained by the committee respecting
- (a) the grant holder, and
 - (b) persons who may have received care, directly or indirectly, from the grant holder.

Use of personal information to monitor own practice

- 35** A registrant who is a grant holder may use personal information obtained from accessing PharmaNet under this regulation for the purpose of monitoring the registrant’s provision of health services.

Use and disclosure of personal information to monitor veterinary practice

- 36** (1) In this section, “**veterinary college**” means either of the following:
- (a) the College of Veterinarians of British Columbia continued under section 2 of the *Veterinarians Act*;
 - (b) a body in another jurisdiction that regulates the practice of veterinary medicine.
- (2) Sections 23 (1) (b) and (c) of the Act apply to veterinary colleges as if they were governing bodies of health professions.
- (3) Sections 24 (1) (d) and 43 (2) and (3) of the Act apply to veterinary colleges as if they were colleges within the meaning of the Act.
- (4) The minister may collect personal information from a veterinary college, and use that personal information, for the purpose of giving effect to subsections (2) and (3).

Audits and inspections

- 37** Audits and inspections may be conducted to determine compliance with the Act and this regulation, including audits and inspections of each instance that a person
- (a) accessed PharmaNet,

- (b) used or recorded information in PharmaNet, or
- (c) disclosed information that the person obtained from PharmaNet.

PART 5 – TRANSITION

Definitions

38 In this Part:

“**applications (end date)**” means the date established under section 1 (3) of Schedule 2 as the date by which a registrant must apply for a grant of access;

“**applications (start date)**” means the date established under section 1 (2) (b) of Schedule 2 as the date as of which registrant may apply for a grant of access;

“**pre-existing user**” means a person who was authorized, on the transition date, to access PharmaNet under section 3 or 18 of the Information Management Regulation, B.C. Reg. 74/2015, as those sections read immediately before the transition date;

“**registrant on-behalf-of user**” means a person who

- (a) holds a grant of access as an on-behalf-of user, and
- (b) is a member of a class of registrants with respect to whom the applications (start date) has passed;

“**transition date**” means the date on which this section came into force.

Transition – pre-existing users

39 (1) Despite section 3 [*who may access PharmaNet*], a pre-existing user may continue to access PharmaNet on and after the transition date, subject to the following:

- (a) any suspension of the user’s access;
- (b) the limits and conditions, if any, to which the user was subject as of the transition date or, if applicable, as varied after that date;
- (c) the limits that apply under Schedule 1 as if the user had been issued a grant of access on or after the transition date.

(2) A pre-existing user’s authority under this section to access PharmaNet ends on the earliest of the following dates that applies:

- (a) the date the user is prohibited from accessing PharmaNet under section 24 (2) (e) [*after a hearing*];
- (b) if the user is eligible to hold a grant of access as a registrant and
 - (i) applies for a grant of access on or before the applications (end date) that applies to members of the user’s class, the date that the minister issues or refuses to issue the grant, or
 - (ii) does not apply for a grant of access on or before the applications (end date) that applies to members of the user’s class, immediately after that date;
- (c) if the user is eligible to hold a grant of access as a device provider agent and

- (i) applies for a grant of access on or before August 31, 2023, the date that the minister issues or refuses to issue the grant, or
 - (ii) does not apply for a grant of access on or before August 31, 2023, on September 1, 2023;
- (d) if the user is eligible to hold a grant of access only as an on-behalf-of user and
- (i) applies for a grant of access on or before the applications (end date) that applies to members of the class to which the user's principal belongs, the date that the minister issues or refuses to issue the grant, or
 - (ii) does not apply for a grant of access on or before the applications (end date) that applies to members of the class to which the user's principal belongs, immediately after that date.
- (3) If a pre-existing user has more than one principal and those principals are registrants who belong to different classes, the applications (end date) for the purposes of subsection (2) (d) is that which applies with respect to the principal belonging to the class that has the latest applications (end date) of all of the classes to which the user's principals belong.

Transition – registrant on-behalf-of users

- 40** Unless the minister permits otherwise, a registrant on-behalf-of user's grant of access as an on-behalf-of user is deemed to be revoked on the earliest of the following dates that applies:
- (a) if the user applies for a grant of access on or before the applications (end date) that applies to members of the user's class, the date that the minister issues or refuses to issue the grant;
 - (b) if the user does not apply for a grant of access on or before the applications (end date) that applies to members of the user's class, immediately after that date.

Transition – access from locations without PharmaNet access agreement

- 41** (1) Despite section 11 (3) (b) [*limits on grant of access*], a person may access PharmaNet from any location from which the person is authorized by the minister to access PharmaNet.
- (2) A person's authority under this section to access PharmaNet from any authorized location ends on the earliest of the following dates:
- (a) a date specified by the minister for the purposes of this section;
 - (b) the date on which a PharmaNet access agreement is made that applies to the location from which that person may access PharmaNet;
 - (c) September 1, 2023.

SCHEDULE 1

(sections 1, 11 and 14)

Limits on registrant's access

- 1 (1) For the purposes of the definition of “registrant”, the person must be authorized to use one of the following titles:
 - (a) “pharmacist” or “pharmacy technician”;
 - (b) “midwife”, “licensed practical nurse”, “nurse practitioner”, “registered nurse” or “registered psychiatric nurse”;
 - (c) “medical practitioner”;
 - (d) “dentist”, “naturopathic physician”, “optometrist” or “podiatrist”.
- (2) A registrant who holds a grant may access PharmaNet only in respect of a person to whom the registrant
 - (a) is directly providing health services, but only to the extent necessary to provide those services, or
 - (b) has directly provided health services, but only to the extent necessary to provide advice or assistance, with respect to those health services, to another registrant who is directly providing health services to that person.
- (3) Subject to subsection (4), a registrant who holds a grant may access a person’s medical history only.
- (4) A registrant who holds a grant and is authorized to use the title
 - (a) “pharmacist” or “pharmacy technician” may access a person’s claims history and medical history, or
 - (b) “medical practitioner” may access a person’s
 - (i) claims history, if the medical practitioner may receive payments for claims under section 18 of the Provider Regulation, and
 - (ii) medical history.

Limits on device provider agent's access

- 2 (1) In this section, a device provider agent is related to another device provider agent if both provide devices and related services through one or more locations, all of which are locations of the same person who is enrolled in the device provider class under the Provider Regulation.
- (2) A device provider agent who holds a grant of access may access PharmaNet only
 - (a) for the purpose of providing benefits through the location of a person who is enrolled in the device provider class under the Provider Regulation, and
 - (b) in respect of a person to whom
 - (i) the device provider agent is directly providing devices and related services, but only to the extent necessary to provide those devices and related services, or
 - (ii) a related device provider agent has directly provided devices and related services, but only to the extent necessary to provide similar devices and related services.

- (3) A device provider agent who holds a grant may access a person’s claims history only, and only in respect of devices and related services provided to the person by the device provider agent.

Limits on on-behalf-of user’s access

- 3 (1) An on-behalf-of user may access PharmaNet only
- (a) on behalf of the user’s principal, and
 - (b) in respect of a person to whom the user’s principal is directly providing health services, devices or related services, but only to the extent necessary to provide those health services, devices and related services.
- (2) An on-behalf-of user is subject to the same limits and conditions that apply to the user’s principal.

SCHEDULE 2

(section 6 and Part 5)

Registrants

- 1 (1) In this section, “pre-existing user” has the same meaning as in section 38 of the regulation.
- (2) For the purposes of section 6 (c) [*eligibility for grant of access*] of the regulation,
- (a) a pre-existing user may apply for a grant of access as a registrant at any time, and
 - (b) a person who is not a pre-existing user may apply for a grant of access as a registrant on or after the date referred to in column 2 of the table below opposite the title that the person is authorized to use.
- (3) For the purposes of sections 39 (2) and 40 [*applications (end date)*] of the regulation, a pre-existing user must apply for a grant of access on or before the date set out in column 3 of the table below opposite the title that the person is authorized to use.

Item	Column 1 Title	Column 2 Applications (Start Date)	Column 3 Applications (End Date)
1	Pharmacy technician	February 1, 2022	April 30, 2022
2	Nurse practitioner	February 1, 2022	April 30, 2023
3	Registered nurse	February 1, 2022	April 30, 2023
4	Registered psychiatric nurse	February 1, 2022	April 30, 2023
5	Licensed practical nurse	February 1, 2022	April 30, 2023
6	Midwife	February 1, 2022	April 30, 2023
7	Pharmacist	March 1, 2022	April 30, 2022
8	Dentist	June 1, 2022	June 30, 2022
9	Podiatrist	June 1, 2022	June 15, 2022
10	Naturopathic physician	June 16, 2022	June 30, 2022
11	Medical practitioner	April 1, 2023	August 15, 2023
12	Optometrist	August 16, 2023	August 31, 2023

Device provider agents

- 2 For the purposes of section 6 (c) [*eligibility for grant of access*] of the regulation, a person may apply, at any time, for a grant of access as a device provider agent.

On-behalf-of users

- 3 For the purposes of section 6 (c) of the regulation, a person may apply, at any time, for a grant of access as an on-behalf-of user if the person's principal is
 - (a) a registrant who is eligible to apply for a grant of access, or
 - (b) a device provider agent.