



The College of Naturopaths of Ontario

Regulatory Guidance

The Right to Access Personal Health Information

In November 2004, the *Personal Health Information Protection Act (PHIPA)* came into effect. Among other things, this law gives patients the right to access or obtain a copy of their personal health information (PHI) and it applies to all individuals and organizations who provide health care services, including naturopathic doctors. Under PHIPA, those who collect and retain PHI are referred to as **Health Information Custodians** (custodians).

The College frequently receives concerns regarding registrants who have declined to provide patients with copies of their records, including laboratory test results, outside of a follow-up appointment. The common reasoning provided is that the College prohibits the release of results without professional interpretation to prevent patient confusion or harm.

This scenario represents a misunderstanding of PHIPA requirements and your responsibilities to your patients as their naturopathic doctor. According to PHIPA, all parts of the patient file, including laboratory results, form a part of a patient's PHI and therefore, patients have a right to access this information from a custodian. Except under rare circumstances, as a naturopathic doctor providing care you have a duty to provide this health information to your patient when they request it, even if it occurs outside of a follow-up appointment. While it is appropriate to advise a patient that you would prefer to review the results with them during an appointment to ensure safety and clarity, you cannot withhold the results if a patient elects not to schedule a follow-up with you.

Process and Timelines for Compliance

A patient may request their records orally or in writing at any time. When a patient requests access, in general you must comply as soon as possible, but no later than 30 days after receiving the request. You may extend this deadline by an additional 30 days but only if fulfilling the request would unreasonably interfere with your practice operations and, if this is the case, you must give the patient written notice of this. Patients also have the right to request faster access to their information when it is needed more urgently and they can support this claim with appropriate documentation.

Financial Considerations and "Reasonable Cost Recovery"

You are permitted to charge a fee for providing copies of records, but the fee must be limited to what is considered "reasonable cost recovery." This takes into consideration the costs of copying records as well as time for administrative review and should be adjusted based on the

volume of information being requested (for example, a copy of an entire health record versus just laboratory test results).

When Can Access be Refused?

Under PHIPA, you can only deny access to PHI in very specific situations, such as when the disclosure is legally restricted, or if providing the records is likely to result in serious harm to you or another individual. If you deny a patient access to their information, you must provide them with an explanation.

If at any point in the process a patient is not satisfied with their ability to access their PHI, they may file a complaint with the Information and Privacy Commissioner (IPC) of Ontario.

Can Patients Ask to Have Their Information Corrected?

Yes, if a patient believes that their personal health information is not accurate or complete, they may make a request to have it corrected. However, the patient must be able to demonstrate to your satisfaction that their record is inaccurate or incomplete and then provide you with the information needed to correct it. If the information is relevant to your ability to provide care, then you are obliged to make the correction or add the update. It is important to note that you are not obligated to change your professional opinion based on the information (but you are not prohibited from doing so).

Additional Resources

[Standard of Practice for Record Keeping](#)

[Website of the Information and Privacy Commissioner of Ontario](#)

[PHIPA, 2004](#)