

Referring to Non-Health Information Custodians

Express Consent before sending an eReferral to a Non-HIC destination

When sending a referral for a patient, it is important to understand if the site receiving the referral is a Health Information Custodian (HIC), under the Personal Health Information Protection Act (PHIPA), or not.

PHIPA law applies to HICs, who are responsible for the Personal Health Information (PHI) in its custody or control and must take certain steps to fulfill that responsibility.

If sending a referral to a site that is clearly labeled as a non-HIC, referring providers should ensure they have express consent from the patient.

Who is a Health Information Custodian (HIC)?

A health information custodian means a person or organization who has custody or control of personal health information as a result of performing the person's or organization's work. A Health Information Custodian (HIC) is responsible for collecting, using and disclosing personal health information on behalf of clients. A HIC is generally the institution, facility or private practice health practitioner that provides health care to an individual. Some examples include:

- Healthcare providers such as doctors, nurses, dentists, psychologists, paramedics, optometrists, physiotherapists, occupational therapists, chiropractors, massage therapists, dieticians, naturopaths and acupuncturists
- Hospitals
- Long-term care homes and homes for special care
- Pharmacies
- Medical laboratories
- Ambulance services
- Community mental health programs

Who is a Non-Health Information Custodian (Non-HIC)?

While many providers and organizations are considered HICs, there are some specific examples of persons/organizations not considered HICs for the purposes of PHIPA.

- some community organizations
- social services agencies
- faith healers or traditional aboriginal healers
- a person providing fitness or weight-management services