

eHealth Ontario

Legal Agreements Guide

Version – 1.5

Contents

Legal Agreements Guide	2
Audience.....	2
Overview.....	2
eHealth Ontario EHR and Connectivity Agreements	3
Legal Agreements Matrix	5
Legal Agreements Process.....	6
Responsibilities Matrix	7
FAQs	8

Legal Agreements Guide

This guide serves as a high-level source of information for the legal agreements related to implementation of, and access to, the ConnectingOntario solution¹ (and other shared electronic health records [EHRs]).

It aims to provide Health Information Custodian (HIC)² Project Managers (PMs) with a general description of each legal agreement so that they can a) identify the ones applicable to their organization and the ones their organization may have already signed for other eHealth Ontario initiatives and b) appropriately support the people in their organization during execution of the agreements.

Privacy and security obligations referenced in the legal agreements are derived from the EHR policies, procedures and supporting materials and should be reviewed in parallel. It is imperative that HIC PMs understand which agreements are applicable to their HIC based on their participation model (e.g., whether a HIC is contributing data to the Acute and Community Clinical Data Repository (acCCR) to ensure successful execution of each within program timelines. The legal agreements must be executed before a HIC either connects to, or sends personal health information (PHI) to a ConnectingOntario environment or has access to shared PHI through the ConnectingOntario ClinicalViewer.

The Legal Agreements Guide applies to both the viewing and acCCR contribution segments of ConnectingOntario.

Audience

This guide is intended for review and comprehension by the participating HIC PMs. Some components may require the engagement of HIC legal counsel and/or those persons at the HIC involved in decisions related to legal agreement matters.

Overview

To access ConnectingOntario ClinicalViewer, each HIC must enter into legal agreements with eHealth Ontario as the agency delivering the ConnectingOntario solution.

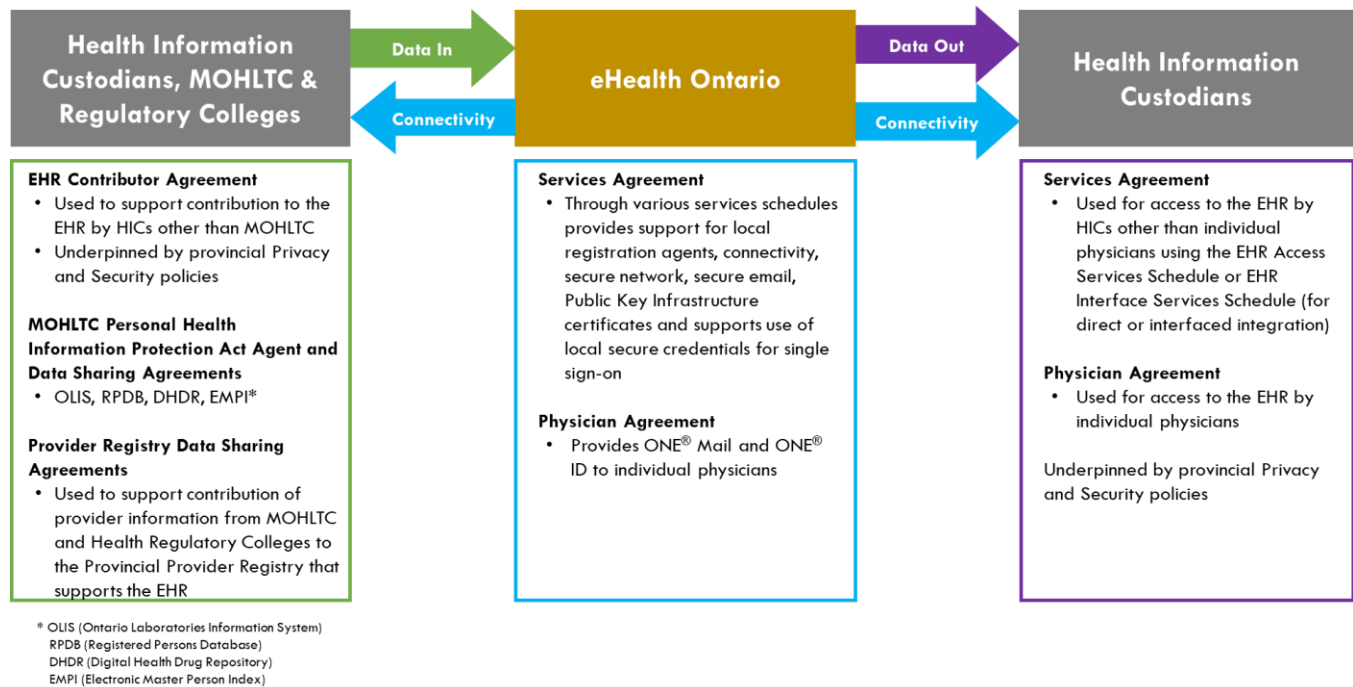
The diagram below illustrates the connectivity, data contribution and data access relationships between eHealth Ontario and HIC, Ministry of Long-Term Care and regulatory colleges from an agreements perspective.

¹The clinical data repository and ancillary systems designed to store and make available specified electronic Personal Health Information (PHI) contributed from the electronic health information systems of participating health information custodians (HICs).

²“HIC” refers to a HIC participating in ConnectingOntario. For example, an “HIC” might be a hospital (possibly with several physical locations), a Local Health Integration Network (LHIN), a long-term care home, or an individual health care practitioner in private practice.

eHealth Ontario EHR and Connectivity Agreements

Common Agreements Framework



MOHLTC PHIPA Agent and Data Sharing Agreements

eHealth Ontario has data sharing agreements in place with the Ministry of Health and Long Term Care that facilitate the use of ministry data assets for the EHR. For example, the data sharing agreement in place with the ministry supports the use of the Ontario Lab Information System (OLIS) results in the ConnectingOntario ClinicalViewer.

EHR Contributor Agreement

eHealth Ontario has data sharing agreements in place across the province with health information custodians including hospitals and LHINs. The EHR Contributor Agreement (ECA) facilitates the use of their data for the EHR and permits other health care providers access to support health care. For example, the ECA supports the use of data from the Diagnostic Imaging Common Service (DI CS) and the ConnectingOntario Acute Care Clinical Data Repository.

Provider Registry Data Sharing Agreements

eHealth Ontario has data sharing agreements in place with the regulatory colleges in Ontario that facilitate the use of regulated health care professionals' information for the EHR. The summary of applicable eHealth Ontario agreements and a brief purpose of each are found in the agreements matrix below.

The type of agreement(s) or service schedules that an HIC must sign is dependent on a number of factors including how an HIC is connected or participating (e.g., contributing data only, contributing and viewing, or just viewing data) and the technology used to connect.

Non-executable, sample copies are available separately for download at www.ehealthontario.on.ca/docs. While the agreements below are relevant to participation in ConnectingOntario, some also apply to other eHealth Ontario EHR initiatives such as access to the Ontario Laboratories Information System and the Diagnostic Imaging Common Service and are already in use. Our agreements office will work with you to determine if your organization already has some of these agreements in place and identify the agreements package relevant to your organization.

When sending agreements to organizations for signing, eHealth Ontario takes the opportunity to refresh or replace older agreements, especially those signed in the mid-to-late 2000's with the previous Smart Systems for Health Agency. Therefore, an organization may receive agreements for signing that are not directly applicable to ConnectingOntario, such as for ONE® Network or ONE Mail.

The Services Agreement

This agreement sits over all the service schedules. eHealth Ontario uses this modular model since health care providers across the province do not all use the same means of access to the EHR, nor do they all subscribe to the same set of technology services.

All the eHealth Ontario agreements and service schedules above are standard across all health care providers across the province. To download sample copies of the non-executable agreements and service schedules, go to www.ehealthontario.on.ca/docs.

Note: From time to time, these agreements may be amended in compliance with the terms and conditions of the applicable agreement.

Legal Agreements Matrix

eHealth Ontario Agreements Framework for EHR Contribution or Access

Agreements & services schedules for: <ul style="list-style-type: none"> EHR contribution EHR viewing through ConnectingOntario, ClinicalConnect, and ONE Portal clinical viewers EHR interface or direct integration 	Applicable to HIC or individuals who are Health Information Custodian as defined in PHIPA.			
	Contributing (using ONE ID credential)	Viewing (using ONE ID credential)	Viewing (using credentials other than ONE ID)	Interface or Direct Integration
EHR¹ Contributor Agreement Supports the use of PHI data contributed by non-MOHLTC HICs to the EHR maintained by eHealth Ontario	Y	N/A	N/A	N/A
Clinical Validation for Contributors Letter Agreement Supports the HIC's personnel to perform clinical validation on their EHR data on behalf of eHealth Ontario	Y	N/A	N/A	N/A
Services Agreement The master agreement covering the various eHealth Ontario services made available through attached services schedules	Y	Y	Y	Y
EHR Access Services Schedule² Supports access to the EHR maintained by eHealth Ontario including PCR, PR, OLIS, DI-CS, acCDR and DHDR	N/A	Y <i>(relevant Health Care Provider Guide(s) required)</i>	Y <i>(relevant Health Care Provider Guide(s) required)</i>	N/A
Registration and Sponsorship Services Schedule (formerly the ONE ID Services Schedule) Supports registration and sponsorship responsibilities and includes the Local Registration Agent Acknowledgement Form	Y	Y	As Required <i>(where a site performs the sponsorship role for its end users)</i>	N/A
Identity Services Schedule Supports access to eHealth Ontario assets using credentials other than ONE ID	N/A	N/A	Y	Y
PKI Services Schedule Supports the use of public key infrastructure certificates for connectivity	As Required <i>(when contribution is from the HIC and not from a hub or shared service)</i>	n/a	As Required <i>(when PKI certificates are used by the HIC)</i>	Y
EHR Interface Services Schedule Supports an interface or direct integration to access the EHR maintained by eHealth Ontario	N/A	N/A	N/A	Y <i>(relevant Site Support Guide(s) required)</i>

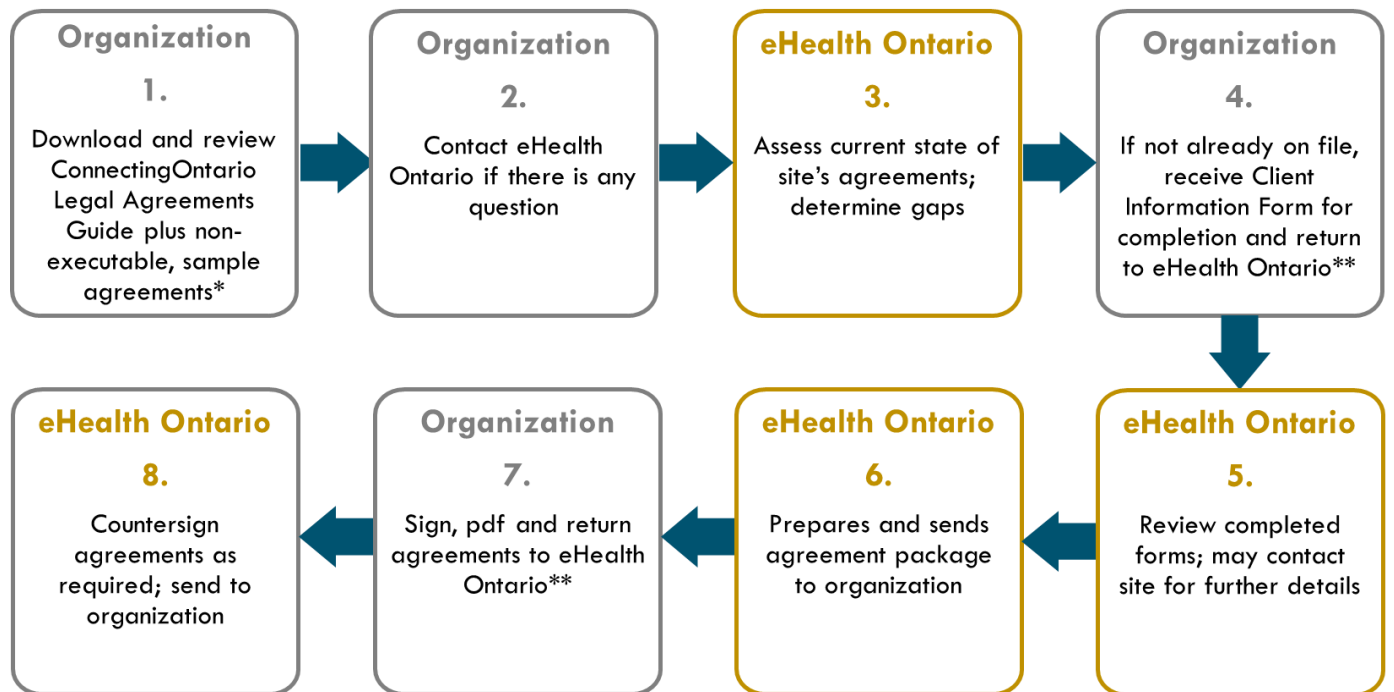
1/ The EHR (electronic health record as defined in PHIPA) maintained by eHealth Ontario includes the following data repositories: Provincial Client Registry (PCR), Provider Registry (PR), Ontario Laboratories Information System (OLIS), DI-Common Service (DI-CS), Acute and Community Clinical Data Repository (acCDR) and Digital Health Drug Repository (DHDR).

2/ The EHR Access Services Schedule is the provincial template signed by all HICs, however there is an eHealth Ontario Physician Agreement used for individual physician practitioners that provides for EHR access and the use of a ONE ID credential and secure ONE Mail account.

Revised September 1, 2019, eHealth Ontario Stakeholder Agreements

Legal Agreements Process

The eight steps in the legal agreements process and the party responsible for each step are displayed below.



*It is recommended that organizations also download and review the policies referenced by particular agreements or service schedules. Non-executable sample agreements and policies are available at www.ehealthontario.on.ca/docs.

**eHealth agreement contact: agreements@ehealthontario.on.ca

The Client Information Form (CIF): if previously submitted for another eHealth Ontario initiative, may not need to be completed again unless the HIC has gone through organizational changes or eHealth Ontario requires additional information to finalize the agreements package.

Responsibilities Matrix

Activity/Deliverable	HIC Responsibilities	eHealth Ontario Responsibilities
HIC signs applicable agreements	<p>If sent a CIF, complete and email to: agreements@ehealthontario.on.ca</p> <p>Direct any questions related to the CIF to: agreements@ehealthontario.on.ca</p> <p>PM and HIC's business lead downloads and reviews the ConnectingOntario Legal Agreements Guide and non-executable, sample agreements.</p> <p><i>Note:</i> It is recommended that HICs also download and review the policies referenced by particular agreements or service schedules. Non-executable sample agreements and policies are available at: www.ehealthontario.on.ca/docs</p>	Provide CIF for distribution to HICs as necessary
	Send any questions or concerns regarding the agreements to agreements@ehealthontario.on.ca	Respond to HIC agreement questions
	Project Team informs CEO and/or organization's executive sponsor that they are satisfied with the privacy and security provisions as well as the legal obligations of the agreements	
		Prepare and send executable copies of applicable agreements to HIC for signing and return
	Obtain executive sign-off on agreements	
		Obtain counter-signatures on agreements where applicable and send pdf versions to HIC
	<p>Return signed pdf versions of agreements to eHealth Ontario to agreements@ehealthontario.on.ca</p> <p><i>Note:</i> original copies will be supplied to HICs upon request.</p>	

1. Q: What is a Client Information Form (CIF)?

A: The Client Information Form gathers information required to prepare the appropriate legal agreements package for your HIC.

2. Q: Does every organization need to complete a CIF?

A: Yes. However, if your organization has previously submitted a CIF for another eHealth Ontario initiative, you may not be required to complete a CIF for the ConnectingOntario initiative unless:

- your HIC has gone through organizational changes; or
- eHealth Ontario requires additional information to finalize your agreements package

3. Q: What is the timeframe from when an organization completes the CIF to receiving the legal agreements package?

A: There is no standard timeframe between when an organization completes a CIF to when they receive their legal agreements package. Once the CIF is received by eHealth Ontario, there are several factors that influence the legal agreements deployment process; you will be advised of potential timelines.

4. Q: Do view only organizations using ONE ID as their access method require PKI certificates?

A: No, view only organizations using ONE ID as their access method do not require PKI certificates.

5. Q: Define the term “Health Information Custodian (HIC)”.

A: A HIC is a person or organization that has custody or control of personal health information as defined in section 3(1) of the Personal Health Information Act (PHIPA). HICs may contribute PHI to the EHRs operated by eHealth Ontario and may access these EHRs for the purpose of providing or assisting with the provision of health care to individuals in their care. HICs have authority and accountability over PHI and they have the relevant PHIPA responsibilities for the PHI they collect for health care purposes.

6. Q: Define the term “Electronic Service Provider”.

A: An Electronic Service Provider is a person or an organization that provides goods or services for the purpose of enabling a health information custodian to use electronic means to collect, use, modify, disclose, retain or dispose of PHI. ~ PHIPA 10(4).

7. Q: What is meant by a View Only organization?

A: Organizations participating in ConnectingOntario are identified as either a Data Contributor or Data Viewing (View Only) organization. View Only organizations will be able to access and view information through the ConnectingOntario ClinicalViewer but are not being asked to submit data to ConnectingOntario at this time.

8. Q: How do we know if our organization is a ONE ID organization?

A: As part of the engagement process, your organization will decide upon the access method best suited to its technical and security processes. ONE ID is one of the possible choices.

9. Q: How do we know if our organization has already implemented ONE ID?

A: Your organization will have signed a ONE ID agreement with eHealth Ontario that allows you to issue ONE ID accounts (FIRSTNAME.LASTNAME@ONEID.ON.CA) to individuals and sponsor them for access to one or more eHealth Ontario services. If you cannot find a record of such an agreement, please contact eHealth Ontario at Connecting.Ontario@ehealthontario.on.ca.

10. Q: How do organizations get ONE ID, if required?

A: If your organization does not yet have a ONE ID Services Schedule or ONE ID agreement with eHealth Ontario, you will be assisted during the ConnectingOntario engagement process to complete the required steps to gain access to the eHealth Ontario ONE ID service.

11. Q: I think my organization has signed one or more of these agreements and service schedules before. Do I need to sign again and how do I find out?

A: You will be assisted during the ConnectingOntario engagement process by our agreements office and they will work with you to determine if your organization already has some of these agreements in place and identify the agreements package relevant to your organization.

12. Q: What is the Clinical Validation letter?

A: The Clinical Validation for Contributors letter enables organizations who contribute to the EHR to perform data validation on behalf of eHealth Ontario.

13. Q: How will the agreements be rolled out for new contributing organizations? How will they be rolled out to organizations currently in progress?

A: For all new organizations contributing to the acCDR, the letter will be part of the Agreements Package to the organization. For all organizations that are currently in progress, the letter will need to be signed prior to Clinical Validation Testing starting.

14. Q: May our Help Desk personnel access PHI?

A: No, Help Desk personnel are not authorized to access PHI.

Copyright Notice

Copyright © 2019, eHealth Ontario

All rights reserved

No part of this document may be reproduced in any form, including photocopying or transmission electronically to any computer, without prior written consent of eHealth Ontario. The information contained in this document is proprietary to eHealth Ontario and may not be used or disclosed except as expressly authorized in writing by eHealth Ontario.

Trademarks

Other product names mentioned in this document may be trademarks or registered trademarks of their respective companies and are hereby acknowledged.