

MEDICAL REFORM GROUP

Box 40074, Toronto, Ontario M6B 4K4

November 23, 2005--FOR IMMEDIATE RELEASE

MD Launches Privacy Complaint Over New Special Diet Application

A family physician with St. Michael's Hospital in Toronto, Dr. Gary Bloch, filed a complaint yesterday with privacy commissioner Ann Cavoukian regarding the new application form for the Special Diet Supplement available to recipients of social assistance.

The new form requires health providers to disclose specific health conditions to social services workers for extra funds to be approved for recipients' special dietary needs. The supplement has been available for almost a decade, and has always required a health care provider's assessment in order for the Ministry of Community and Social Services to approve the extra funds. The health provider simply had to state which special diet a client qualified for, and the supplement was approved.

As of November 18, the Ministry amended Ontario Disability Support Program and Ontario Works regulations with a new form which requires health providers to reveal specific health conditions, including such socially charged conditions as HIV, and send this information to social services.

"The new system forces individuals living in poverty to reveal their health conditions to social services workers who have no right to know such information," said Dr. Bloch. "This constitutes a gross breach of these individuals' right to privacy. The previous system kept confidential health information where it belonged – between a patient and her health care provider."

Dr. Philip Berger, chief of the Department of Family and Community Medicine of St. Michael's Hospital, recalls a similar complaint he filed with Dr. Cavoukian five years ago regarding an application form for recipients of Ontario Disability Support to receive funds for transportation to medical appointments. A negotiated settlement in that case resulted in a change in the form to eliminate the need to reveal confidential health information.

"I can't believe the Ministry hasn't learned from its previous mistakes," Dr. Berger stated. "This looks like another misguided attempt to intrude into the lives of people living in poverty. As a health provider, I am left with an impossible choice: to breach patient confidentiality or to deny my patients their ability to buy food."

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For more information:

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Dr. Philip Berger, (416) 867-3712

Janet Maher, (416) 770-1311

[copy of complaint letter attached]

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November 22, 2005.

Dr. Ann Cavoukian
Information and Privacy Commissioner of Ontario
2 Bloor St. East, Suite 1400
Toronto, ON M4W 1A8

Dear Dr. Cavoukian:

I am writing to express my concern regarding the privacy implications of the new "Application for Special Diet Allowance and Pregnancy Nutritional Allowance" form implemented by the Ontario Ministry of Community and Social Services this month. I have enclosed a copy of the new form.

My primary concern is that this form requires the disclosure of confidential, private medical information to the Ministry of Community and Social Services. This new requirement will result in social services workers with no direct involvement in an individual's health care obtaining information about clients' health conditions. The potential ramifications of this are high, most obviously with a socially charged condition such as HIV, but any unnecessary revealing of a client's health status constitutes a breach of her or his right to privacy.

The special diet application process has functioned for many years without the need to reveal this information. The process (both old and new) requires an assessment of a client's eligibility for a special diet by her or his health care provider. There is no additional benefit to client care from a third party's involvement in this assessment process. In addition, this results in inequitable treatment of individuals already vulnerable due to their poverty.

I feel this new form represents an unnecessary impingement on individuals' right to privacy. I have attached a letter Dr. Philip Berger, Chief of the Department of Family and Community Medicine at St. Michael's Hospital, wrote to you in May, 2000, regarding similar concerns he had about a transportation allowance form for recipients of ODSP. I have also included your commission's response which outlines the negotiated settlement to address the privacy concerns in that case.

I greatly appreciate your attention to this matter.

Sincerely,

[Original signed by
Gary Bloch MD CCFP]