


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL


Order in Council No. 354 , Approved and Ordered JUL 16 2009


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 the attached Disclosure Directive Regulation is made.


Minister of Health Services


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: *E-Health (Personal Health Information Access and Protection of Privacy) Act, S.B.C. 2008, c. 38, ss. 9 and 26*

Other (specify):

DISCLOSURE DIRECTIVE REGULATION

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Definitions

- 1 In this regulation:

“**Act**” means the *E-Health (Personal Health Information Access and Protection of Privacy) Act*;

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

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

“**parent**” means a parent as defined in the *Child, Family and Community Service Act*.

Persons who may make or revoke disclosure directives

- 2 (1) An adult may make or revoke a disclosure directive on behalf of himself or herself or on behalf of another person in respect of whom the adult has authority under the common law or an enactment to make personal and health care decisions.
- (2) Subject to subsections (3) and (4), a parent may make or revoke a disclosure directive on behalf of his or her minor child.
- (3) A minor who, in the opinion of the minister, understands the nature and consequences of making a disclosure directive may make or revoke a disclosure directive on his or her own behalf.
- (4) A disclosure directive made by a parent on behalf of a minor child ceases to be effective on the child’s 19th birthday.

Conditions respecting making and revoking disclosure directives

- 3 In addition to the requirements in section 9 of the Act, a disclosure directive or the revocation of a disclosure directive must
 - (a) be in a form and contain information satisfactory to the minister,
 - (b) be signed by the person making or revoking the directive, and
 - (c) be accompanied by the following:
 - (i) in the case of a directive made or revoked on the person’s own behalf, a photocopy of
 - (A) the person’s British Columbia CareCard, and
 - (B) other identification satisfactory to the minister, issued by the government of Canada or a provincial or territorial government, for the person;

- (ii) in the case of a directive made or revoked by a parent on behalf of a minor child, a photocopy of
 - (A) the British Columbia CareCard of the child for whom the directive is made or revoked,
 - (B) other identification satisfactory to the minister, issued by the government of Canada or a provincial or territorial government, for the parent making or revoking the directive, and
 - (C) the child's birth certificate;
- (iii) in the case of a directive made or revoked by a person on behalf of another adult, a photocopy of
 - (A) the British Columbia CareCard of the person for whom the directive is made or revoked,
 - (B) identification satisfactory to the minister, issued by the government of Canada or a provincial or territorial government, for the person making or revoking the directive and the person on whose behalf the directive is made or revoked, and
 - (C) documentation satisfactory to the minister providing evidence that the person making or revoking the directive has authority under the common law or an enactment to make personal and health care decisions on behalf of the person on whose behalf the directive is made or revoked.

Forwarding disclosure directives and revocations to minister

- 4** A disclosure directive or the revocation of a disclosure directive must be forwarded to the minister in a manner specified by the minister.