

Standard of Practice S-004
Quality Assurance Committee
Approved by Council: November 16, 1996
Amended: November 30, 2002

Note to Readers: In the event of any inconsistency between this document and the legislation that affects chiropractic practice, the legislation governs.

Intent

To advise members of the importance of reporting a specified disease so as to prevent spreading and protect the health of the people of Ontario.

Objectives

This standard of practice is consistent with the purpose of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended (*HPPA*), section 2, which provides:

“The purpose of this Act is to provide for the organization and delivery of public health programs and services, the prevention of the spread of disease, and the promotion and protection of the health of the people of Ontario.”

Description of Standard

- The *HPPA* requires chiropractors to notify the local medical officer of health as soon as possible of any reportable diseases defined in the regulations.
- Chiropractors are required to maintain confidentiality of all information concerning a person in respect of whom a report is being made with the exception of complying with the Act.
- Chiropractors are protected from liability for making a report in good faith.
- It is an offence punishable by fine for chiropractors to fail to comply with their obligation to report reportable diseases.

Legislative Context

The governing legislation is the *HPPA*. Specific relevant provisions are outlined below.

Duty to Report Disease

The duty to report specified diseases to the medical officer of health is outlined in section 25 of the *HPPA*, which provides:

“A physician or a person registered under Parts II, IV, V or VI or the *Health Disciplines Act* to practise a health discipline or a person registered as a drugless practitioner under the *Drugless Practitioners Act* who, while providing professional services to a person who is not a patient in or an out-patient of a hospital, forms the opinion that the person has or may have a reportable disease shall, as soon as possible after forming the opinion, report thereon to the medical officer of health of the health unit in which the professional services are provided.”

Confidentiality

The duty to report diseases includes the duty to report identifying information (e.g., the patient’s name), notwithstanding the duty of confidentiality owed to the patient. Section 39, subsection 1 of the *HPPA* provides, in part:

“No person shall disclose to any other person the name of or any other information that will or is likely to identify a person in respect of whom an application, order, certificate or report is made in respect of a communicable disease, a reportable disease, a virulent disease or a reportable event following the administration of an immunizing agent.”

Subsection 1 does not apply,

- “where the disclosure is made with the consent of the person in respect of whom the application, order, certificate or report is made; and
- in connection with the administration of or a proceeding under this Act, the *Health Disciplines Act*, the *Public Hospitals Act*, the *Health Insurance Act*, the *Canada Health Act* or the *Criminal Code* (Canada), or regulations made thereunder...”

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Protection from Liability for Reports

Chiropractors are afforded protection for liability arising from reporting diseases in good faith. Subsection 95 (4) of the *HPPA* provides:

“No action or other proceeding shall be instituted against a person for making a report in good faith in respect of a communicable disease or a reportable disease in accordance with Part IV.”

Offence - Failing to Report

It is an offence to fail to report diseases in accordance with *HPPA*. Subsection 100 (2) of the *HPPA* provides:

“Any person who contravenes a requirement of Part IV to make a report in respect of a reportable disease, a communicable disease or a reportable event following the administration of an immunizing agent is guilty of an offence.”

The penalty for failing to report is outlined in subsection 101 of the *HPPA*, which provides:

“Every person who is guilty of an offence under this Act is liable on conviction to a fine of not more than \$5,000 for every day or part of a day on which the offence occurs or continues.”

Definition of Reportable Diseases

Diseases that must be reported by chiropractors are listed in Ontario Regulations 559/91 and 129/96, under *HPPA*.

Please Note

If copies of the Act or Regulations are required, they may be obtained from the Ontario Government Bookstore, located at:

880 Bay Street
Toronto, ON M7A 1N8
Tel.: (416) 965-2054

Regulation 560 of Revised Regulations of Ontario, 1990, is revoked.

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Ontario Regulation 129/96

Effective Date: April 1, 1996

Section 1 of Ontario Regulation 559/91 is amended by adding the following:

- Cryptosporidiosis

The following diseases are specified as reportable diseases for the purposes of the Act:

- Acquired Immunodeficiency Syndrome (AIDS)
- Amebiasis
- Anthrax
- Botulism
- Brucellosis
- Campylobacter enteritis
- Chancroid
- Chickenpox (varicella)
- Chlamydia trachomatis infections
- Cholera
- Cryptosporidiosis
- Cyclosporiasis
- Cytomegalovirus infection, congenital
- Diphtheria
- Ebola virus disease
- Encephalitis, including:
 - primary, viral
 - post-infectious
 - vaccine-related
 - subacute sclerosing panencephalitis
 - unspecified
- Food poisoning, all causes
- Gastroenteritis, institutional outbreaks
- Giardiasis, except asymptomatic cases
- Gonorrhea
- Group A Streptococcal infections, invasive
- Group B Streptococcal infections, neonatal
- Haemophilus influenza B disease, invasive
- Hentavirus
- Hemorrhagic fevers, including:
 - Marburg virus disease
 - other viral causes
- Hepatitis:
 - viral
 - Hepatitis A
 - Hepatitis B
 - Hepatitis C
 - Hepatitis D (Delta hepatitis)
- Herpes, neonatal
- Influenza
- Lassa Fever
- Legionellosis
- Leprosy
- Listeriosis
- Lyme Disease
- Malaria
- Measles
- Meningitis:
 - acute
 - bacterial
 - viral
 - other
- Meningococcal disease, invasive
- Mumps

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- Ophthalmia neonatorum
 - Paratyphoid Fever
 - Pertussis (Whooping Cough)
 - Plague
 - Poliomyelitis, acute
 - Psittacosis/Ornithosis
 - Q Fever
 - Rabies
 - Respiratory Infection Outbreaks in Institutions
 - Rubella
 - Rubella Congenital Syndrome
 - Salmonellosis
 - Shigellosis
 - Streptococcal pneumonia, invasive
 - Syphilis
 - Tetanus
 - Trichinosis
 - Tuberculosis
 - Tularemia
 - Typhoid Fever
 - Verotoxin-producing E. Coli infection indicator conditions, including Hemolytic Uremic Syndrome (HUS)
 - Yellow Fever
 - Yersiniosis