



Review of the Missing Persons Act

Presentation to the Standing Committee on Families and Communities

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February 21, 2018

Overview

- CARNA is the regulatory college and professional association for Alberta's 38,000 registered nurses and nurse practitioners.
- We support the Missing Persons Act and believe that the Act has some potential for improvement.
- We also support Bill 210 and the "Silver Alert" tool it adds to support police services in finding missing vulnerable adults.
- The Missing Persons Act can be used to support patient care and safety when a patient is missing.

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Areas for Improvement

- We suggest strengthening the Act in four ways, chiefly in the area of collection and distribution of health records.
 1. Reason for discharge and admission
 2. “Any person/*ex parte*” qualification
 3. Missing Persons Act and Health Information Act
 4. Code of Ethics

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Recommendation #1

- Section 4 (e) of the Act states that police can request health information that might indicate a missing person has been admitted to hospital, including reasons for admission.
- The “*reason for*” admission may be necessary and relevant in locating a missing person, but so is the “reason for discharge”.
- **Recommendation:** Specify reason for collecting this information and, if information is relevant, expanding to include “*reason for discharge*”.

Recommendation #2

- Section 3 of the Act provides a procedure for receiving an order for records regarding a missing person; application for this order can be made *ex parte*.
- Section 5 of the Act provides that police may apply to a justice of the peace for an order directing production of requested records.
- This is not subject to qualifications outlined in Section 4 of the Act and could apply to every record containing health information.
- **Recommendation:** The information in Section 3 (f) be subject to qualifications.

Recommendation #3

- Section 4 of the Health Information Act (HIA) provides that no other Act or regulation can overrule the HIA unless the other Act or regulation specifically states that it can do so.
- Section 3 of the HIA states that health information can only be disclosed in accordance with the HIA.
- **Recommendation:** Include explicit language in the Missing Persons Act if Section 3 is meant to clearly override the HIA.

Recommendation #4

- Nurses are subject to ethical obligations when it comes to health information according to the Code of Ethics for Registered Nurses (2017).
 - A nurse's ethical duty is to disclose only the minimum amount of information necessary for the purpose
- The information required to be produced by “any person” under sections 3 and 4 of the Missing Persons Act contradicts the HIA provisions that allow only certain information to be disclosed by a “custodian”.
- **Recommendation:** That the Missing Persons Act be aligned with the provisions of the HIA to the greatest extent possible.

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Questions

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