

# VIHA Health Facts



## Section 51 of the *Evidence Act*

If a patient experiences an adverse event while under our care, VIHA staff do everything possible to make sure nothing similar happens to another patient.

Examples of adverse events include unanticipated medical outcomes leading to harm or even death, significant medication errors, or patterns of smaller events that warrant investigation. An adverse event triggers a formal patient safety review to learn everything possible to prevent harm to future patients. Any event review to improve the quality of patient care is protected under Section 51 of the *Evidence Act*.

### What is Section 51?

VIHA is committed to fostering a culture that values learning from adverse events. Section 51 supports this goal by promoting frank and open discussion about all the factors and circumstances leading to the event. Without this protection, health care professionals may be unwilling to candidly discuss adverse events, and the opportunity to improve patient care could be lost. A non-punitive approach to reviews ensures that lessons learned translate into improved quality and safety.

Under Section 51, most information and documentation collected as part of a patient safety review to improve quality cannot be disclosed or used in legal proceedings. Records, summaries, reports and opinion collected by a designated quality improvement committee during the review are not permitted to be disclosed.

### Disclosure of Information Following a Section 51 Review

The following information is NOT protected under Section 51, though it should be noted that patient information is protected under other privacy legislation:

- The fact that a patient-focused quality of care review was conducted and when it occurred.
- Any information contained in the patient chart.
- Facts contained in the incident report not contained in the patient chart.
- Medical facts learned in the course of the review.

All other records created during the proceedings of a review, including the opinions expressed by the participants of the review, the findings, and the conclusions of the review committee must not be disclosed beyond the health authority board of directors and health care professionals.

In some circumstances it is important to share information arising from a Section 51-protected review with external parties, including the patient and/or family. In these cases, actions implemented as a result of the recommendations that come out of a review may be disclosed, as well as any additional relevant medical facts learned during the review.