



E-health update

Background

A major component of Australia's e-health system will be the Personally Controlled Electronic Health Record (PCEHR). It is intended to provide the individual with their own health record which they are confident contains information that is correct and relates to them, not someone else.

Consumers/individuals will have the choice whether to opt-in to the system. According to the Minister for Health and Ageing, Nicola Roxon, people will have access to their e-health records from 1 July 2012.

Earlier this week, Minister Roxon released the *Concept of Operations: Relating to the introduction of a Personally Controlled Electronic Health Record System*¹ (September Concept of Operations). This follows the earlier *Concept of Operations* in April, and the August *Personally Controlled Electronic Health Record System: Legislation Issues Paper* (the PCEHR Legislation Issues Paper). AFAO provided submissions regarding both of these.

Update

The September Concept of Operations is intended "to provide an overview of the Personally Controlled Electronic Health Record (PECHR) System and how it will work"². AFAO raised a range of issues in its previous submissions, but three key relevant issues to highlight are:

i) Opt-in vs Opt-out system

There has been much discussion about whether the PCEHR system should be an opt-in or opt-out system. The Government's position has been and remains that it is an 'opt-in' system. AFAO endorsed this position in our submission to the April Concept of Operations where we stated that:

consent to opting in must be informed by an understanding of how the system works, the nature and extent of information that will be shared among health professionals, and the

¹Available for download at: <http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/content/pcehr>

² Australian Government, *Concept of Operations: Relating to the introduction of a Personally Controlled Electronic Health Record System*, September 2011, p. 9.

range of practitioners that may have access to the person's medical information.

We note that the Consumer Health Forum has changed its view. Until July/August, it had supported the opt-in model, however, it has since reversed its stance. It argues that consumers are more comfortable now with online health records. AFAO has not changed its position. We believe that while some benefits may flow from an opt-out model, the opt-in approach will best ensure a system that respects individual privacy and as a result earns consumer confidence, thus encouraging better continuity of healthcare.

ii) Removal of 'no access'

The PCEHR Legislation Issues Paper outlined different levels of access control that consumers would be able to choose in order to control their privacy effectively. In the most recent September Concept of Operations, the 'no access' provision has been removed. AFAO in its previous submissions had supported the 'no access' provision and so this removal is disappointing.

The 'no access' provision allowed for an individual to keep potentially sensitive information linked to their PCEHR, such as their HIV status, without worrying about that information being generally accessible. With the 'no access' provision, they retained the discretion to reclassify that sensitive information temporarily for the purposes of a specialist appointment, affording a significant degree privacy and thus generating overall confidence in the system.³

iii) Governance issues remain unaddressed

AFAO's submission to the PCEHR Legislation Issues Paper noted the absence of any comprehensive governance framework, including complaints mechanisms. This remains unaddressed.

According to National E-Health Transition Authority (NEHTA) clinical lead Mukesh Haikerwal there is a strong need for better governance. He stated⁴:

There is no governance...We need to know who is going to run the system, who is going to be approached when something is deemed to have gone wrong and when someone has used the system wrongly. We need to work that through the legislative framework around the PCEHR

³ AFAO, Submission on Personally Controlled Electronic Health Record System: Legislation Issues Paper, 3 August 2011, p. 6.

⁴ The Australian Financial Review, 13 September 2011.

Conclusion

AFAO will provide a submission to the September Concept of Operation, addressing the points above and other key issues. We welcome input from across the AFAO membership.