

Explanatory Statement

Health Records (Privacy and Access) (Fees) Determination 2011 (No 1)

Disallowable instrument DI2011–1

made under the

Health Records (Privacy and Access) Act 1997, s 34

This Determination of Fees revokes and replaces the Determination of Fees DI2009-170, notified on 16 July 2009.

The Determination comes into effect the day after notification and changes Determination DI2009-170 as follows:

- The wording has been simplified to make the provisions clearer.
- Numbering of items has been continued through the determination for consistency.
- The wording in item (d) has been changed for clarity.
- The fee for copies of medical imaging has been removed to avoid duplication and conflict with fees for the same service which is determined under section 192 of the *Health Act 1993*.
- The wording in item (e) has been changed for clarity.
- Items (g) (h), (i), (j), and a heading for the items have been added to be consistent with the changes made to Principle 11 in the *Health Legislation Amendment Act 2010 (No 2)*, where health records are transferred on relocation or closure of a health service practice.
- The title for Principle 12 has been changed for clarity and to be consistent with the recent changes made to Principle 12 in the *Health Legislation Amendment Act 2010 (No 2)*. The changes to Principle 12 include:
 - where health records are transferred when a consumer moves to another health service provider under Principle 12.1 of the Act; and
 - when a health service provider moves to another health service practice under Principle 12.2 of the Act.
- The wording for item (k) under Principle 12 has been changed for clarity and to be consistent with recent changes made in the *Health Legislation Amendment Act 2010 (No 2)* to allow for the transfer of on original or copy of a health record at the request of the consumer.

- Item (1) under Principle 12 has been added as the recent changes made in the *Health Legislation Amendment Act 2010 (No 2)* now provides for the consumer to request a written summary of their health record from their health provider when either the consumer or health service provider moves to another health practice.

The fees schedule balances the importance of ensuring that fees are not a barrier to accessing health records with the need to ensure service providers receive reasonable reimbursement for the cost of providing access to the health records they hold.