



# Healthcare Identifiers Amendment Regulation 2012 (No. 1)<sup>1</sup>

**Select Legislative Instrument 2012 No. 160**

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Healthcare Identifiers Act 2010*.

Dated 28 June 2012

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

TANYA PLIBERSEK  
Minister for Health

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**1 Name of regulation**

This regulation is the *Healthcare Identifiers Amendment Regulation 2012 (No. 1)*.

**2 Commencement**

This regulation commences on the day after it is registered.

**3 Amendment of *Healthcare Identifiers Regulations 2010***

Schedule 1 amends the *Healthcare Identifiers Regulations 2010*.

**Schedule 1 Amendments**

(section 3)

**[1] Regulation 3**

*insert*

*evidence of identity process* means the process to confirm the identity of a healthcare provider organisation's responsible officer and organisation maintenance officer undertaken by:

- (a) if the responsible officer or organisation maintenance officer is an individual healthcare provider who is registered by a registration authority as a member of a health profession—the Australian Health Practitioner Regulation Agency; or
- (b) in any other case—the service operator.

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**[2] Regulation 3**

*insert*

**PCEHR Act** means the *Personally Controlled Electronic Health Records Act 2012*.

*Note* For the definitions of the following terms, see section 5 of the Act:

- individual healthcare provider
- network organisation
- organisation maintenance officer
- PCEHR System Operator
- responsible officer
- seed organisation
- service operator.

**[3] Paragraph 5 (1) (c)**

*omit*

number.

*insert*

number;

**[4] After paragraph 5 (1) (c)**

*insert*

- (d) the status of the healthcare identifier assigned under paragraph 9 (1) (a) of the Act to the individual healthcare provider.

*Example* Active, deactivated or retired.

**[5] Paragraph 5 (2) (c)**

*omit*

number.

*insert*

number;

**[6] After paragraph 5 (2) (c)**

*insert before the note*

- (d) the status of the healthcare identifier assigned under paragraph 9 (1) (a) of the Act to the healthcare provider organisation;

*Examples* Active, deactivated or retired.

- (e) if applicable, the organisation's business name on the register established under section 22 of the *Business Names Registration Act 2011*;

*Note* Also see paragraph 7 (2) (a) of the Act which states that the name of the healthcare provider is also identifying information.

- (f) the type of healthcare service the healthcare provider organisation provides to another healthcare provider or a healthcare recipient;

*Examples* General practice services, public hospital services or diagnostic imaging services.

- (g) the name, date of birth and date of death (if applicable) of the healthcare provider organisation's responsible officer and organisation maintenance officer;
- (h) the work address, email address, telephone number and fax number of the healthcare provider organisation's responsible officer and organisation maintenance officer;
- (i) the identifying number assigned to the organisation's responsible officer and organisation maintenance officer by the service operator;
- (j) whether an evidence of identity process has been undertaken for a healthcare provider organisation's responsible officer and organisation maintenance officer;
- (k) if an evidence of identity process is being undertaken for a healthcare provider organisation's responsible officer and organisation maintenance officer—the name of the agency or service operator undertaking the process;
- (l) if an evidence of identity process has been undertaken for a healthcare provider organisation's responsible officer and organisation maintenance officer—the name of the agency or service operator that undertook the process, the outcome of the process and when the process was undertaken;

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- (m) the record that specifies the network address and technical requirements permitting electronic messages to be sent to the healthcare provider organisation;
  - (n) any other network organisation or seed organisation within the meaning of section 9A of the Act that the healthcare provider organisation is linked to in a network.

**[7] After regulation 8**

*insert*

**12 Limit on collection, use and disclosure of information**

For paragraph 22D (3) (a), the following information is prescribed:

- (a) information that relates to the healthcare recipient's medical and other treatment or benefits received by the recipient through the Repatriation Pharmaceutical Benefits Scheme under the *Veterans' Entitlements Act 1986*;
- (b) information that relates to the healthcare recipient's compensation and rehabilitation under the *Safety, Rehabilitation and Compensation Act 1988*;
- (c) information that relates to the treatment of service injuries and diseases, rehabilitation or compensation of a healthcare recipient under the *Military Rehabilitation and Compensation Act 2004*.

**13 Authorisation of collection, use and disclosure related to PCEHR system—registration of healthcare recipient**

For section 22E of the Act, a healthcare provider is authorised to collect, use and disclose a healthcare recipient's identifying information and healthcare identifier to the PCEHR System Operator so far as:

- (a) the disclosure is to assist in applying for registration of the healthcare recipient as a consumer under Division 1 of Part 3 of the PCEHR Act; and

- (b) the collection, use or disclosure is reasonably necessary for the performance of a function of the PCEHR System Operator in relation to the PCEHR system.

*Note* A function of the PCEHR System Operator is to register consumers and participants in the PCEHR system: see paragraph 15 (f) of the PCEHR Act.

**14 Authorisation of collection, use and disclosure related to PCEHR system—healthcare providers**

For section 22E of the Act, the following persons are authorised to collect, use and disclose a healthcare provider's identifying information and healthcare identifier to a participant in the PCEHR system for the purposes in paragraph 22E (f) of the Act:

- (a) a healthcare provider;
- (b) the PCEHR System Operator;
- (c) the service operator.

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**Note**

- 1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.comlaw.gov.au](http://www.comlaw.gov.au).