



My Health Records (Assisted Registration) Rule 2015

My Health Records Act 2012

I, SUSSAN LEY, Minister for Health, make this Rule under section 109 of the *My Health Records Act 2012*.

Dated 14 December 2015

SUSSAN LEY
Minister for Health

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Part 1 Preliminary

1. Name of Rule

This Rule is the *My Health Records (Assisted Registration) Rule 2015*.

2. Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3. Repeal

The *PCEHR (Assisted Registration) Rules 2012* are repealed.

4. Definitions

- (1) In these Rules, unless the contrary intention appears:

Act means the *My Health Records Act 2012*;

assisted registration means the process, in accordance with subrule (2), in which a registered healthcare provider organisation assists a healthcare recipient to apply to register for a My Health Record.

Note: Other terms used in these Rules have the same meaning as in the Act: see section 13 of the *Legislative Instruments Act 2003*. These terms include: **authorised representative, healthcare recipient, employee, identifying information, My Health Record, My Health Record system, registered healthcare provider organisation, and System Operator**.

- (2) Assisted registration:

- (a) allows a registered healthcare provider organisation to submit identifying information to the System Operator on behalf of a healthcare recipient who is applying to be:
- (i) registered under section 41 of the Act or under clause 6 of Schedule 1 to the Act; or

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- (ii) recognised by the System Operator, under section 6 of the Act, as an authorised representative of a person aged under 18 years:
 - (A) for whom the healthcare recipient asserts parental responsibility; and
 - (B) who is applying to be registered under section 41 of the Act or under clause 6 of Schedule 1 to the Act; and
 - (b) requires the registered healthcare provider organisation to check the identity of the healthcare recipient who is making the application, in accordance with Rule 7 of these Rules, before asserting that identity to the System Operator.
- (3) For the purposes of paragraph 4(2)(a), the healthcare recipient who is applying to be recognised by the System Operator, under section 6 of the Act, as an authorised representative of a person aged under 18 years, must:
- (a) be co-located on the same Medicare card as the person; or
 - (b) be applying in respect of a person who is aged not more than 14 days; or
 - (c) be the subject of a declaration by the healthcare provider organisation that it supports the healthcare recipient's assertion under sub-subparagraph 4(2)(a)(ii)(A) of parental responsibility for the person.

Part 2 Assisted registration

Division 1 Application for registration

5. Application for registration

For the purposes of paragraph 15(f) of the Act, the System Operator may permit healthcare recipients to apply to register for a My Health Record through assisted registration.

Division 2 Undertaking assisted registration

6. Eligibility to undertake assisted registration

For the purposes of paragraph 15(f) and subsections 109(3) and (5) of the Act, assisted registration of a healthcare recipient may be undertaken only by an employee of a registered healthcare provider organisation who is authorised by that organisation for that purpose.

Note: Employee has the same meaning as in section 5 of the Act. It includes: (a) an individual who provides services for the entity under a contract for services; and (b) an individual whose services are made available to the entity (including those services made free of charge).

7. Identification of healthcare recipient

Before asserting a healthcare recipient's identity to the System Operator for the purpose of assisted registration, the registered healthcare provider organisation must:

- (a) exercise reasonable care in identifying the healthcare recipient; and
- (b) be satisfied that the healthcare recipient is the person whose identity is to be asserted to the System Operator.

Note: Giving false or misleading information to the System Operator is a serious offence under section 137 of the *Criminal Code Act 1995*.

8. Declaration to support a healthcare recipient's assertion of parental responsibility

Before making a declaration to support a healthcare recipient's assertion of parental responsibility for a person, the healthcare provider organisation must exercise reasonable care.

9. Healthcare recipient consent

Before a registered healthcare provider organisation undertakes assisted registration, the organisation must:

- (a) confirm that the healthcare recipient consents to registration with the My Health Records system; and
- (b) where the healthcare recipient is applying to be registered under section 41 of the Act – confirm that the healthcare recipient consents to registered healthcare provider organisations uploading to the My Health Record system any record that includes health information about the healthcare recipient, subject to paragraphs 41(3)(a) and (b) of the Act.

10. Must inform healthcare recipient of alternative methods of registration

Before providing assisted registration for a healthcare recipient, a registered healthcare provider organisation must inform the healthcare recipient that an application to register may be made at a Medicare office, by telephone, by the Internet, or by mail.

Division 3 Retention of Records of consent**11. Records of healthcare recipients' consent no longer required to be kept**

A record of a healthcare recipient's consent created under the *PCEHR (Assisted Registration) Rules 2012*:

- (a) is no longer required to be stored or retained by:

My Health Records (Assisted Registration) Rule 2015

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- (i) the healthcare provider organisation who assisted the healthcare recipient register with the My Health Records system; or
 - (ii) the System Operator; and
 - (b) must be destroyed as soon as practicable by the entity holding the record of consent after becoming satisfied that the record is not likely to be required:
 - (i) if the entity is a healthcare provider organisation – for the purpose of meeting that entity’s own record keeping requirements;
 - (ii) for the purposes of investigating, reviewing or taking any action in relation to a complaint relating to that record; or
 - (iii) for the purpose of complying with a direction by the System Operator to retain that record.