



PCEHR (Assisted Registration) Rules 2012

Personally Controlled Electronic Health Records Act 2012

I, TANYA PLIBERSEK, Minister for Health, make these Rules under section 109 of the *Personally Controlled Electronic Health Records Act 2012*.

Dated 7 December 2012

TANYA PLIBERSEK
Minister for Health

Contents

Part 1	Preliminary	3
1.	Name of Rules	3
2.	Commencement	3
3.	Definitions	3
Part 2	Assisted registration	4
Division 1	Application for registration	4
4.	Application for registration	4
Division 2	Undertaking assisted registration	4
5.	Eligibility to undertake assisted registration	4
6.	Identification of consumer	4
7.	Consumer consent	4
8.	Must inform consumer of alternative methods of registration	5
Division 3	Security requirements	5
9.	Healthcare provider organisation policies	5

Part 1 Preliminary

1. Name of Rules

These Rules are the *PCEHR (Assisted Registration) Rules 2012*.

2. Commencement

The *PCEHR (Assisted Registration) Rules 2012* commence on the day after they are registered on the Federal Register of Legislative Instruments.

3. Definitions

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

Act means the *Personally Controlled Electronic Health Records Act 2012*;

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

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: **approved form**, **authorised representative**, **consumer**, **employee**, **identifying information**, **PCEHR**, **PCEHR 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 consumer who is applying to be:
 - (i) registered under section 41 of the Act; or
 - (ii) recognised by the System Operator, under section 6 of the Act, as an authorised representative of a person aged under 18 years:
 - (A) who is co-located on the same Medicare card as the consumer; and
 - (B) for whom the consumer asserts parental responsibility; and
 - (C) who is applying to be registered under section 41 of the Act; and
- (b) requires the registered healthcare provider organisation to check the identity of the consumer who is making the application, in accordance with Rule 6 of these Rules, before asserting that identity to the System Operator.

Part 2 Assisted registration

Division 1 Application for registration

4. Application for registration

For the purposes of paragraph 15(f) of the Act, the System Operator may permit consumers to apply to register for a PCEHR through assisted registration.

Division 2 Undertaking assisted registration

5. 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 consumer 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).

6. Identification of consumer

Before asserting a consumer'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 consumer; and
- (b) be satisfied that the consumer is the person whose identity is to be asserted to the System Operator.

7. Consumer consent

- (1) A registered healthcare provider organisation that undertakes assisted registration must record, in writing, the consumer's consent to apply to be registered through assisted registration and for the purpose of subsection 41(3) of the Act.
- (2) A consumer's consent must be recorded in a form approved by the System Operator.
- (3) The registered healthcare provider organisation must do one, or both, of the following:
 - (a) store the record of the consumer's consent for not less than three years from the date the consumer gave that consent in the approved form;

- (b) submit the record of the consumer's consent to the System Operator not more than 30 days after the consumer gave that consent in the approved form.
- (4) The System Operator must retain the record of the consumer's consent that has been submitted by a registered healthcare provider organisation for not less than three years from the date the consumer gave that consent in the approved form.

Note: The System Operator cannot register a consumer if the consumer does not consent to a registered healthcare provider organisation uploading to the PCEHR system any record that includes health information about the consumer, subject to express consumer advice that particular records not be uploaded and prescribed laws: see subsections 41(3) and (4) of the Act.

8. Must inform consumer of alternative methods of registration

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

Division 3 Security requirements

9. Healthcare provider organisation policies

For the purposes of rule 25 of the *PCEHR Rules 2012* and in addition to the matters specified in subrule 25(4) of the *PCEHR Rules 2012*, the written policy of a registered healthcare provider organisation that undertakes assisted registration must reasonably address:

- (a) the manner of authorising employees of the organisation to provide assisted registration;
- (b) the training that will be provided before a person is authorised to provide assisted registration;
- (c) the manner of recording a consumer's consent and how that record will be handled for retention purposes; and
- (d) the process and criteria for identifying a consumer for the purposes of assisted registration.

Note: Registered healthcare provider organisations must provide to the System Operator a copy of its written policy upon request under rule 26 of the *PCEHR Rules 2012*.