


AMA

***Medico-legal issues around the
PCEHR***

MIIA Forum

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Current Context:

- AMA supports the vision
- not front of mind
- complex
- changing
 - time frames



Penny Dropped?

- clarification re GP MBS consultation item
 - Other medical specialists?
- postponement capability for ePIP requirement



Ongoing Issues:

- Practical availability of:
 - compliant software
 - functional software
- Practices' development/implementation:
 - policies
 - procedures
- for obligations:
 - PCEHR Regulatory framework
 - HPOs under Partnership Agreement



Regulatory Framework Issues:

- Complex
- Onerous
- Substantial penalties
- High emphasis on compliance

- Zero incentive for participation



AMA recommendation:

- Re-orientate
- Support doctor-patient relationship
 - specific principle in Act's application



Medico-legal Issues:

- Potentially wide issues
 - complex interactions
 - variable quality supporting information
- Low population participation
- Cannot assume completeness
- No case law



AMA Guide to PCEHR:

<http://ama.com.au/pcehr>

- Dynamic information
- Guidance



AMA Guide to PCEHR:

- Broad areas of medico-legal potential
 - Practice preparation
 - relationship to practice medical records
 - Consent
 - nature and timing, uploading, accessing, recording
 - Information access
 - disclosure, in emergency
 - Working with patients and with the PCEHR system
 - Professional use



AMA Guide Key Messages:

- Address how practice will use PCEHR
- Policies and protocols
 - record
 - educate staff
- Clear documentation
 - contemporaneous
 - all interactions
- Seek MII advice



Contemplate the Locum:

- Practice have policies & procedures?
- My role & obligations?
- This patient have a PCEHR?
- Consent? Recorded?
- Who is NHP?
- Is there a SHS? When?
- Other providers? Share what with whom? How?



AMA as part of the Solution:

- Information
 - Plain English
 - “How to”
 - By users
- One-stop-shop
- Liaise with others
 - anticipate issues