



## **AMA Submission on the Exposure Draft of the Healthcare Identifiers Bill 2010**

The AMA has reviewed the Exposure Draft of the Healthcare Identifiers Bill 2010 (the Bill) and seeks clarification in respect of disclosure of healthcare identifiers.

Doctors are frequently required to provide patient records in a variety of circumstances, beyond that of transferring records directly between other healthcare providers, such as for Medicare compliance audits, Professional Services Review (PSR), to health insurers and medical indemnity insurers and to courts under subpoena. It will be impractical for doctors to remove patient healthcare identifiers from records they are required to produce in these circumstances.

The AMA is concerned that subclause 17(4) of the Bill does not sufficiently protect doctors from disclosing healthcare recipients' healthcare identifiers in all of these cases and that doctors could be held in breach of the legislation.

We think doctors may be protected from disclosing healthcare recipients healthcare identifiers to the PSR (see section 89B of the *Health Insurance Act 1973*), to health insurers (see subclause 16 of the Bill) and to courts under subpoena. However we are not confident there will be sufficient protection in respect of Medicare compliance audits and for medical indemnity purposes.

Section 129AAD (2)(b) of the Health Insurance Amendment (Compliance) Bill 2009 states that doctors must only provide documents relevant to ascertaining whether the amount (of Medicare benefit) paid in respect of the professional service should have been paid. In our view the healthcare identifier is not relevant to this purpose, and therefore doctors could be in breach of the Bill if they disclose a healthcare recipient's healthcare identifier when complying with a Medicare audit.

Further, particular provision needs to be made in the Bill to permit doctors to disclose healthcare recipients' healthcare identifiers to their medical indemnity insurers.

Should you have any queries in relation to our submission please contact Belinda Highmore, Manager, Medical Practice and eHealth on 6270 5439 or [bhighmore@ama.com.au](mailto:bhighmore@ama.com.au)

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