



Government of **Western Australia**
Department of **Health**

My Health Record Patient Consent

health.wa.gov.au

My Health Record operates under standing consent

Under the *My Health Record Act 2012*, you may view and upload information into the My Health Record if you have a legitimate reason to access the system (e.g. provide care to a patient) and are authorised to do so.

Consent to access

A provider is authorised, by law, to view a My Health Record without seeking consent each time, if:

1. The provider is permitted by the organisation to access the My Health Record
2. The provider is accessing in order to provide healthcare to the patient.

Consent to upload

Unless an individual withdraws consent, or the information relates to a prescribed state or territory law, a provider is authorised to upload health information to their My Health Record.

Authorisation is, by law and through a patient's 'standing, consent' given at registration.

Withdrawal of consent for upload in NACS

- If a patient chooses to withdraw their consent for upload of information to My Health Record, you are **required** to override the automated upload in NACS.
- Currently, only finalised discharge summaries are uploaded from NaCS (i.e. inpatient episodes). **Before** selecting 'finalise discharge summary' you will be required to select the 'My Health Record Exclusion' checkbox.

My Health Record Exclusion

The patient or their attending doctor do not want this summary to be uploaded to the patient's My Health Record (where available)



Withdrawal of consent for Radiology and Pathology Reports

- Consent/withdrawal of consent is recorded in webPAS – field called: “Consent to upload to MHR”
- You can update the “Consent to upload to MHR” on different screens in webPAS.
 - Demographic screen: the consent to upload/withdraw the documents to MHR is set for all the episodes of care from that point forward.
 - ED, In-patient Admission, OPD screen: will withdraw or reinstate upload of Diagnostic Imaging and Pathology Reports for **that specific** episode of care only.

Emergency access to *restricted patient records*

By default, documents in an individual's My Health Record are set to general access for healthcare providers. This means you can view all documents within an individual's record in an emergency situation.

The "Emergency access or break glass" should be used only if a patient has restricted access to My Health Record (has applied a restrict access code) and the clinician is faced with the restricted access screen and it is an emergency as outlined below.

Under the *My Health Record Act 2012 & Regulation 2016*, two criteria need to be met to use the 'breakglass' function:

When it is necessary to either:

- 'lessen or prevent a serious threat to an individual's life, health or safety',

OR

- 'lessen or prevent a serious threat to public health or public safety';

AND

- 'it is unreasonable or impracticable to obtain the recipient's consent to the collection' (otherwise, MHR may be accessed via general access).



‘Breakglass’ workflow

To ‘breakglass’, take the following steps:

- 1. Check what you can see through general access.**
If there are no access controls applied, there is no need to break glass (i.e. patient has not restricted access on the record).
- 2. Ensure it is an emergency**
- 3. Consult with and obtain verbal authorisation** from the most senior clinician on duty to breakglass.
- 4. Access My Health Record and use “Breakglass”**
- 5. Document** who you have consulted and your reasons for breaking glass in your clinical notes. To assist with audit, complete “MHR- Emergency Access form at the time or upon audit request.



Key information

- My Health Record is a secure, personally controlled, online summary of an individual's health information.
- A provider is authorised, by law through standing consent, to upload health information about the individual to their My Health Record unless the individual withdraws their consent or the information relates to a prescribed State or Territory law.
- In emergency ('breakglass') situations, clinical notes should include who you have consulted.
- If patients have questions about My Health Record, they can speak with a dedicated customer service representative 1800 723 471 or visit the website: www.myhealthrecord.gov.au