

## **Additional Comments**

### **Australian Greens**

The Australian Greens support the Committee recommendation that further measures are adopted to ensure that patient clinical records are only required to be accessed where necessary in the Medicare compliance audit process and that the specific measures are detailed in the regulations.

The primary aim of the new measures is to minimise the need to access clinical records in the Medicare audit process. The Greens propose a two stage process to achieve this by first, introducing a mandatory electronic data collection mechanism as part of every patient consultation and second, outlining a process to determine when clinical records must be accessed and then provide maximum protection for patient confidentiality once it is determined that access is necessary.

The first stage measure to enable the provision of more accurate detail of patient consultations as a matter of course would require doctors to complete an electronic form for each consultation which would provide the basic details relevant to the Medicare audit process such as length of time, purpose, referrals etc in a tick a box format. This would be completed on line during the consultation as a matter of course.

The second stage measure is the multi-staged review process which includes proposals outlined in submissions from PIAC and the Privacy Commissioner to the Committee. This process ensures that any decision to assess clinical information is made separately from the routine audit process and follows a number of steps to ensure sensitive information is handled with due care and confidentiality.

1. Medical advisers have oversight of all audits involving clinical information;
2. Provision of a clear definition of what constitutes "a reasonable concern" to conduct a review of the health provider against which a determination is made;
3. The decision to investigate patient records is made by senior officers delegated by the Medicare CEO, with oversight by medical advisers;
4. If it is decided 'reasonable concern' exists, a Privacy Impact Assessment is made to justify accessing patient records including that there is no other way to obtain the necessary information and that the investigation is in the public interest;
5. The PIA will include assessment of whether the necessary information can be gained by de-identified records without undermining the integrity of the audit process;

6. The patients, or their authorised decision maker, should be advised that their personal health record is to be accessed for the purpose of a compliance audit.
7. That if the patient or their authorised decision maker objects to the use of their personal medical record and provides reasons, the decision to access information is subject to an internal review, and the patient is provided with written reasons for the decision.

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Australian Greens