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Member briefing: Legislation reform to enable health information sharing – Consultation

The Department of Health and Human Services (DHHS) is developing a clinical information sharing (CIS) solution which uses a single digital interface to allow health information from services to be stored and held in a central location by DHHS, before being securely shared with other public hospitals and health services. DHHS held a consultation process in November 2020 on potential legislative reform to enable this process.

Summary

The proposed CIS solution intends to support treating practitioners to securely share health information to provide a more substantial picture of a person's treatment history; and allow patients to move between services and receive treatment over an extended period in a safe and coordinated way.

Key features of the proposed CIS solution include:

- unique patient identification capability
- no requirement to gain patient consent to share or store the information
- a 'patient portal', with patients required to know what information is held about them
- new governance and regulatory arrangements, policy and operational guidelines to support confidentiality protections, such as a new clinical information sharing oversight committee
- access being limited to clinicians working in Victorian public hospitals and health services, while only authorised hospital staff will have access to a patient's health information
- rigorous and proactive auditing of access to the CIS solution, as well as active monitoring of usage
- information being collated from different EMRs around the state to help build the CIS solution
- that DHHS is the data custodian, so has responsibility to ensure the integrity of the CIS solution's data
- no change to health services' liability obligations after the proposed legislative change. Public hospitals and health services will not be legally required to consider a patient's prior medical record in the course of treatment.

Healthcare information stored in the CIS solution will include:

- patient demographic details
- inpatient, emergency and outpatient attendance details
- future outpatient bookings
- pathology results
- imaging reports, and links to image storage
- discharge summaries, emergency department summaries, theatre summaries
- medications summary details (on discharge)
- alerts and allergies
- correspondence

The consultation was focused on seeking feedback on proposed regulation amendments. Services are currently enabled to only share information within the service. Minor amendments to the *Health Services Act 1988* and *Health Records Act 2001* are required, which will authorise the department and public hospitals and health services to collect, use and disclose sensitive identified health information between and across public hospitals and health services for patient care purposes. The proposed legislation in the consultation document will only initially cover public hospitals, multipurpose services, denominational hospitals, metropolitan hospitals and public health services. It is intended that

the legislative reform would include a provision enabling additional health services to be included in the future via regulations, such as independent community services and ambulance services. DHHS also proposes to establish new regulations for the Governor in Council to prescribe a person or body as a clinical information sharing entity, as well as enable retrospective use of already collected information.

VHA submission

The VHA developed a submission to the consultation, available [here](#), which, supports the overarching aims of the CIS while highlighting issues around its proposed development and introduction in practice.

The submission expresses concern that the proposed CIS solution may not be the most appropriate mechanism to achieve the intended aim for patients to move between services and receive treatment over an extended period in a safe and coordinated way. In response to this, the VHA made a series of recommendations, including calling for:

- a pilot trial of the proposed CIS solution, with a commitment to reviewing the legislation after two years
- expansion of the proposed CIS solution to facilitate information and data sharing with all parts of the health system including the private sector, primary and community health and ambulance services
- substantial investment to support implementation of the CIS solution to achieve an equal baseline of digital competency across Victorian health services, such as the establishment and improvement of compatible electronic medical records systems (EMRs), patient information systems and client management systems
- standardised information sharing strategies, policies and protocols for all involved services
- a consumer-controlled CIS solution to be considered to safeguard privacy and confidentiality by allowing patients to opt-out, apply for access to their records and request that information is not disclosed
- rigorous consumer consultation to address key concerns about the proposed CIS solution
- privacy safeguard mechanisms to be developed in close consultation with clinical and non-clinical experts including mental health professionals and social workers, as well as incorporating learnings from other sectors including existing family violence information sharing principles and protections
- a comprehensive and targeted suite of communications for specific audiences including health and community health services, clinicians and communities to support implementation
- any auditing processes to be streamlined to reduce the administrative burden on individual health services
- a comprehensive consultation to be held with participating services to determine details of the operational guidelines and delegated responsibilities for protocol implementation in the event of a privacy/data breach
- consistent penalties that are aligned with the penalties associated with My Health Record.

Next steps

The Department is currently considering the consultation responses and will then provide a summary to the Minister for Health in progressing the next stages of this legislative reform. The legislation is expected to be introduced in 2021, with the CIS deployed after its successful passage. The VHA will continue to monitor development of the proposed reform. Members are encouraged to get in contact to share any further insights.



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