

Senate Community Affairs Committee

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH AND AGEING PORTFOLIO

Budget Estimates 2012-2013, 30 & 31 May and 1 June 2012

Question: E12-367

OUTCOME 10: Health System Capacity and Quality

Topic: EHealth

Type of Question: Written Question on Notice

Number of pages: 1

Senator: Senator Boyce

Question:

At the time of writing we are 24 days away from launching the PCEHR into the public space and yet it seems that crucial issues of liability have not been worked out and in fact vendors and clinical participants are refusing to sign contracts prepared by and given to them by NEHTA because of widespread disquiet with provisions in those contracts to do with 'liability' issues. Accordingly I ask the following questions;

- a) Why have contracts been prepared by NEHTA that contain clauses in regard to liability when these issues are still the subject of negotiation and far from being resolved?
- b) In this regard please note the evidence given by Dr Mitchell in the recent May Budget estimates (see page 91 Estimates transcript May 30);

"So one of the bodies of work that we did quite early was to work with the Australian Medical Association on some guidelines about what might be appropriate use of the personally controlled electronic health record. We did that with an intent to minimise risk and to set some peer standards around the use of the product. Now, those guidelines are currently in draft form and they are still being widely consulted on through the profession."

Answer:

a) and b)

The Department of Health and Ageing, not the National E-Health Authority (NEHTA), is responsible for the participation agreement for healthcare provider organisations. The Department has negotiated acceptable terms for the personally controlled electronic health record (PCEHR) healthcare provider organisation participation agreement, in close consultation with key stakeholders including medical indemnity insurers, the Australian Medical Association and other healthcare provider representative bodies. A number of shareholders have publicly supported the arrangements.