

PARLIAMENTARY INQUIRY QUESTION ON NOTICE

Department of Health and Aged Care

Senate Standing Committee on Community Affairs Legislation Committee Health Legislation Amendment (Modernising My Health Record—Sharing by Default) Bill 2024 [Provisions]

PDR Number: IQ25-000006

Practitioner compliance during transition

Written

Senator: Jordon Steele-John

Question:

1. This Bill includes the option for practitioners to apply for an extension.
 - Please outline the criteria that practitioners need to meet to obtain an extension.
 - What is the maximum amount of time for the extension period?
2. Will there be a grace period during which civil penalties will not be applied to practitioners and medicare benefits will not be withheld for practitioners who do not upload information? If so, how long will the grace period be?
3. Will practitioners be notified of failure to comply and allowed to remediate the failure before penalties are applied?

Answer:

1. The Bill provides the Australian Digital Health Agency (the Agency) as the My Health Record System Operator, the ability to grant providers additional time to connect and meet the share by default requirements, having regard to their size, technical capabilities, impacts on the provision of healthcare and any other relevant considerations.

The Agency will have discretion as to the period of an extension granted, based on the parameters outlined above. No maximum time period will be prescribed.

2. Yes. To support the transition to the new arrangements, the requirement to share, including the enforcement of any penalties, and conditional Medicare payments, will only start when the Share by Default Rules commence.

Dependant on the outcomes of consultation, it is anticipated that once the Share by Default Rules are finalised, they will have a delayed commencement to provide time for industry and providers to transition.

3. Yes. While the Bill establishes a strong compliance framework to support the shift to mandatory sharing to My Health Record, it is intended that the focus of compliance efforts will be educative, supporting providers to upload and respond in the event of technical issues.

It is intended that enforcement provisions would be implemented with appropriate lead times to enable prescribed entities to achieve compliance.

Further, any compliance activities will consider any issues or circumstances to be taken into account and would allow the provider to remedy the issue before reclaiming Medicare payments from providers.