Australian Capital Territory

Health Records (Privacy and Access) (Fees) Determination 2023 (No 1)

**Disallowable instrument DI2023-31**

made under the

Health Records (Privacy and Access) Act 1997, s 34

EXPLANATORY STATEMENT

This instrument revokes and replaces the Determination of Fees DI2021-265, notified on 22 November 2021.

This instrument comes into effect on 1 April 2023 and reproduces DI2021-265 except for:

* fees have increased by Wage Price Index of 3.25% (rounded);
* item (a) has been amended to include “Includes search fee and time of birth requests";
* the fee at item (b) i) has been identified as being for a hard copy and two new fees have been added for electronic copies of health records;
* item (f) has been added, which states that no fee is payable for a copy of a record for a patient’s continued treatment or care;
* minor numbering changes; and
* the date of effect.

The fees schedule balances the importance of ensuring that fees are not a barrier to accessing health records with the need to ensure service providers receive reasonable reimbursement for the cost of providing access to the health records they hold.

|  |  |  |
| --- | --- | --- |
| **Fee** | **Old Fee** | **New Fee** |
| View a health record under the Act, section 13C(2)(a). (Includes search fee and time of birth requests). | $16.60 | $17.10 |
| Provision of a copy of a health record inclusive of any search fee under the Act, section 13C(2)(b)(i): |  |  |
| 1. Hard copy – Up to 50 pages 2. Electronic Delivery, includes secure encrypted email and via the MyDHR Portal 3. Electronic Delivery via Encrypted USB | $45.50  N/A  N/A | $47.00  $17.10  $33.10 |
| **Fee** | **Old Fee** | **New Fee** |
| Provision of a copy of a health record for health records containing more than 50 pages inclusive of any search fee under the Act, section 13C(2)(b)(i). | $45.50 | $47.00 |
| plus an additional 40 cents per page charged for each page copied over 50 pages | plus an additional 40 cents per page charged for each page copied over 50 pages |
| Provision of an accurate summary of a health record under the Act, section 13C(2)(b)(ii), or a written summary of a health record under the Act, section 13C(2)(b)(iii). | $94.70 | $97.80 |
| To view a health record and have its contents explained by a health service provider under the Act, section13(C)(2)(c), or to discuss the health record with a health service provider, under the Act, section 16(2) or section 16(C). | A fee equal to the health service providers usual consultation fee | A fee equal to the health service providers usual consultation fee |
| Provision of a copy of a health record for a patients’ continued treatment or future care. | N/A | No fee |
| When a health service provider notifies of a practice closure or relocation and transfers the health records or copy of the health records to another health service provider or record keeper. | No Fee | No Fee |
| When a health service provider notifies of a practice closure or relocation and transfers a copy of a health record at the request of the consumer to the consumer or another health service provider nominated by the consumer. | $45.50 | $47.00 |
| plus an additional 40 cents per page charged for each page copied over 50 pages | plus an additional 40 cents per page charged for each page copied over 50 pages |
| When a health service provider notifies of a practice closure or relocation and transfers a written summary of a health record at the request of the consumer to the consumer or another health service provider nominated by the consumer. | $94.70 | $97.80 |
|  |  |
| When a health service provider notifies of a practice closure or relocation and chooses to transfer an original health record at the request of the consumer to the consumer or another health service provider nominated by the consumer. | The cost of actual postage | The cost of actual postage |
| **Fee** | **Old Fee** | **New Fee** |
| Provision of a health record or copy of a health record inclusive of any search fee at the request of the consumer. | A fee of $16.60 plus the cost of actual postage | A fee of $17.10 plus the cost of actual postage |
| Provision of a written summary of a health record at the request of the consumer. | $94.70 | $97.80 |