

Health Records (Privacy and Access) (Fees) Determination 2009 (No 1)

Disallowable instrument DI2009–170

made under the

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

1 Name of instrument

This instrument is the *Health Records (Privacy and Access) (Fees) Determination 2009 (No 1)*.

2 Commencement

This instrument commences on 1 August 2009.

3 Payment of Fees

The determined fees mentioned in the schedule for a service, are payable to the health service provider by the person to whom the service is provided.

4 Waiver

A person to whom a fee is payable may waive the fee in part or in full if the person is satisfied that:

- (a) the fee would result in hardship; or
- (b) it would otherwise be unreasonable to charge the fee.

5 Discount

The determined fees for health card holders is 50% of the fees listed in the Schedule to this determination.

6 Revocation

This instrument revokes DI2008-186 effective on 1 August 2009.

7 Schedule of fees

The fee for the purposes of the service listed in Column 1 of the Schedule to this determination shall be the amount listed in Column 2. GST is not applicable as these fees are exempt under Division 81 of the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth).

Katy Gallagher
Minister for Health
Date 16 July 2009

SCHEDULE

This is the schedule referred to in the Determination of Fees under section 34 of the *Health Records (Privacy and Access) Act 1997*.

Column 1 Service	Column 2 Amount
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Fees for consumer access to health records

(a) To view a record pursuant to section 13C(2)(a) of the Act.	A fee of \$12.00
(b) Provision of a grey scale copy of a health record pursuant to section 13C(2)(b)(i) of the Act up to 50 pages inclusive of any search fee other than a request by a consumer to provide access to their solicitor or insurer.	A fee of \$34.00
(c) Provision of a copy of a health record pursuant to section 13C(2)(b)(i) of the Act for health records containing more than 50 pages inclusive of any search fee other than a request by a consumer to provide access to their solicitor or insurer.	A fee of \$34.00 plus an additional 20 cents per page charged for each page copied over 50 pages
(d) Provision of a written summary of a health record in accordance with section 13C(2)(b)(ii) or (iii).	A fee of \$70.00
(e) Provision of a copy of a record where the record is or contains an image of a hardcopy which is owned by the record keeper (ie where the service has not been paid for by the health consumer.)	A fee of \$12.00 plus the costs incurred by the health service provider to copy the image
(f) A request to view a record and have its contents explained pursuant to section 13C(2)(c) of the Act, or the acceptance of an offer from the record keeper to discuss the record with the health consumer pursuant to section 16(2) or section 16C of the Act.	A fee equal to the health service providers usual consultation fee

Fees for access to health records by solicitor and insurer

For fees for access to health records by a consumer's solicitor or insurer - see fees determined under section 192 of the *Health Act 1993*.

Fees for transfer of health records under Principle 12

Provision of a health record or a copy of a health record (including a written summary if provided) pursuant to Principle 12 of the Act inclusive of any search fee.	A fee of \$12.00 plus the cost of actual postage
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