

# My Health Record Emergency Access

*These steps assume that your software is connected to the My Health Record system, the patient has a My Health Record and their individual healthcare identifier (IHI) has been validated in your system.*

In certain circumstances (under Section 64 of the *My Health Records Act 2012*), a clinician can use the emergency access function in the My Health Record system to temporarily override any access controls that may be in place on an individual's My Health Record. All use of the emergency access provision is **monitored** by the Australian Digital Health Agency, as System Operator of the My Health Record system.

The emergency access provision may **only be used if** the healthcare provider reasonably believes:

- it is necessary to lessen or prevent a serious threat to the life, health or safety of an individual; **AND**
- it is unreasonable or impracticable to obtain the consent of the healthcare recipient whose My health Record is to be accessed

OR

- access to the record is necessary to lessen or prevent a serious threat to public health or public safety.

This document outlines two scenarios where emergency access could apply:

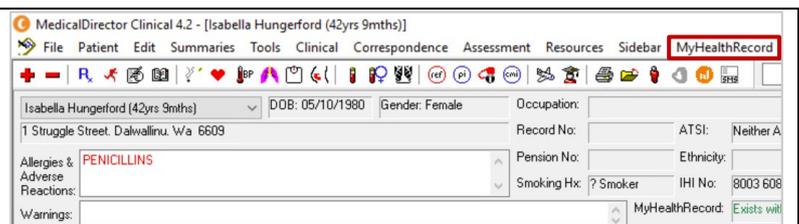
- 1) Where an individual has restricted access to their entire record
- 2) Where access to certain documents has been restricted.

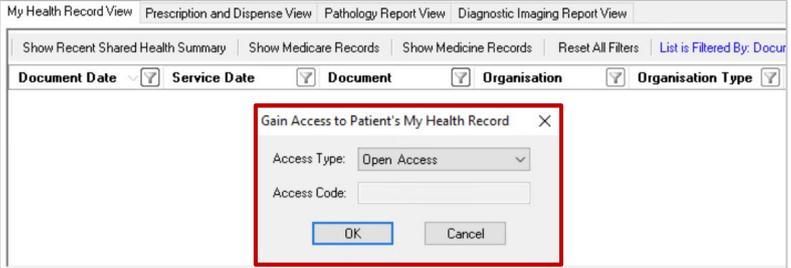
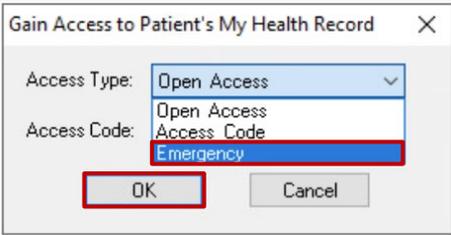
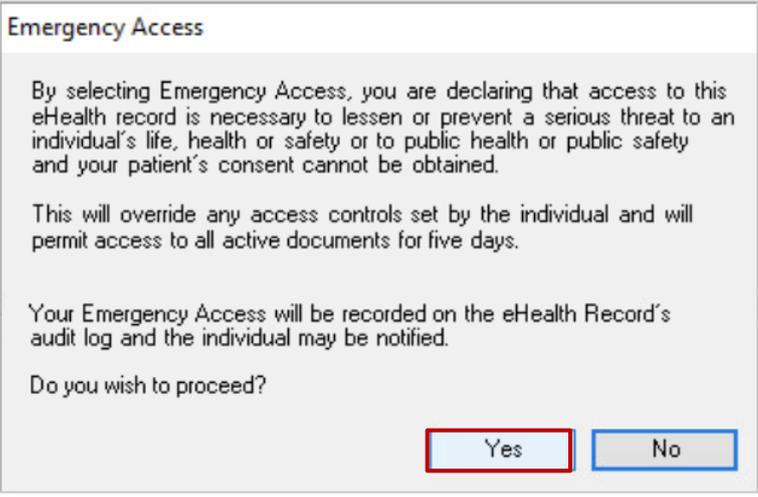
## Using emergency access where an individual has restricted access to their entire My Health Record with a Record Access Code

Using emergency access will allow a clinician to view an individual's My Health Record, including any restricted information or documents (except for deleted information, hidden documents and personal health notes). When a clinician uses the emergency access function, their organisation will be granted access for 5 days. Once this period ends, all access to the individual's My Health Record reverts to their previous settings.

### STEP 1:

To access the patient's My Health Record, select **My Health Record** from the top menu.



<p><b>STEP 2:</b> The document list window will appear with a <b>Gain Access to Patient’s My Health Record</b> pop-up.</p>	
<p><b>STEP 3:</b> If you believe the circumstances meet the requirements for emergency access, using the drop-down menu, select <b>Emergency</b> and click <b>OK</b> (otherwise, chose “Access Code” and enter the Record Access code, if provided by the individual).</p>	
<p><b>STEP 3:</b> The <b>Emergency Access</b> window will appear. Read the information in the window carefully to ensure you understand the declaration you are about to make. To confirm the emergency access request, click <b>Yes</b>.</p> <p>Once the data is retrieved, you will now have full access to the individual’s My Health Record for 5 days (except for deleted information, hidden documents and personal health notes).</p>	

### Using emergency access where an individual has restricted access to certain documents in their My Health Record

An individual may restrict access to certain documents in their My Health Record. Where an individual has restricted access to certain documents (and not provided the clinician with an access code), the clinician can use general access to view the unrestricted content of the individual’s My Health Record. There is no indication in the My Health Record to alert a clinician to the existence of any restricted documents.

When a clinician is already viewing an individual’s My Health Record (general access) they may only use the emergency access function to temporarily override any access controls that may be in place to view restricted documents, if:

The healthcare provider reasonably believes:

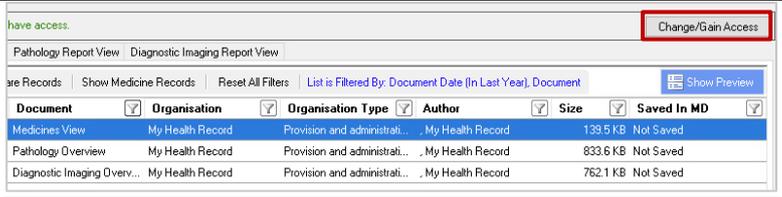
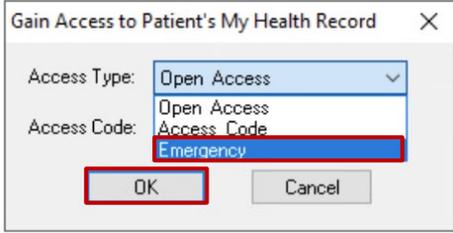
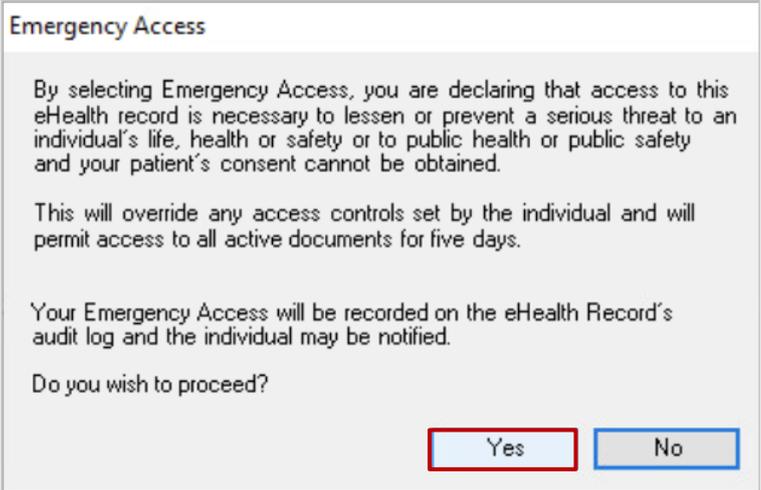
- it is necessary to lessen or prevent a serious threat to the life, health or safety of an individual; **AND**
- it is unreasonable or impracticable to obtain the consent of the healthcare recipient whose My health Record is to be accessed

**OR**

- access to the record is necessary to lessen or prevent a serious threat to public health or public safety.

If the clinician reasonably believes overriding any access controls that may be in place on restricted documents is necessary for the reasons set out above, they may use the emergency access function. Using the emergency access function in these circumstances will allow the clinician to view restricted documents within an individual’s My Health Record for 5 days, along with all other information normally visible under ‘general access’.

Emergency access function where general access has already been gained

<p><b>STEP 1:</b> If you are already viewing the individual’s My Health Record and you believe the circumstances meet the requirements for emergency access to be used to view any restricted documents in the individual’s record, click <b>Change/Gain Access</b> button in the document list window.</p>	 <p>The screenshot shows a web interface with a document list. At the top right, there is a button labeled 'Change/Gain Access' which is highlighted with a red rectangular box. Below the button is a table with columns: Document, Organisation, Organisation Type, Author, Size, and Saved In MD. The table contains three rows of document information.</p>
<p><b>STEP 2:</b> A <b>Gain Access to Patient’s My Health Record</b> pop-up will appear. Using the drop-down menu, select <b>Emergency</b> and click <b>OK</b>.</p>	 <p>The screenshot shows a dialog box titled 'Gain Access to Patient’s My Health Record'. It has a close button (X) in the top right. There are two dropdown menus: 'Access Type' and 'Access Code'. The 'Access Code' dropdown is open, and 'Emergency' is selected and highlighted with a blue background. Below the dropdowns are two buttons: 'OK' and 'Cancel'. The 'OK' button is highlighted with a red rectangular box.</p>
<p><b>STEP 3:</b> The <b>Emergency Access</b> window will appear. Read the information in the window carefully to ensure you understand the declaration you are about to make. To confirm the emergency access request, click <b>Yes</b>.</p>	 <p>The screenshot shows a window titled 'Emergency Access'. It contains the following text: 'By selecting Emergency Access, you are declaring that access to this eHealth record is necessary to lessen or prevent a serious threat to an individual’s life, health or safety or to public health or public safety and your patient’s consent cannot be obtained.' Below this is another paragraph: 'This will override any access controls set by the individual and will permit access to all active documents for five days.' A third paragraph states: 'Your Emergency Access will be recorded on the eHealth Record’s audit log and the individual may be notified.' At the bottom, it asks 'Do you wish to proceed?' and has two buttons: 'Yes' and 'No'. The 'Yes' button is highlighted with a red rectangular box.</p>

# My Health Record Emergency Access continued

## STEP 4:

If the individual has restricted access to certain documents in their My Health Record, these documents will now be displayed. You will now have full access to all documents in the individual's My Health Record for 5 days (except for deleted information, hidden documents and personal health notes).

If the individual does not have restricted documents in their My Health Record, no further documents will be displayed.

The screenshot shows the My Health Record interface for patient IHI: 8003 6083 3337 8628. It displays a table of documents with columns for Document Date, Service Date, Document, Organisation, Organisation Type, Author, Size, and Saved In MD. The selected document is a Discharge Summary from 03 Apr 2017 at a Medical Center, authored by Dr Terrence Walker. Below the table, the 'START OF DOCUMENT' section shows patient details: Mr Isabella HUNGERFORD, DoB 5 Oct 1980 (36y), SEX Female, IHI 8003 6083 3337 8628. The discharge summary details include: Author: Dr Terrence Walker, Phone: 5555-6666, Discharge To: Other/Home, Discharge From: Ward. A Health Profile section is also visible, noting it may contain subsections for Adverse Reactions and Alerts. At the bottom, there are buttons for 'Create Clinical Document', 'Supersede', 'Remove from My Health Record', 'Save in MD', and 'Close'.

For more information on emergency access, visit the Australian Digital Health Agency website: <https://www.digitalhealth.gov.au/healthcare-providers/initiatives-and-programs/my-health-record#emergency-access>

For upcoming training opportunities, visit Events and Webinars: <https://www.digitalhealth.gov.au/newsroom/events-and-webinars>

Please note:

- The Australian Digital Health Agency monitors all use of the emergency access function.
- Healthcare provider organisations may be contacted and asked to review instances of emergency access.
- Data breach reporting obligations may apply if unauthorised access occurs.

For assistance contact the My Health Record helpline on **1800 723 471** or email [help@digitalhealth.gov.au](mailto:help@digitalhealth.gov.au)

