

Electronic Health Records: Legal Issues

In the next generation, it will seem as old fashioned for doctors to give the same tablets to all patients with a heart condition as it once was when the law required a man to walk in front of a motor vehicle carrying a white flag. ‘Precision medicine’ will enable medications and other treatments to be given to patients taking account of their own specific characteristics. To do this effectively, we will need to amend our privacy laws and to have an effective method of securely recording and retrieving patients’ medical details when needed, both to treat that person and to assist in treating his or her blood relatives.

Instead of focussing on the right of individual patients to control their personal information themselves, and not to have information about them collected or used without their consent, we should take a more holistic view. We should acknowledge the potential advantages for patients in having their information recorded in a secure form in a central register which can be accessed by their health professionals as the need arises. This will minimise unnecessary repeated procedures and enable treatment to be personalised for individual patients.

Already, there have been significant steps towards a system of this type, with recent amendments to privacy legislation and research guidelines. The Healthcare Identifiers Bill 2010, a joint initiative of all Australian Governments, is currently before the Australian Parliament. If passed, it will establish a national system for consistently identifying consumers and healthcare providers.

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