



## Factsheet - Transferring a health record on health practice closure, merger and relocation or where a consumer or health practitioner moves to another practice

The following information will assist with compliance with changes to the ACT health record law that comes into effect on 1 October 2010

### 1 – Health Practice Closure, Merger or Relocation - Record Keeper Responsibilities

- 1.1 IF a health practice is closing, merging or relocating and consumer health records are being relocated, the health service provider must:
1. Thirty days before closing, merging or relocating the practice, place a public *transfer notice* in the local newspaper stating:
    - (a) the practice is closing, merging or relocating,
    - (b) that a consumer may make a *transfer request* for a copy or written summary of their health record to be given to the consumer or their nominated health service provider,
    - (c) that the transfer request must be made within fourteen days after the day the transfer notice is published,
    - (d) any fees that apply,
    - (e) if fees apply that the consumer must pay the fees before records will be transferred,
    - (f) the service provider or record keepers name, address and contact details where records will be transferred if a transfer request is not made.
  2. Thirty days before closing, merging or relocating the practice, take other steps to inform consumers of the information in the notice.
  3. If a transfer request is not received within fourteen days after the day the transfer notice is published, transfer the records to the health service provider or record keeper stated in the transfer notice within thirty days after the end of the transfer period.

The health service provider may choose to transfer the original record instead of a copy or written summary.

## 2 – Consumer Request to Transfer Health Records When a Health Practice Closes, Merges or Relocates

2.1 If a consumer wishes to have their record transferred to themselves or another health service provider then they must make a transfer request.

2.2 **Making a transfer request – see checklist and sample request 1 - 4 at the end of this document.**

The transfer request must be made within 14 days after the date of publication of the transfer notice.

The request can be made verbally or in writing.

The request date should be noted.

The consumers name, address and phone number should be provided.

The request should state whether the record is to be transferred to the consumer or another health service provider.

If the record is to be transferred to the consumer the address where the record is to be mailed should be provided.

If the record is to be transferred to another health service provider, the contact name and the name, address and phone number of the health practice where the consumer's record is to be mailed should be provided.

If the practice charges a fee for transferring the record, the consumer should pay this fee. Note discounts apply for holders of health cards. Fees are determined by the ACT Government and are updated routinely. The current fee determination is available online. Please see [www.legislation.act.gov.au/li/current/h.asp](http://www.legislation.act.gov.au/li/current/h.asp) and select "*Health Records (Privacy and Access) (Fees) Determination*".

On receipt of a transfer request, the record must be transferred within 30 days after the day the transfer request is received.

If a fee is payable, the health record must be provided no later than 30 days after the day of receipt of the transfer request or 7 days after the day of payment, whichever is the later.

If the consumer is receiving or needs urgent health services the record must be transferred within 7 days after the day the transfer request is received.

Note: Whether a request is urgent may be decided by a clinician based on a patient's medical history, the patient's immediate circumstances, a recommendation by another clinician, or any other information or evidence that may be relevant.

## 3 – Consumer Request to Transfer Health Records When Consumer Moves to Another Health Service Provider

- 3.1 If a consumer is moving from one health service provider (provider 1) to another (provider 2), the consumer may ask provider 1 to give provider 2 a copy or written summary of their health record (see sample consumer request 3 at the end of this document).
- 3.2 On receipt of a transfer request Provider 1 must:
- (a) notify the consumer within 7 days after receipt of the transfer request if a fee is payable to pay the stated fee before the record will be transferred; and
  - (b) transfer the record within 30 days after the day of receipt of the transfer request.

If a fee is payable, the health record must be provided no later than 30 days after the day of receipt of the transfer request or 7 days after the day of payment, whichever is the later.

If the consumer is receiving or needs urgent health services the records must be transferred within 7 days after the day the transfer request is received.

Note: Whether a request is urgent may be decided by a clinician based on a patient's medical history, the patient's immediate circumstances, a recommendation by another clinician, or any other information or evidence that may be relevant.

Provider 1 may choose to transfer the original record instead of a copy or written summary.

## 4 – Consumer Request to Transfer Health Records When a Health Service Provider Moves to Another Health Service Practice

- 4.1 If a health service provider moves from one health service practice (practice 1) to another health service practice (practice 2) and the consumer wishes to continue to see the provider, the consumer may ask practice 1 to transfer a copy or written summary of their health record to practice 2 (see sample transfer request 3 at the end of this document)
- On receipt of a transfer request practice 1 must:
- 4.2
- (a) notify the consumer within 7 days after receipt of the transfer request if a fee is payable to pay the stated fee before the record will be transferred; and
  - (b) transfer the record within 30 days after the day of receipt of the transfer request.

If a fee is payable, the health record must be provided no later than 30 days after the day of receipt of the transfer request or 7 days after the day of payment, whichever is the later.

If the consumer is receiving or needs urgent health services the records must be transferred within 7 days after the day the transfer request is received.

Note: Whether a request is urgent may be decided by a clinician based on a patient's medical history, the patient's immediate circumstances, a recommendation by another clinician, or any other information or evidence that may be relevant.

Practice 1 may choose to transfer your original record instead of a copy or written summary.

## 5 – REGISTER of RECORDS

- 5.1 Your register of records should be updated to reflect the records that have been transferred.

## CHECKLIST – Consumer Transfer Request for Health Records when a practice closes, merges or relocates

If you wish to have your health record transferred to you or another health service provider then you must make a transfer request. Your request may be made verbally or in writing. See **sample requests 1-4 at the end of this document**.

Is your transfer request being made within 14 days after the date of publication of the transfer notice?

Have you noted the date you made the request?

Have you provided your name, address and phone number?

Have you stated what record you want transferred eg. a copy and/or written summary of you entire health record?

Have you stated whether you want your copy and/or written summary transferred to you or another health service provider?

Have you provided a contact name, address and phone number where you want the record mailed?

If you are receiving or need urgent health services, have you mentioned this in your request?

If you are receiving or need urgent health services the records must be transferred within 7 days after the day your transfer request is received. Note: Whether a request is urgent may be decided by a clinician based on a patient's medical history, the patient's immediate circumstances, a recommendation by another clinician, or any other information or evidence that may be relevant.

If the practice charges a fee for transferring the record, have you paid this fee?

Note discounts apply for holders of health cards. Fees are determined by the ACT Government and are updated routinely. The current fee determination is available online. Please see [www.legislation.act.gov.au/li/current/h.asp](http://www.legislation.act.gov.au/li/current/h.asp) and select "*Health Records (Privacy and Access) (Fees) Determination*".

Your health record must be forwarded to the address you stated in your transfer request within 30 days after the day your transfer request is received. If a fee is payable, the health record must be provided no later than 30 days after the day of receipt of the transfer request or 7 days after the day of payment, whichever is the later.

## Sample Transfer Request 1 – Practice Closure Merger or Relocation Consumer Request for transfer of health records to another health practice

*(Disclaimer: Names, addresses and contact details are fictitious)*

Ms Anon Consumer  
14 Anon St  
BARTON ACT 2611

Ms Bernice Reynolds  
Carefree General Practice  
66 Barton Highway  
BARTON ACT 2611

20 October 2010

Dear Ms Reynolds

### **Transfer Request of Health Records**

I am a patient at Carefree General Practice. I understand from Carefree General Practice's notice in the Canberra Times on 15 October 2010 that the practice will be relocating on 15 November 2010. Please note that I would appreciate a copy of my health records be transferred to Dr Aye Nuther at AnotherPractice, 1 Nuther St Belconnen ACT 2611, Ph 6100 0000. Should you need to discuss any matters with me please contact me on 6000 0000.

Sincerely  
A Consumer

## Sample Transfer Request 2 - Practice Closure Merger or Relocation Consumer Request for transfer of health records to consumer

*(Disclaimer: Names, addresses and contact details are fictitious)*

Ms Anon Consumer  
14 Anon St  
BARTON ACT 2611

Ms Bernice Reynolds  
Carefree General Practice  
66 Barton Highway  
BARTON ACT 2611

20 October 2010

Dear Ms Reynolds

### **Transfer Request of Health Records**

I am a patient at Carefree General Practice. I understand from Carefree General Practice's notice in the Canberra Times on 15 October 2010 that the practice will be relocating on 15 November 2010. Please note that I would appreciate a copy of my health records be transferred to me at my contact details above. Should you need to discuss any matters with me please contact me on 6000 0000.

Sincerely  
A Consumer

## Sample Transfer Request 3 - Consumer Request for transfer of health records to another health practitioner

*(Disclaimer: Names, addresses and contact details are fictitious)*

Ms Anon Consumer  
14 Anon St  
BARTON ACT 2611

Ms Bernice Reynolds  
Carefree General Practice  
66 Barton Highway  
BARTON ACT 2611

20 October 2010

Dear Ms Reynolds

### **Transfer Request of Health Records**

I am a patient at Carefree General Practice. I would appreciate a copy of my health records be transferred to Dr Aye Nuther at AnotherPractice, 1 Nuther St Belconnen ACT 2611, Ph 6100 0000. Should you need to discuss any matters with me please contact me on 6000 0000.

Sincerely  
A Consumer

## Sample Transfer Request 4 - Consumer Request for transfer of health records to another health practitioner – Urgent Health Services

*(Disclaimer: Names, addresses and contact details are fictitious)*

Ms Anon Consumer  
14 Anon St  
BARTON ACT 2611

Ms Bernice Reynolds  
Carefree General Practice  
66 Barton Highway  
BARTON ACT 2611

20 October 2010

Dear Ms Reynolds

### **Transfer Request of Health Records**

I am a patient at Carefree General Practice. I would appreciate a copy of my health records be transferred to Dr Aye Nuther at AnotherPractice, 1 Nuther St Belconnen ACT 2611, Ph 6100 0000. Please treat this request as urgent due to my current medical condition and refer to Dr Carefree at Carefree General Practice or Dr Aye Nuther for further information. Should you need to discuss any matters with me please contact me on 6000 0000.

Sincerely  
A Consumer