



Government of **Western Australia**
Department of **Health**

My Health Record (MHR)

Locked Records - Emergency Access to MHR “Breakglass”

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1 Overview

1.1 My Health Record

My Health Record (MHR) is a secure online summary of an individual's health information, and is available to all Australians.

Clinicians authorised by their healthcare organisation can access My Health Record to view their patients' health information.

My Health Record brings together health information from healthcare providers across the sector, allowing important patient information to be shared between them. Patients with active records will already have 2 years of MBS and PBS data, any privately uploaded clinical reports and discharge summaries. More results information will be added over time.

1.2 Emergency Access to My Health Record

By default, documents in an individual's My Health Record are set to general access for healthcare providers. This means you can view all documents within an individual's record.

The "Emergency access or break glass" should be used only if a patient has restricted My Health Record, has applied a restrict access code and it is an emergency as outlined below.

Individuals can also choose to add additional access controls to their record to restrict access to specific documents (using a limited document access code), or to their whole record (using a record access code).

In situations where access codes have been set for an individual's My Health Record and there is a serious threat to a patient's life, health or safety, emergency access to a My Health Record may be provided. This is achieved by using the "Emergency access or break glass" function on their My Health Record.

Emergency access to a My Health Record (or a restricted document within it) is authorised if:

- a) it is necessary to lessen or prevent a serious threat to the individual's life, health or safety

or

- b) the person seeking emergency access reasonably believes that access to the healthcare recipient's My Health Record is necessary to lessen or prevent a serious threat to public health or safety (for example, to identify the source of a serious infection and prevent its spread)

AND

'it is unreasonable or impracticable to obtain the recipient's consent to the collection' (otherwise, MHR may be accessed via general access).

The use of the emergency access function is recorded in the access history of the My Health Record, which can be viewed by the patient and their authorised or nominated representative(s). In addition, patient can choose to receive an SMS or email notification each time the emergency access function is used to view their My Health Record. The hospital provider has no obligation to let the patient know that their record has been accessed. The use of the emergency access function is recorded in the access history of the My Health Record, which can be viewed by the individual and their authorised or nominated representative(s).

When the “break glass” function is used, a notification is automatically sent to Australian Digital Health Agency (ADHA), the “System Operator”. The ADHA then investigates these incidents as part of their role in administering the system.

The ADHA will request the health care facility to explain the circumstances that led to the use of the Emergency Access on a case by case basis. This is to ensure compliance by the organisations and clinicians. This is why it is important that adequate documentation is completed at the time of the break glass.

2 Procedure

2.1 Process for “Emergency Break Glass”

Step 1: Verify that you have access to the Patient My Health Record

Please verify that you have access to view the documents within the patient My Health Record. If “yes”, you do not need to use the “Emergency Access or Breakglass” button.

Step 2: Restricted Access to My Health Record

Scenario 1: A Record Access Code (RAC) restrict access to My Health Record

In an emergency, the clinician needs to access the patient’s My Health Record, and the clinician is presented with a restricted access screen (see picture below) to My Health Record.

The screenshot shows a user interface for restricted access to a My Health Record. At the top, it identifies the patient as HART, KAMAHL with ID 14-Mar-1993 d9e55e8f-ef1f-4d4f-a. Below this is a section titled "Gain Access for HART, KAMAHL" with a lock icon. The main section is "Access Code", which explains that individuals can set a Record Access Code (RAC) or Limited Document Access Code (LDAC) on their digital health record's restricted settings screen. It asks the user to enter the code if provided. There is an input field for the "Access Code" and a "Submit Code" button. Below this is an "Emergency Access" section with a paragraph explaining that selecting this option declares that access 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 that the patient's consent cannot be obtained. It states that this will override any access controls and permit access to all active documents for five days. At the bottom of the Emergency Access section is a blue button that reads "I understand and require emergency access to this digital health record".

Scenario 2: A Document Access code restrict access to My Health Record (ADHA Guidance)¹

There is no Record Access Code (RAC) and therefore some documents are seen, however, there may be other unseen documents protected by a Limited Document Access Code (LDAC) which may be critical to the emergency. In this case, the blue button in the top right-hand corner of the screen "Gain Access" would need to be clicked.

Step 3: Ensure it is an emergency

An Emergency access is necessary where a clinician believes that access to the information is necessary to lessen or prevent a serious threat to:

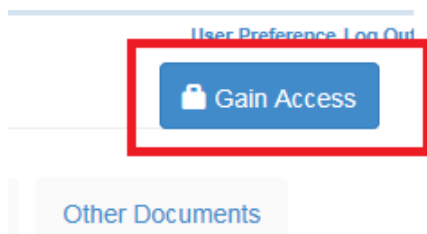
- an individual's life, health or safety
- or
- public health or public safety and the patient's consent cannot be obtained
- and
- the patient's consent cannot be obtained. This might occur for example, if the patient is unconscious.

Step 4: Obtain verbal authorisation

The clinician is required to consult and obtain verbal authorisation from the most senior clinician on duty to use the Breakglass process. If you are the most senior clinician on duty, seek agreement with another senior colleague on duty"

Step 5: Access My Health Record

To access the emergency button shown on the picture below, the clinician will need to open the My Health Record of the patient and click on the "Gain Access" button on the top right on the screen.



The Gain Access screen will be displayed, and the clinician will then be able to click on the "I understand and require emergency access to this digital health record" blue button.

¹ ADHA Guidance – from feedback review – 18.01.2019

Gain Access for BECK, CAROLINA

Access Code

Individuals may set a Record Access Code (RAC) or Limited Document Access Code (LDAC) on their digital health record's restricted settings screen.

If your patient has given you a digital health record access code, please enter it here:

Access Code

Emergency Access

By selecting the Emergency Access option, you are declaring that access to this digital health 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. This will override any access controls set by the individual and will permit access to all active documents for five days. Your Emergency Access will be recorded on the digital health record's audit log and the individual may be notified.

I understand and require emergency access to this digital health record

The Emergency Access lasts for a maximum of 5 days and will show in the patient record access history in My Health Record. The patient might have set up automatic notifications to be informed when a healthcare provider access their record.

Step 6: Documentation

The clinician is required to document that he has consulted with the senior clinician and the reasons for breaking glass IN THE CLINICAL RECORD. To assist audit, complete the form “MHR – Emergency Access form”. This may be done either at the time of the break glass if circumstances allow OR upon audit request.

The form is available on the MHR HSS Support Page on HealthPoint.

When completed the form needs to be given to the clerk. The form will then be filed in the Medical Records.

2.2 Emergency Access to My Health Record Form

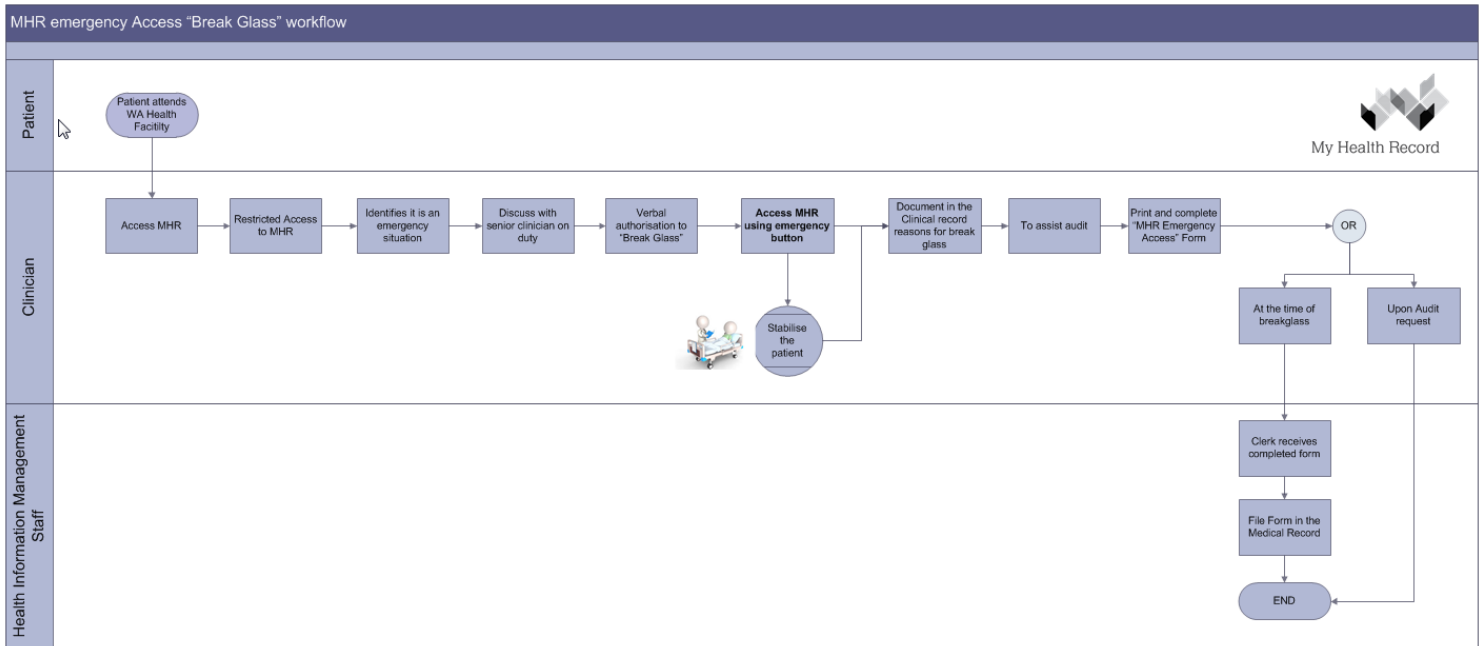
The “MHR – Emergency Access form” form is shown below for reference only. Please go to the MHR HSS Support Page on HealthPoint if you need to print the form.

The consent form may be completed either at the time of the break glass if circumstances allow OR upon audit request by the clinician.

Hospital/Health Service MY HEALTH RECORD (MHR) EMERGENCY ACCESS	Surname		UJRM/URN	
	Given Name		DOB	Gender
	Address		Postcode	
	Telephone			
Where applicable please tick <input type="checkbox"/> the appropriate boxes				
In a medical emergency, you can override any restrictions a patient has applied to their My Health Record. This access is recorded and may be audited, and the patient is notified.				
Identify below the condition which under you want to have emergency access to MHR Record				
<input type="checkbox"/> An individual's life, health or safety and the patient's consent cannot be obtained. This might occur for example, if the patient is unconscious; and/or <input type="checkbox"/> Public health or public safety				
Additional clinical comments:				
CLINICIAN Details				
WARD/CLINIC/DEPARTMENT:				
Doctor NAME:				
SIGNATURE:				
Date: <input type="text"/>				
Access will be granted for five days from the time the organisation asserts an emergency exists				

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2.3 Workflow



3 Roles and Responsibilities

3.1 Clinical Staff

Clinical staff are responsible for:

- Obtaining verbal authorisation from the most senior clinician on duty
- Documenting who has been consulted and the reasons for break glass.
- Complete the form at the time of the break glass or upon audit request.

3.2 Health Information Management (HIM) Staff/Clerical Staff

HIM staff/clerical staff are responsible for the filing of the "MHR – Emergency Access " form into the patient's medical record. Please refer to the order of filing of form for your hospital/healthcare facility to ensure the form is filed in the appropriate section.

4 Compliance

Emergency Access to the My Health Record and the circumstances by which the record was accessed is governed by My Health Records Act 2012.

It is crucial that staff follow the procedure outline above.

5 Evaluation

When the break glass functionality has been used, the ADHA will monitor the compliance with the process. They will request evidence of the circumstances under which the record was accessed.

The ADHA will provide the following details to facilitate the investigation: Date and time of access, Health care Provider identifier of the organisation, User ID if the individual who used the emergency access function, Individual Healthcare Identifier (IHI) of the healthcare recipient whose record was accessed.

The ADHA will require the following evidence for auditing purposes:

- Circumstance of access:
 - o an individual's life, health or safety and where the patient's consent cannot be obtained. This might occur for example, if the patient is unconscious; and/or
 - o public health or public safety.
- Reason why it was unreasonable or impracticable to obtain the individual's consent for access

6 References

My Health Record (MHR) HSS Support Page (only accessible on devices connected to the WA Health network).

My Health Record website: <https://www.myhealthrecord.gov.au/>

My Health Record Emergency Access: <https://www.myhealthrecord.gov.au/for-healthcare-professionals/emergency-access>

My Health Record Act 2012: <https://www.legislation.gov.au/Series/C2012A00063>

Privacy Act 1988: <https://www.legislation.gov.au/Details/C2014C00076/Download>

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on request for a person with disability.**

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