



Frequently Asked Questions – Modernising My Health Record (Sharing by Default) Act 2025

February 2025

Better access to health information

We are making changes to provide better and faster access to pathology and diagnostic imaging reports in My Health Record. Rules will set out what health information must be shared to My Health Record and by which healthcare providers. Pathology and diagnostic imaging providers will be the first healthcare providers required to share test results to My Health Record.

Why are changes being made to ensure healthcare providers upload information to My Health Record?

My Health Record is designed to provide Australians who choose to have a My Health Record with easy access to their key health information.

Currently, healthcare providers can choose if they upload health information to the My Health Record system, or not. This means, key health information is often missing from a consumer's My Health Record when they would like it made available.

Introducing rules to require the sharing of key health information to the My Health Record system 'by default' will:

- ensure consumers do not need to retell their health and wellbeing story to different healthcare providers
- save time for consumers by avoiding unnecessary duplicate testing, including travelling to and from healthcare appointments
- make it easier for consumers with a My Health Record to find and use their key health information enabling them to be active in their health and wellbeing journey
- make it easier for a consumer's healthcare team members to have the information they need to coordinate care
- support healthcare providers to make better and safer clinical decisions that can reduce avoidable adverse outcomes, hospital admissions and duplicate tests
- increase use of evidence-based appropriate treatments and interventions.

What is changing?

[Legislation](#) changes now allow government to establish rules regarding the health information that healthcare providers must share to My Health Record.

The My Health Record Rules will require constitutional corporations operating pathology labs and diagnostic imaging centres to upload specific test results and reports. This requirement is expected to extend to other healthcare providers in the future as the Rules are implemented.

The legislation makes the following changes to the *My Health Records Act 2012* and the *Health Insurance Act 1973*:

- Under the ***My Health Records Act 2012*** healthcare providers and the organisations they work for, who deliver particular health services, can be required to upload specific health information to their patient's My Health Record. To begin, requirements will only be made on pathology and diagnostic imaging services and only written reports on results will need to be uploaded.
- Under the ***Health Insurance Act 1973*** in order to claim Medicare benefits, healthcare providers who deliver particular health services, must upload health information to their patient's My Health Record after they deliver a service. If the organisation the healthcare provider works with uploads information for them, this will meet the new requirements. To begin, requirements will only be made on pathology and diagnostic imaging services and only written reports on results will need to be uploaded.

When requirements are put in place for pathology and diagnostic imaging services, these providers will continue to bill consumers in the usual way. This means they can receive the Medicare benefit **in advance** of uploading the results to My Health Record. However, if they do not upload the results within the required timeframe the Medicare payment received must be repaid by the pathology or diagnostic imaging provider.

The timeframe for uploading the results to My Health Record will be determined in Rules made by the Minister for Health and Aged Care.

Consumers will not be disadvantaged by these changes.

What is not changing?

Consumer choice and control: Consumers will retain choice and control over their My Health Record, including the ability to limit access to specific information. No changes are being made to how consumers control how their My Health Record is accessed. Consumers can still choose not to have a My Health Record if they do not wish to participate.

Consumers can manage what health information is included in their My Health Record. This includes options such as:

- setting up notifications to monitor when registered healthcare providers access their record or when new health information is added
- using privacy controls, including restricted access codes to limit who can view their record or specific documents
- appointing an authorised representative (e.g. a family member) to manage and view their record

- choosing not to have a My Health Record if they do not wish to participate
- being able to ask for an audit of access to their My Health Record if they believe their record has been inappropriately accessed.

Privacy protections: existing privacy and security measures will remain in place to safeguard consumer data.

Provider discretion: healthcare providers will maintain the ability to request certain health information is not uploaded to My Health Record if clinically appropriate.

7-day delay for health information: the 7-day delay policy for consumers to receive access to test results uploaded to My Health Record is not impacted by the legislative changes.

Will the existing 7-day consumer access delay policy be affected by these changes to legislation?

No. The existing 7-day consumer access delay policy is not covered by the *My Health Records Act 2012* and has not changed as a result of the legislative changes. Any future changes will involve further consultation.

In establishing the My Health Record system in 2012, a policy decision was made to withhold consumer pathology and diagnostic imaging reports for 7-days after they had been uploaded. This was to ensure clinicians had adequate time to review the report and consult with their patient individually.

In the last 3 years, COVID-19 saw the first pathology results to be released to the consumer at the same time as the healthcare provider. More recently, the positive effect of real time access for consumers to test results occurred when International Normalised Ratio (INR), HB1Ac and respiratory infection results were released without delay.

This has been well received by consumers and has the potential to reduce pressure on general practice, reduce avoidable hospital admissions through an overall reduction in morbidity caused by clotting disorders, diabetes and avoidable transmission of infections.

The Australian Digital Health Agency established a [Clinical Reference Group](#) (CRG) to review the current 7-day consumer delay policy. Any further changes will involve consultation.

Are there any exceptions to the requirement to upload certain health information to My Health Record?

Yes. There will be exceptions to the requirement to upload to My Health Record, including where:

- a patient does not have a My Health Record,
- a patient asks that health information is not shared to their record,
- a healthcare provider has concerns for the health, safety or wellbeing of their patient, or
- technical system issues beyond the control of healthcare providers that prevent uploading from happening.

Healthcare providers who are required to upload test results to My Health Record will be required to **keep records** in cases where any of the above exceptions is applied.

Relevant exceptions that may apply to pathology and diagnostic imaging services are still under consideration and are subject to further consultation.

Examples of reports that could be excluded from uploading requirements include the results of workplace drug and alcohol testing, reports produced for migration or visa purposes, or as part of forensic or court-ordered processes.

Who can decide that a result will not be uploaded to My Health Record?

At any time, a **patient can decide** that their test result should not be uploaded to their My Health Record.

If a healthcare provider requesting pathology or diagnostic imaging is concerned that uploading the test result will be harmful to the health, safety or wellbeing of their patient, they can decide that an individual test result will not be uploaded to My Health Record. This decision should be made in discussion with the patient, where possible.

If a report is uploaded and a patient later changes their mind, it can either be deleted from their My Health Record or the patient can add a restricted access code to the document or their record.

What happens if a healthcare provider or organisation needs more time to make the changes needed to start uploading to My Health Record?

There will be an initial grace period once the Rules have been made to enable impacted healthcare providers to make necessary changes.

For those healthcare providers that need more time to update their systems and processes to enable sharing by default, there will also be a process for healthcare providers to apply for an extension of time to comply. The Australian Digital Health Agency as the My Health Record System Operator will manage the extensions process.

Once the ‘share by default’ requirements are in place, how will people know if a healthcare provider or organisation isn’t able to upload the required health information?

If a prescribed healthcare provider is not uploading information to My Health Record by default, they must display a notice informing consumers of this.

The notice must be visible at the provider’s premises and on their website.

This helps consumers choose where to get healthcare if their information won’t be uploaded to My Health Record.

Not displaying the notice may result in a civil penalty of 10 penalty units.

Does this change apply to every health service that can be claimed through Medicare, and will all health information about patients need to be uploaded?

No. Only certain health services will have requirements, and only certain health information will need to be uploaded. Initially, these changes will only apply to certain pathology and diagnostic imaging services.

These changes will not apply to every health service that can be claimed through Medicare. A consumer's full medical records or their healthcare provider's detailed notes will not be uploaded to My Health Record.

Rules made under the *My Health Records Act* and the *Health Insurance Act* will set out:

- the types of services the rules will apply to,
- what health information needs to be uploaded, and
- how much time healthcare providers and organisations have to upload the required information after a health service has been provided.

The Department will lead consultation on the development of the rules, initially to apply to pathology and diagnostic imaging providers and services. These Rules can be added to over time.

Why is the change starting with pathology and diagnostic imaging reports?

Pathology and diagnostic imaging reports were selected to commence sharing by default because of their high clinical value and the readiness of the sector to meet the requirements.

The majority of pathology and diagnostic imaging providers are already using clinical information systems that have the capability to connect with and upload results and reports to My Health Record.

Will all healthcare providers and services be impacted by this change?

The new Share by Default legislation sets out a broad framework that may apply to health services operated by corporations or healthcare providers who claim Medicare, including GPs. The healthcare providers in scope, and the health services which will require information to be uploaded, will be set out in rules.

The Department will lead consultation on the development of rules, initially to apply to pathology and diagnostic imaging providers and services. The rules may be expanded in future to include services provided by GPs and other health providers.

Consultation will be undertaken ahead of expansion of the mandate to other health services. This will ensure that there are no surprises when the mandate is expanded over time.

Will GPs be affected by this change?

The legislation provides a framework for health services run by corporations or healthcare providers who claim Medicare, including GPs.

The specific healthcare providers and services that must upload information will be outlined in rules.

Clinical notes from healthcare providers are not intended to be shared to My Health Record.

What happens if a healthcare provider doesn't upload health information when they should?

There are two distinct methods for enforcing the new requirements to upload prescribed records by default:

- recouping Medicare benefits payable for the service under the *Health Insurance Act 1973*
- pursuing civil penalties against the corporation under the *My Health Records Act 2012*. Failure to upload may result in a civil penalty of 30 penalty units.

If a healthcare provider does not upload the information required about a relevant prescribed health service, the healthcare provider will need to demonstrate that an exception applied.

New civil penalties will apply to healthcare providers or healthcare organisations who:

- are required to upload to My Health Record but do not do so,
- do not keep records of any exception that has been applied, and
- fail to publish notices if they are not uploading.

Consumers will not be adversely impacted by the compliance framework and will continue to receive their Medicare benefit as they do today.

How will Government ensure healthcare providers comply with the 'share by default' requirements outlined in the legislation?

Under the legislative changes, My Health Record data will only be used for limited purposes to ensure that healthcare providers are compliant with sharing by default requirements. Information disclosed will be limited to the specific information relevant to the particular health service that is required to upload.

The My Health Record Rules will specify what type of information will be shared. However, until this is prescribed in the Rules, no information will be available from My Health Record for compliance purposes.

Some My Health Record information will be required to accurately identify consumers and healthcare providers to ensure information has been shared to a healthcare recipient's My Health Record.

Under no circumstances will test results from a consumer's My Health Record be used or disclosed for compliance purposes.

When will healthcare providers have to start uploading health information to My Health Record?

The new legislation allows certain health information to be uploaded to My Health Record. Legislative rules will be created to specify which health services must register to participate and what information must be uploaded to My Health Record.

The government and parliament have not yet set a timeline for when the Rules will be developed or take effect. The development of the Rules will involve further consultation with key stakeholders, including healthcare providers, peak bodies, patients, and software vendors. There will be a several month period between the passage of the legislation and the development of the Rules, allowing time for consultation.

To support the transition to the new arrangements, **the requirement to share, including the enforcement of any penalties, and conditional Medicare payments, will only start when the Share by Default Rules commence.** There will be an initial grace period once the Rules have been made. This will give impacted healthcare providers time to make necessary changes, or seek extensions, if needed.

What health information will have to be uploaded to My Health Record?

The first Rule that will be made under changes to the *Health Insurance Act* will apply to certain pathology and diagnostic imaging services.

A copy of written reports on the results of pathology and diagnostic imaging tests will need to be uploaded.

Further details on what pathology and diagnostic imaging health information must be shared will be developed when the Rules are made. This will happen in consultation with consumers, healthcare providers and organisations, software suppliers and other key stakeholders.

What consultation was undertaken in the development of these changes?

Since the Sharing by Default reforms were announced by Minister Butler in May 2023, the Department and the Agency have been actively engaging with stakeholders. This includes consumer and clinical groups, pathology and diagnostic imaging providers, state and territory governments and software developers.

The Agency have been working closely with key stakeholders across the pathology and diagnostic imaging sectors including:

- conducting site visits to pathology and diagnostic imaging providers and clinical software companies
- engaging with consumer groups, focusing on marginalised communities.
- holding train-the-trainer sessions with the Federation of Ethnic Communities' Councils of Australia (FECCA), informing community leaders about My Health Record and the Sharing by Default changes.

The Agency has also engaged with the LGBTIQ+ community through participation in the Health in Difference conference and collaboration with LGBTIQ+ Health Australia. They have connected with consumer cohorts through participation in events like the National Rural Health Conference, Australasian Diabetes Congress, and Australian Healthcare Week.

The Agency continues to work with individual organisations and locations to support the transition to sharing health information by default.

There have been four key phases of consultation activities undertaken. These build on and are informed by progressive consultations undertaken through previous activities and initiatives.

Targeted consultation

In April and May 2023, The Department consulted with eight key peak bodies and healthcare providers on health information sharing by the pathology and diagnostic imaging sector:

- Australian Pathology
- Australian Diagnostic Imaging Association (ADIA)
- Public Pathology Australia
- Royal Australian and New Zealand College of Radiologists (RANZCR)
- The Royal College of Pathologists of Australia (RCPA)
- National Association of Testing Authorities (NATA)
- National Pathology Accreditation Advisory Council (NPAAC), and
- Australian Commission on Safety and Quality in Healthcare (ASQHC).

Discussions focused on options to significantly increase the uploading of pathology and diagnostic imaging reports to My Health Record by default. There was broad agreement that requiring sharing of diagnostic imaging and pathology reports to My Health Record can improve safety and quality in healthcare.

Public consultation

From 8 September to 31 October 2023, a national public consultation process received [416 submissions](#) addressing barriers, enablers, concerns and opportunities related to the transition of the My Health Record system to require sharing of key health information ‘by default’. Submissions were published with consent, and a [summary report is available](#).

The consultation process also sought views from stakeholders about the potential removal of the 7-day consumer access delay policy.

A range of submissions were received from a broad group of individuals and organisations, including from vulnerable groups such as:

- those from culturally and linguistically diverse backgrounds
- Aboriginal and Torres Strait Islander peoples and communities
- LGBTQIA+ and
- particularly marginalised and stigmatised groups such as those living with HIV
- people experiencing domestic and family violence, and
- people living with complex and/or chronic disease and disability.

Submissions were received from a range of respondents including:

- consumers/individuals/patients/family members or carers of consumers (approximately half of the 416 submissions were received from consumers or their representatives)
- pathology services delivery providers
- diagnostic imaging service delivery providers
- other healthcare providers (that is, not pathology and diagnostic imaging service providers)
- professional bodies/peak organisations, and
- state and territory government health departments/agencies.

Engagement with state and territory governments and key partner agencies

In February 2024 a work program with state and territory representatives commenced to confirm the scale and nature of the barriers and challenges that are preventing or impacting states and territories from being ready to share by default and identify the strategies to address them. The Department, Agency and state and territory representatives continue to meet on a regular basis.

In addition, engagement has been occurring with the Office of the Australian Information Commissioner, as the regulator of privacy aspects of the My Health Record system, and Services Australia, noting its role in supporting Medicare services and operating the Healthcare Identifier Service.

Engagement with sector

Since July 2023 continuous sector engagement has been undertaken by the Agency to understand readiness to comply with the legislative requirements and to identify other barriers/concerns that may need to be addressed as part of implementation.

This includes engagement with clinical peaks, pathology and diagnostic imaging providers, software vendors and jurisdictions.

More information for Consumers

How do I access My Health Record?

More information on how to access and set up your My Health Record online can be found by visiting digitalhealth.gov.au and searching 'My Health Record'.

For help to set up or access your My Health Record call **1800 723 471**.

The Agency also provides a range of educational materials to assist consumers to set up, use and manage their My Health Record. These includes videos, [eLearning modules](#), and written guides.

The Agency is developing additional communication and education activities to support the new Share by Default legislation by consulting with consumer peak bodies, clinical peak bodies, and state and territory health departments.

Who can access my results when they are uploaded to My Health Record?

Your My Health Record is an online summary of your key health information, such as your medicines, any allergies you may have, and your medical history.

Once your My Health Record is created, your doctor, hospitals and other healthcare providers involved in your care can access your health information, unless you set up additional restricted access codes for your record.

Under no circumstances will test results from a consumer's My Health Record be used or disclosed for compliance purposes.

What do I do if I don't want my pathology or diagnostic imaging test results uploaded to My Health Record?

You have control over your My Health Record including being able to restrict access to your record such as deciding which healthcare providers can access your My Health Record and what they can view.

You can also ask your healthcare provider not to upload certain information and delete health information that has already been uploaded to your My Health Record. If you decide you don't want a My Health Record you can cancel it at any time.

For more information about My Health Record visit www.digitalhealth.gov.au and search 'My Health Record'.

For help with your My Health Record you can call **1800 723 471**.

Will I be able to access images as well as written reports when I have a diagnostic imaging scan?

No. Images cannot be uploaded to My Health Record. Only written reports will be available in My Health Record. If you would like a copy of images, please contact your diagnostic imaging provider.

Will I have to pay extra for pathology and diagnostic imaging services after these changes are made?

No. If a Medicare benefit is payable for a health service, you will receive this in the usual way.

Will I be out of pocket if Medicare benefits are taken away from healthcare providers?

No. You will continue to receive your Medicare benefits the usual way, even where a healthcare provider fails to upload. You will not be disadvantaged by these changes.

How can I be sure my information and privacy in My Health Record is secure?

These changes do not affect the existing strong privacy settings that underpin the My Health Record system.

The My Health Record system has comprehensive controls in place that comply with all relevant government privacy, security and cyber security standards. Any misuse of information held by the My Health Record system is prohibited and is subject to heavy penalties under the *My Health Records Act* and the *Privacy Act 1988*.

You have controls to manage how the information in your My Health Record is used and disclosed, including:

- setting notifications to see when registered healthcare providers have accessed your record or when certain health information is added to your record
- using privacy controls including setting restricted access codes, which limits who can access your record or specific documents in your record.
- permanently deleting a document from your record or hide and restore a document within your record
- appoint an authorised representative (such as a family member) to view and manage your record.

For more information about your privacy in My Health Record visit www.digitalhealth.gov.au and search 'My Health Record'.

For help with your My Health Record you can call **1800 723 471**.

Will there be education and guidance material to support consumers and healthcare providers through the implementation process?

Yes. The Agency, as the My Health Record System Operator, will support consumers and healthcare providers with communication and education to help implement the Share by Default changes. This will also involve working with software vendors to ensure technical capabilities support default sharing.

More information for Healthcare Providers

How will healthcare providers know if they are required to upload health information?

Rules will be made under the *My Health Record Act 2012* and the *Health Insurance Act 1973* to specify who must upload specified health information.

Information and education will be provided to healthcare providers to support these changes before they come into effect.

The Australian Digital Health Agency (the Agency) – the My Health Record System Operator – is already working with pathology and diagnostic imaging providers and organisations to support them to register and connect to the My Health Record system.

The Agency will continue to work proactively with and provide technical support to in-scope healthcare providers and their software suppliers.

What guidance is being provided to help healthcare providers talk to patients?

Along with technical support from the Agency, a [Clinical Reference Group](#) (CRG) has been established to help develop guidance for healthcare providers in managing these changes with consumers.

The CRG brings together consumers and clinical experts to provide advice to ensure these changes balance providing consumers with their key health information and ensuring patient safety through a nationally consistent framework.

The CRG is developing guidance on what healthcare providers can do if they have serious concerns that uploading certain patient information could or would harm their health, safety or wellbeing. Guidance will include how healthcare providers can work with consumers to make decisions in these cases.

Will support be provided to help healthcare providers start uploading information to My Health Record?

Additional support will be available for healthcare providers who are unable to immediately transition to the new upload requirements. The requirement to share, including the enforcement of any penalties, and conditional Medicare payments, are expected to have a delayed commencement after the Share by Default Rules commence. Extensions may also be granted on a limited basis to some healthcare providers to allow additional time to connect and meet the requirements to upload.

The Agency is working with software vendors to enhance the ability to share reports with My Health Record and integrate this with existing systems. Additionally, the Agency supports software developers in bringing solutions to market to aid in sharing with My Health Record, ensuring a smooth transition to new requirements.

What information are healthcare providers required to keep when providing exceptions for uploads?

As per [changes to the Health Insurance Act 1973 in 2018](#), healthcare providers will be required to **keep records** for 2 years if they have not uploaded a record due to one of the following exceptions that may be applied on a case-by-case basis:

- the consumer does not have a My Health Record
- the consumer does not want the test result uploaded to My Health Record

- a healthcare provider believes that the information should not be shared because of a serious concern for the health, safety or wellbeing of the consumer; or
- technical system issues beyond the control of healthcare providers that prevent uploading from happening.

If a record isn't required to be uploaded for some other reason, including because the healthcare provider has an extension, or other exemption from uploading, then individual records do not need to be kept.

When will stakeholders be consulted on the development of the 'share by default' rules?

Consultation with stakeholders will occur to develop the Share by Default Rules. Consultation is expected to occur by mid-2025. Communication will be provided before consultation commences.

Consultation will include healthcare providers, peak bodies, consumers and software vendors. The My Health Records Act also requires the Minister to consult with states and territories and with the Australian Digital Health Agency as the My Health Record System Operator, before making rules.

Informed by the outcomes of this consultation, it is anticipated that once the Share by Default Rules are finalised, they will have a delayed commencement to provide time for industry and healthcare providers to transition.

You can [subscribe](#) to receive future updates regarding the consultation process and other changes to Modernising My Health Record.