

Bills Committee on Electronic Health Record Sharing System Bill

**List of follow-up actions arising from the discussion
at the meeting on 14 April 2015**

The Administration was requested to -

- (a) in respect of the use of data and information contained in the electronic health record of a registered healthcare recipient ("HCR") for improvement of the healthcare provided, or to be provided, to the HCR concerned,
 - (i) address members' concern that the geographical restriction (i.e. the relevant healthcare activity was to be performed in Hong Kong by a healthcare professional for an individual as provided for in the definition of "healthcare" under clause 2(1)) might prejudice the interests of HCRs when there was a need for the activity to be performed outside Hong Kong; and
 - (ii) if it was considered necessary to impose a geographical restriction to the relevant healthcare activity to be performed under the Bill, consider the suggestion from a member that any reference to the geographical location should be made in relation to "healthcare professional" and "healthcare provider" ("HCP") but not in relation to "healthcare" by reference to the relevant healthcare activity; and
- (b) in respect of clause 35 which required prescribed HCPs to take reasonable steps to ensure that their electronic medical record systems did not impair the security or compromise the integrity of the Electronic Health Record Sharing System ("eHRSS"),
 - (i) provide for members' reference information on the relevant requirements of other jurisdictions; and
 - (ii) consider -
 - (A) deleting the clause if such requirement would be covered in the code of practice to be issued by the Commissioner for the Electronic Health Record ("the Commissioner") under clause 51, or

- (B) amending the clause to -
 - (I) specify clearly as to what would constitute "impair the security or compromise the integrity of eHRSS" and the "reasonable steps" required of an HCP; and
 - (II) provide for the consequences of contravention of the clause, which, according to the Administration, included suspension or cancellation of the HCP's registration, and requiring the production of records or documents specified by the Commissioner as provided for under clauses 22(1)(e), 23(1)(e) and 50(2)(e) respectively.

Council Business Division 2
Legislative Council Secretariat
23 April 2015