**My Health Record – Medico-legal concerns**

**Audio Transcript**

**Sophie**: The GPs aren't obligated to use My Health Record. That's a question that we've had quite a lot. There is no obligation in the legislation for GPs to use My Health Record. The question really is ‘should they use My Health Record?’ And I think the advice that we've been giving is if My Health Record is adopted, and it's clearly been widely adopted with I think 90% of Australians having a My Health Record, if it's adopted to that extent and in five to ten years time everybody's using it - will a GP be deemed to be negligent for not looking at information that's in My Health Record? So it's not mandated, but the duty of care for GPs is really prescribed at common law and that involves looking at what a GP’s peer would do.

So if you're a patient and you have a My Health Record, and everyone at the clinic has a My Health Record, and a particular GP decides that they don't want to participate in My Health Record but there's key information in there and they don't look at it when generally health practitioners are using it, it might be deemed to have fallen below the standard of care by not engaging with My Health Record and potentially missing some key information.