



New South Wales

Medical Practice Amendment (Records Exemption) Regulation 2001

under the

Medical Practice Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Medical Practice Act 1992*.

CRAIG KNOWLES, M.P.,

Minister for Health

Explanatory note

The object of this Regulation is to amend the *Medical Practice Regulation 1998* to exempt public health organisations, private hospitals, day procedure centres and nursing homes from the requirements in that Regulation to keep records relating to patients.

This Regulation makes it clear that the exemption of those medical corporations from those requirements does not affect the application of those requirements to registered medical practitioners engaged by those medical corporations.

This Regulation also provides that section 126 (2) of the *Medical Practice Act 1992* is not affected. That provision requires that a record made under the *Medical Practice Regulation 1998* be disposed of in a manner that will preserve the confidentiality of any information it contains relating to patients.

This Regulation is made under the *Medical Practice Act 1992*, including sections 126 (Records to be kept) and 194 (the general regulation-making power).

2001 No 312

Clause 1 Medical Practice Amendment (Records Exemption) Regulation 2001

**Medical Practice Amendment (Records Exemption)
Regulation 2001**

1 Name of Regulation

This Regulation is the *Medical Practice Amendment (Records Exemption) Regulation 2001*.

2 Amendment of Medical Practice Regulation 1998

The *Medical Practice Regulation 1998* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 2)

Clause 13 Records relating to patients

Insert after clause 13 (3):

- (4) Subclause (1) does not apply to the following:
 - (a) a public health organisation within the meaning of the *Health Services Act 1997*,
 - (b) a private hospital,
 - (c) a day procedure centre,
 - (d) a nursing home within the meaning of the *Nursing Homes Act 1988*.
- (5) Nothing in subclause (4):
 - (a) affects the application of subclause (1) to a registered medical practitioner appointed, employed, contracted or otherwise engaged by a medical corporation referred to in subclause (4), and
 - (b) affects the operation of section 126 (2) of the Act in relation to a record made under this clause before the commencement of subclause (4).