Treatment Principles (Australian Participants in British Nuclear Tests) 2006 (Allied Mental Health Care Providers) Instrument 2011

Instrument No. R13/2011

I, Warren Snowdon, Minister for Veterans’ Affairs, pursuant to subsection 16(7) of the Australian Participants in British Nuclear Tests (Treatment) Act 2006, approve this instrument made by the Repatriation Commission.

Dated this 3rd day of March 2011
Warren Snowdon

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WARREN SNOWDON

The Repatriation Commission, pursuant to subsection 16(6) of the Australian Participants in British Nuclear Tests (Treatment) Act 2006, varies the Treatment Principles (Australian Participants in British Nuclear Tests) 2006 (Instrument No.R30 of 2006), in accordance with the Schedule.

Dated this 21st day of February 2011
Ian Campbell Shane Carmody Major General Mark Kelly AO DSC

IAN CAMPBELL SHANE CARMODY MAJOR GENERAL MARK KELLY AO DSC
PRESIDENT DEPUTY PRESIDENT COMMISSIONER
[1] **Name of Instrument**

This instrument is the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006 (Allied Mental Health Care Providers) Instrument 2011*

[2] **Commencement**

This instrument is taken to have commenced on 1 November 2010.

[3] **Application**

(a) The variations to the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006* (Principles) made by this instrument do not apply to a person who immediately before the commencement of this instrument is contracted to the Department and/or the Commission to provide services to entitled persons as a social worker (clinical counsellor) — until the contract under which the person is engaged expires and is not renewed or is terminated.

Note: this means that social workers (clinical counsellors) are covered by the Principles as the Principles existed before being varied by this instrument. When the contracts of this category of social worker end, the variations to the Principles by this instrument will apply to them, effectively ending their coverage by the Principles which means their occupations will no longer be recognised by the Department as a category of health care provider.

(b) The variations to the Principles made by this instrument that have the effect of requiring a psychologist to have a *provider number* obtained from *Medicare Australia* only apply to a psychologist after the day this instrument is registered on the Federal Register of Legislative Instruments.

[4] A term in [3] that is defined in the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* (Act) or in the Principles under section 16 of the Act, has the same meaning it has in the Act or the Principles, as the case may be.

**Schedule**
1. **Paragraph 1.4.1 (definitions)**

*omit the definition of “Notes for Psychologists”*

*insert:*

**“clinical psychologist”** means a *psychologist*:

(a) who has been given a *provider number* by *Medicare Australia* in respect of being a psychologist; and

(b) who, in the opinion of an employee of, or consultant to, the *Department* or *Medicare Australia*, has appropriate qualifications in clinical psychology and practises as a clinical psychologist.

**“Fee Schedule”** means a *DVA document* approved by the *Commission* or a member thereof, or by the Secretary to the *Department*, with the words “Fees” and “Schedule”, in relation to a category of *health care provider*, in the title to the document, that sets out the terms on which, and the conditions subject to which, the *Commission* will accept financial responsibility for treatment provided to an *entitled person* by the *health care provider* the subject of the document.

Note: the DVA documents called Fee Schedules set out amounts the *Department* will pay for health care services and can designate whether a service required the prior approval of the *Commission* before it could be provided.

**“neuropsychologist”** means a *person* who:

(a) specialises in the assessment, diagnosis and treatment of psychological disorders associated with conditions affecting the brain such as difficulties with memory, learning, attention, language, reading, problem-solving, decision-making or other aspects of behaviour and thinking abilities; and

(b) in the opinion of an employee of, or consultant to, the *Department* or *Medicare Australia*, has appropriate qualifications in clinical neuropsychology and practises as a neuropsychologist.
“Notes for Allied Mental Health Care Providers” means the document approved by the Commission or a member thereof, or by the Secretary to the Department, entitled “Notes for Allied Mental Health Care Providers”, and in force on the date in Schedule 1, that sets out the terms on which, and the conditions subject to which:

(i) a clinical psychologist; or
(ii) a psychologist; or
(iii) a neuropsychologist; or
(iv) a social worker (mental health); or
(v) an occupational therapist (mental health);

is to provide treatment to an entitled person in order for the Commission to accept financial responsibility for that treatment.

“Notes for Occupational Therapists” means the document approved by the Commission or a member thereof, or by the Secretary to the Department, entitled “Notes for Occupational Therapists”, and in force on the date in Schedule 1, that sets out the terms on which, and the conditions subject to which, an occupational therapist (other than an occupational therapist (mental health)) is to provide treatment to an entitled person in order for the Commission to accept financial responsibility for that treatment.

“Notes for Providers” means a DVA document approved by the Commission or a member thereof, or by the Secretary to the Department, with the word “Notes”, in relation to a category of health care provider, in the title to the document, that sets out the terms on which, and the conditions subject to which, a health care provider the subject of the Notes is to provide treatment to an entitled person in order for the Commission to accept financial responsibility for that treatment.

Note: the DVA documents called Notes for Providers contain contractual-type terms such as restrictions on the number of services that may be provided.

“Notes for Social Workers” means the document approved by the Commission or a member thereof, or by the Secretary to the Department, entitled “Notes for Social Workers”, and in force on the date in Schedule 1, that sets out the terms on which, and the conditions subject to which, a social worker (other than a social worker (mental health)) is to provide treatment to an entitled
person in order for the Commission to accept financial responsibility for that treatment.

“occupational therapist” means an occupational therapist who has been given a provider number by Medicare Australia in respect of being an occupational therapist.

“occupational therapist (mental health)” means an occupational therapist:

(a) who has been given a provider number by Medicare Australia in respect of being an occupational therapist; and

(b) who, in the opinion of an employee of, or consultant to, the Department or Medicare Australia, has appropriate qualifications in occupational therapy in the area of mental health and who practises as an occupational therapist in the area of mental health.

"psychologist” means a psychologist who has been given a provider number by Medicare Australia in respect of being a psychologist.

“social worker (mental health)” means a social worker:

(a) who has been given a provider number by Medicare Australia in respect of being a social worker; and

(b) who, in the opinion of an employee of, or consultant to, the Department or Medicare Australia, has appropriate qualifications in social work in the area of mental health and who practises as a social worker in the area of mental health.

“social worker (general)” means a social worker who in the opinion of an employee of, or consultant to, the Department, has appropriate qualifications in social work and practises as a social worker.

2. **Paragraph 3.5.1(1)(i)**

   *after the provision, insert:*
(ia) a neuropsychologist — the amount worked out under the *DVA document* entitled “Neuropsychologists Schedule of Fees”, *in force on the date in Schedule 1*, on condition that the treatment was provided in accordance with the *Principles* and the *Notes for Allied Mental Health Care Providers*, as they affect a neuropsychologist;

Note: prior approval for a neuropsychologist’s treatment is required under the “Notes for Allied Mental Health Care Providers”.

3. Paragraph 3.5.1(1)(j)

*omit, substitute:*

(ja) an occupational therapist — the amount worked out under the *DVA document* entitled “Occupational Therapists Schedule of Fees”, *in force on the date in Schedule 1*, on condition that the treatment was provided in accordance with the *Principles*, as they affect an occupational therapist other than as an occupational therapist (mental health), and the *Notes for Occupational Therapists*;

(j) an occupational therapist (mental health) — the amount worked out under the *DVA document* entitled “Occupational Therapists (Mental Health) Schedule of Fees”, *in force on the date in Schedule 1*, as the document relates to an occupational therapist (mental health), on condition that the treatment was provided in accordance with the *Principles* and the “Notes for Allied Mental Health Care Providers”, as they affect an occupational therapist (mental health);

4. Paragraph 3.5.1(1)(r)

*omit, substitute:*

(ra) a clinical psychologist — the amount worked out under the *DVA document* entitled “Clinical Psychologists Schedule of Fees”, *in force on the date in Schedule 1*, on condition that the treatment was
provided in accordance with the *Principles* and the *Notes for Allied Mental Health Care Providers*, as they affect a clinical psychologist (including as a psychologist);

(r) a psychologist — the amount worked out under the *DVA document* entitled “Psychologists Schedule of Fees”, *in force on the date in Schedule 1*, on condition that the treatment was provided in accordance with the *Principles* and the *Notes for Allied Mental Health Care Providers*, as they affect a psychologist (other than as a clinical psychologist);

5. Paragraphs 3.5.1(1)(s) and 3.5.1(1)(t)

*omit, substitute*:

(sa) a social worker (general) — the amount worked out under the *DVA document* entitled “Social Workers Schedule of Fees”, *in force on the date in Schedule 1*, on condition that the treatment was provided in accordance with the *Principles* and the *Notes for Social Workers*;

(s) a social worker (mental health) — the amount worked out under the *DVA document* entitled “Social Workers (Mental Health) Schedule of Fees”, *in force on the date in Schedule 1*, on condition that the treatment was provided in accordance with the *Principles* and the *Notes for Allied Mental Health Care Providers*, as they affect a social worker (mental health);

6. Paragraph 7.1.1

*omit, substitute*:

7.1.1 Except where otherwise provided in:

(1) the *Principles*;
(2) *Notes for Providers*; or
(3) a *Fee Schedule*;

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in respect of a particular treatment, the Commission is not to accept financial responsibility for the treatment under this Part unless the Commission’s prior approval for the treatment has been obtained by the entitled person or entitled person’s health care provider.

7. Paragraph 7.1A.1

omit the paragraph, substitute:

7.1A.1 In order for the Commission to accept financial responsibility for treatment provided to an entitled person by a health care provider in an item (denoted by a number) in Column A below, the treatment must have been provided in accordance with the terms and conditions in the document in that item as described in Column B below, as that document relates to the health care provider:

<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. chiropractor</td>
<td>Notes for Chiropractors</td>
</tr>
<tr>
<td>2. clinical psychologist;</td>
<td>Notes for Allied Mental Health Care Providers</td>
</tr>
<tr>
<td>3. psychologist</td>
<td>Notes for Allied Mental Health Care Providers</td>
</tr>
<tr>
<td>4. diabetes educator</td>
<td>Notes for Diabetes Educators</td>
</tr>
<tr>
<td>5. dietitian</td>
<td>Notes for Dietitians</td>
</tr>
<tr>
<td>6. exercise physiologist</td>
<td>Notes for Exercise Physiologists</td>
</tr>
<tr>
<td>6A. neuropsychologist</td>
<td>Notes for Allied Mental Health Care Providers</td>
</tr>
<tr>
<td>7. occupational therapist</td>
<td>Notes for Occupational Therapists</td>
</tr>
<tr>
<td>8. occupational therapist (mental health)</td>
<td>Notes for Allied Mental Health Care Providers</td>
</tr>
<tr>
<td>9. optometrist;</td>
<td>Notes for Providers of Optometric Services /Dispensers of Optical Appliances</td>
</tr>
<tr>
<td>10. optical dispenser</td>
<td>Notes for Providers of Optometric Services</td>
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<tr>
<td>11. osteopath</td>
<td>Notes for Osteopaths</td>
</tr>
<tr>
<td>12. physiotherapist</td>
<td>Notes for Physiotherapists</td>
</tr>
<tr>
<td>13. podiatrist</td>
<td>Notes for Podiatrists</td>
</tr>
<tr>
<td>14. social worker</td>
<td>Notes for Social Workers</td>
</tr>
<tr>
<td>15. social worker (mental health)</td>
<td>Notes for Allied Mental Health Care Providers</td>
</tr>
<tr>
<td>16. speech pathologist</td>
<td>Notes for Speech Pathologists</td>
</tr>
</tbody>
</table>

8. **Schedule 1**

*omit, substitute:*

**SCHEDULE 1 DATES FOR INCORPORATED DOCUMENTS**

The date for:

1. Notes for Local Medical Officers (paragraph 1.4.1);
2. Department of Veterans’ Affairs Fee Schedules for Medical Services (paragraph 3.5.1);
3. Notes for Providers of Optometric Services/Dispensers of Optical Appliances (paragraphs 1.4.1 and 7.1A.1);
4. Optometrist Fees for Consultation (paragraph 3.5.1);
5. DVA Schedule of Fees Orthoptists (paragraph 3.5.1);
6. Pricing Schedule for visual aids (paragraph 3.5.1);
7. Notes for Local Dental Officers (paragraphs 1.4.1 and 5.1.1);
8. Fee Schedule of Dental Services for Dentists and Dental Specialists (paragraph 3.5.1);
9. Fee Schedule of Dental Services for Dental Prosthetists (paragraph 3.5.1);
10. Notes for Chiropractors (paragraphs 1.4.1 and 7.1A.1);
11. Chiropractors Schedule of Fees (paragraph 3.5.1);
12. Notes for Diabetes Educators (paragraphs 1.4.1 and 7.1A.1);
13. Diabetes Educators Schedule of Fees (paragraph 3.5.1);
14. Notes for Dietitians (paragraphs 1.4.1 and 7.1A.1);
15. Dietitians Schedule of Fees (paragraph 3.5.1);
16. Notes for Exercise Physiologists (paragraphs 1.4.1 and 7.1A.1);
17. Exercise Physiologists Schedule of Fees (paragraph 3.5.1);
18. Notes for Occupational Therapists (paragraphs 1.4.1 and 7.1A.1);
19. Occupational Therapists Schedule of Fees (paragraph 3.5.1);
20. Notes for Osteopaths (paragraphs 1.4.1 and 7.1A.1);
21. Osteopaths Schedule of Fees (paragraph 3.5.1);
22. Notes for Physiotherapists (paragraphs 1.4.1 and 7.1A.1);
23. Physiotherapists Schedule of Fees (paragraph 3.5.1);
24. Psychologists Schedule of Fees (paragraph 3.5.1);
25. Notes for Podiatrists (paragraphs 1.4.1 and 7.1A.1);
26. Podiatrists Schedule of Fees (paragraph 3.5.1);
27. Social Workers Schedule of Fees (paragraph 3.5.1);
28. Clinical Counsellors Schedule of Fees (paragraph 3.5.1);
29. Notes for Speech Pathologists (paragraphs 1.4.1 and 7.1A.1);
30. Speech Pathologists Schedule of Fees (paragraph 3.5.1).
31. RAP National Schedule of Equipment (paragraph 11.2A.1);
32. Rehabilitation Appliances Program (RAP) National Guidelines (paragraph 11.2A.1);
33. Notes for Allied Mental Health Care Providers (paragraphs 1.4.1 and 7.1A.1);
34. Neuropsychologists Schedule of Fees (paragraph 3.5.1);
35. Clinical Psychologists Schedule of Fees (paragraph 3.5.1);
36. Occupational Therapists (Mental Health) Schedule of Fees (paragraph 3.5.1);
37. Social Workers (Mental Health) Schedule of Fees (paragraph 3.5.1).
38. Notes for Social Workers (paragraph 1.4.1 and 7.1A.1).

is 1 November 2010.