



Health Insurance (Section 3C Cleft Lip and Cleft Palate Services) Determination 2020

made under subsection 3C(1) of the

Health Insurance Act 1973

Compilation No. 1

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About this compilation

This compilation

This is a compilation of the *Health Insurance (Section 3C Cleft Lip and Cleft Palate Services) Determination 2020* that shows the text of the law as amended and in force on 1 July 2021 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1. Name

This instrument is the *Health Insurance (Section 3C Cleft Lip and Cleft Palate Services) Determination 2020*.

3. Authority

This instrument is made under subsection 3C(1) of the *Health Insurance Act 1973*.

5. Definitions

(1) In this instrument:

Act means the *Health Insurance Act 1973*.

dental practitioner has the same meaning as subsection 3(1) of the Act.

eligible oral and maxillofacial surgeon means a practitioner described in subsection 7(6) of this instrument.

eligible orthodontist means a dental practitioner described in subsection 7(2) of this instrument.

GMST Regulations 2011 means the *Health Insurance (General Medical Services Table) Regulations 2011*.

Note The *Health Insurance (General Medical Services Table) Regulations 2011* commenced on 1 November 2011.

medical practitioner has the same meaning as subsection 3(1) of the Act.

relevant provisions means all provisions, relating to professional services or to medical services, of the Act and regulations made under the Act, and the *National Health Act 1953* and regulations made under that Act.

relevant service means a health service, as defined in subsection 3C(8) of the Act, that is specified in the Schedule.

Schedule means the Schedule to this instrument.

Note Unless the contrary intention appears, expressions used in this instrument have the same meanings as in the Act—see section 13 of the *Legislation Act 2003*. Terms defined in the Act include:

- general medical services table
- item
- professional service

- (2) Unless the contrary intention appears, a reference in this instrument to a provision of the Act or the *National Health Act 1953* or regulations made under the Act or under the *National Health Act 1953* as applied, adopted or incorporated in relation to specifying a matter is a reference to those provisions as in force from time to time and any other reference to provisions of an Act or regulations is a reference to those provisions as in force from time to time.

6. Treatment of relevant services

For subsection 3C(1) of the Act, a relevant service provided in accordance with this instrument is to be treated, for the relevant provisions, as if:

- (a) it were both a professional service and a medical service; and
- (b) there were an item in the general medical services table that:
 - (i) related to the service; and
 - (ii) specified for the service a fee in relation to each State, being the fee specified in the Schedule in relation to the service.

7. Limitation on services

- (1) Items 75001 to 75854 apply only to a service provided to a prescribed dental patient.

Note For the meaning of a **prescribed dental patient**, see section 3BA of the Act

- (2) Subject to subsection (5), items 75001 to 75006 or 75024 to 75051 that include the symbol (**AO**) apply only to a service provided:

- (a) by a dental practitioner who is registered under a law of a State or Territory in the specialty of orthodontics; or

- (b) by a dental practitioner:

- (i) who is not registered under a law of a State or Territory in the specialty of orthodontics; and

- (ii) whose qualifications or experience demonstrate to the Australian Society of Orthodontists, prior to 31 March 2013, his or her competence in the field of orthodontics that is applicable to the giving of:

- (A) services mentioned in items 75001 to 75006 or 75024 to 75051; or

- (B) services mentioned in at least 1 of these items; or

- (c) a dental practitioner who, immediately prior to 1 November 2012, was an accredited orthodontist as defined in rule 2.59.2(3)(b) of the GMST Regulations 2011 or any equivalent provision of preceding regulations.

- (3) Subject to subsection (5), items 75009 to 75023 that include the symbol (**AO**) and the symbol (**AOS**) apply only to a service provided by:

- (a) a dental practitioner who is registered under a law of a State or Territory in the specialty of orthodontics; or

- (b) a dental practitioner:

- (i) who is not registered under a law of a State or Territory in the specialty of orthodontics; and

- (ii) whose qualifications or experience demonstrate to the Australian Society of Orthodontists, prior to 31 March 2013, his or her competence in the field of orthodontics that is applicable to the giving of:

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- (A) services mentioned in items 75009 to 75023; or
 - (B) services mentioned in at least 1 of these items;
- (c) a medical practitioner who is a specialist in the practice of his or her specialty of oral and maxillofacial surgery; or
 - (d) a dental practitioner who, immediately prior 1 November 2012, was an accredited orthodontist as defined in rule 2.59.2(3)(b) of the GMST Regulations 2011 or any equivalent provision of preceding regulations; or
 - (e) a dental practitioner who, immediately prior to 1 November 2012, held an approval granted by the Minister for the purposes of the definition of professional service in subsection 3(1) of the Act.
- (4) In this section, an ***equivalent provision of preceding regulations*** means a provision of regulations prescribed pursuant to section 4 of the Act in force at any time prior to the commencement of the GMST Regulations 2011, being a provision concerning the accreditation of a dental practitioner who was not registered or licensed as an orthodontist under a law of a State or Territory that provided for the registration or licensing of orthodontists.
 - (5) If a service described in an item mentioned in subsection (2) or (3) is performed by a dental practitioner described in paragraph (2)(b), (2)(c), (3)(b) or (3)(d), the item for the service applies only if the dental practitioner's experience or qualifications demonstrated his or her competence in the field of orthodontics applicable to the giving of the service mentioned in that item.
 - (6) Items 75150 to 75156 or 75400 to 75621 that include the symbol (***AOS***) apply only to a service provided by:
 - (a) a medical practitioner who is a specialist in the practice of his or her specialty of oral and maxillofacial surgery; or
 - (b) a dental practitioner who, immediately prior to 1 November 2012, held an approval granted by the Minister for the purposes of the definition of ***professional service*** in subsection 3(1) of the Act.
 - (7) Items 75200 to 75206 or 75800 to 75854 that include the symbol (***AD***) apply only to a service provided by a dental practitioner

Schedule - Specified health services

Part 1 Group C1 Orthodontic services and fees

Category 7 – Cleft Lip and Cleft Palate Services

Group C1 – Orthodontic Services

Item	Service	Fee (\$)
75001	Initial professional attendance in a single course of treatment by an eligible orthodontist (AO)	89.00
75004	Professional attendance by an eligible orthodontist after the first professional attendance by the orthodontist in a single course of treatment (AO)	44.75
75006	Production of dental study models (other than a service associated with a service to which item 75004 applies) before provision of a service to which: (a) item 75030, 75033, 75034, 75036, 75037, 75039, 75045 or 75051 applies; or (b) an item in Group T8 or Groups O3 to O9 applies; in a single course of treatment (AO)	79.30
75009	Orthodontic radiography — orthopantomography (panoramic radiography), including any consultation on the same occasion (AOS) (AO)	70.95
75012	Orthodontic radiography — anteroposterior cephalometric radiography with cephalometric tracings or lateral cephalometric radiography with cephalometric tracings including any consultation on the same occasion (AOS) (AO)	112.45
75015	Orthodontic radiography — anteroposterior and lateral cephalometric radiography, with cephalometric tracings including any consultation on the same occasion (AOS) (AO)	154.60
75018	Orthodontic radiography — anteroposterior and lateral cephalometric radiography, with cephalometric tracings and orthopantomography including any consultation on the same occasion (AOS) (AO)	196.95
75021	Orthodontic radiography — hand-wrist studies (including growth prediction) including any consultation on the same occasion (AOS) (AO)	241.45
75023	Intraoral radiography — single area, periapical or bitewing film (AOS) (AO)	48.35
75024	Pre-surgical infant maxillary arch repositioning, including supply of appliances and all adjustments of appliances and supervision — if 1 appliance is used (AO)	624.40
75027	Pre-surgical infant maxillary arch repositioning, including supply of appliances and all adjustments of appliances and supervision — if 2 appliances are used (AO)	856.25
75030	Maxillary arch expansion other than a service associated with a service to which item 75039, 75042, 75045 or 75048 applies, including supply of appliances, all adjustments of the appliances, removal of the appliances and retention (AO)	762.35
75033	Mixed dentition treatment — incisor alignment using fixed appliances in maxillary arch, including supply of appliances, all adjustments of appliances, removal of the appliances and retention (AO)	1,249.60

Category 7 – Cleft Lip and Cleft Palate Services

Group C1 – Orthodontic Services

Item	Service	Fee (\$)
75034	Mixed dentition treatment — incisor alignment with or without lateral arch expansion using a removable appliance in the maxillary arch, including supply of appliances, associated adjustments and retention (AO)	636.00
75036	Mixed dentition treatment — lateral arch expansion and incisor alignment using fixed appliances in maxillary arch, including supply of appliances, all adjustments of appliances, removal of appliances and retention (AO)	1,726.00
75037	Mixed dentition treatment — lateral arch expansion and incisor correction — 2 arch (maxillary and mandibular) using fixed appliances in both maxillary and mandibular arches, including supply of appliances, all adjustments of appliances, removal of appliances and retention (AO)	2,173.85
75039	Permanent dentition treatment — single arch (mandibular or maxillary) treatment (correction and alignment) using fixed appliances, including supply of appliances — initial 3 months of active treatment (AO)	577.75
75042	Permanent dentition treatment — single arch (mandibular or maxillary) treatment (correction and alignment) using fixed appliances, including supply of appliances — each 3 months of active treatment (including all adjustments and maintenance and removal of the appliances) after the first for a maximum of a further 33 months (AO)	215.95
75045	Permanent dentition treatment — 2 arch (mandibular and maxillary) treatment (correction and alignment) using fixed appliances, including supply of appliances — initial 3 months of active treatment (AO)	1,156.60
75048	Permanent dentition treatment — 2 arch (mandibular and maxillary) treatment (correction and alignment) using fixed appliances, including supply of appliances — each subsequent 3 months of active treatment (including all adjustments and maintenance, and removal of the appliances) after the first for a maximum of a further 33 months (AO)	296.60
75049	Retention, fixed or removable, single arch (mandibular or maxillary) — supply of retainer and supervision of retention (AO)	347.15
75050	Retention, fixed or removable, 2-arch (mandibular and maxillary) — supply of retainers and supervision of retention (AO)	670.15
75051	Jaw growth guidance using removable or functional appliances, including supply of appliances and all adjustments to appliances (AO)	1,028.70

Part 2 Group C2 Oral and maxillofacial services and fees

Category 7 – Cleft Lip and Cleft Palate Services

Group C2 – Oral and Maxillofacial Services

Item	Service	Fee (\$)
75150	Initial professional attendance in a single course of treatment by an eligible oral and maxillofacial surgeon if the patient is referred to the surgeon by an eligible orthodontist (AOS)	89.00

Category 7 – Cleft Lip and Cleft Palate Services

Group C2 – Oral and Maxillofacial Services

Item	Service	Fee (\$)
75153	Professional attendance by an eligible oral and maxillofacial surgeon after the first professional attendance by the surgeon in a single course of treatment if the patient is referred to the surgeon by an eligible orthodontist (AOS)	44.75
75156	Production of dental study models (other than a service associated with a service to which item 75153 applies) before provision of a service: (a) to which item 52321, 53212 or 75618 applies; or (b) to which an item in the series 52330 to 52382, 52600 to 52630, 53400 to 53409 or 53415 to 53429 applies; in a single course of treatment, if the patient is referred by an eligible orthodontist (AOS)	79.30
75200	Removal of tooth or tooth fragment (other than treatment to which item 75400, 75403, 75406, 75409, 75412 or 75415 applies), if the patient is referred by an eligible orthodontist (AD)	57.15
75203	Removal of tooth or tooth fragment under general anaesthesia, if the patient is referred by an eligible orthodontist (AD)	85.75
75206	Removal of each additional tooth or tooth fragment at the same attendance at which a service to which item 75200 or 75203 applies is rendered, if the patient is referred by an eligible orthodontist (AD)	28.45
75400	Surgical removal of erupted tooth, if the patient is referred by an eligible orthodontist (AOS)	171.45
75403	Surgical removal of tooth with soft tissue impaction, if the patient is referred by an eligible orthodontist (AOS)	196.95
75406	Surgical removal of tooth with partial bone impaction, if the patient is referred by an eligible orthodontist (AOS)	224.40
75409	Surgical removal of tooth with complete bone impaction, if the patient is referred by an eligible orthodontist (AOS)	254.10
75412	Surgical removal of tooth fragment requiring incision of soft tissue only, if the patient is referred by an eligible orthodontist (AOS)	141.95
75415	Surgical removal of tooth fragment requiring removal of bone, if the patient is referred by an eligible orthodontist (AOS)	171.45
75600	Surgical exposure, stimulation and packing of unerupted tooth, if the patient is referred by an eligible orthodontist (AOS)	241.45
75603	Surgical exposure of unerupted tooth for the purpose of fitting a traction device, if the patient is referred by an eligible orthodontist (AOS)	283.80
75606	Surgical repositioning of unerupted tooth, if the patient is referred by an eligible orthodontist (AOS)	283.80
75609	Transplantation of tooth bud, if the patient is referred by an eligible orthodontist (AOS)	423.65

Category 7 – Cleft Lip and Cleft Palate Services

Group C2 – Oral and Maxillofacial Services

Item	Service	Fee (\$)
75612	Surgical procedure for intra oral implantation of osseointegrated fixture (first stage), if the patient is referred by an eligible orthodontist (AOS)	524.30
75615	Surgical procedure for fixation of trans-mucosal abutment (second stage of osseointegrated implant), if the patient is referred by an eligible orthodontist (AOS)	194.10
75618	Provision and fitting of a bite rising appliance or dental splint for the management of temporomandibular joint dysfunction syndrome, if the patient is referred by an eligible orthodontist (AOS)	241.00
75621	The provision and fitting of surgical template in conjunction with orthognathic surgical procedures in association with: (a) an item in the series: (i) 45720 to 45754; or (ii) 52342 to 52375; or (b) item 52380 or 52382; if the patient is referred by an eligible orthodontist (AOS)	241.00

Part 3 Group C3 General and prosthodontic services and fees

Category 7 – Cleft Lip and Cleft Palate Services

Group C3 – General and Prosthodontic Services

Item	Service	Fee (\$)
75800	Attendance comprising consultation, preventive treatment and prophylaxis, of not less than 30 minutes in duration — each attendance to a maximum of 3 attendances in any period of 12 months (AD)	85.75
75803	Provision and fitting of acrylic base partial denture, including retainers — 1 tooth (AD)	343.15
75806	Provision and fitting of acrylic base partial denture, including retainers — 2 teeth (AD)	402.45
75809	Provision and fitting of acrylic base partial denture, including retainers — 3 teeth (AD)	476.55
75812	Provision and fitting of acrylic base partial denture, including retainers — 4 teeth (AD)	529.45
75815	Provision and fitting of acrylic base partial denture, including retainers — 5 to 9 teeth (AD)	646.05
75818	Provision and fitting of acrylic base partial denture, including retainers — 10 to 12 teeth (AD)	762.35
75821	Provision and fitting of cast metal base (cobalt chromium alloy) partial denture including casting and retainers — 1 tooth (AD)	614.10
75824	Provision and fitting of cast metal base (cobalt chromium alloy) partial denture including casting and retainers — 2 teeth (AD)	709.45
75827	Provision and fitting of cast metal base (cobalt chromium alloy) partial denture including casting and retainers — 3 teeth (AD)	815.50
75830	Provision and fitting of cast metal base (cobalt chromium alloy) partial denture including casting and retainers — 4 teeth (AD)	900.20
75833	Provision and fitting of cast metal base (cobalt chromium alloy) partial denture including casting and retainers — 5 to 9 teeth (AD)	1,101.25
75836	Provision and fitting of cast metal base (cobalt chromium alloy) partial denture including casting and retainers — 10 to 12 teeth (AD)	1,260.15
75839	Provision and fitting of retainers (other than treatment associated with treatment to which item 75803, 75806, 75809, 75812, 75815, 75818, 75821, 75824, 75827, 75830, 75833 or 75836 applies) — each retainer (AD)	28.45
75842	Adjustment of partial denture (other than treatment associated with treatment to which item 75803, 75806, 75809, 75812, 75815, 75818, 75821, 75824, 75827, 75830, 75833 or 75836 applies) (AD)	42.40
75845	Relining of partial denture by laboratory process and associated fitting (AD)	211.90
75848	Remodelling and fitting of partial denture of more than 4 teeth (AD)	254.10
75851	Repair to cast metal base of partial denture — 1 or more points (AD)	127.10
75854	Addition of a tooth or teeth to a partial denture to replace extracted tooth or teeth, including taking of necessary impression (AD)	127.10

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Health Insurance (Section 3C Cleft Lip and Cleft Palate Services) Determination 2020	17 June 2020 (F2020L00736)	1 July 2020 (s 2(1) item 1)	
Health Insurance Legislation Amendment (Section 3C General Medical and Diagnostic Imaging Services – Medicare Indexation) Determination 2021	8 Apr 2021 (F2021L00426)	1 July 2021 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2	rep LA s 48D
s 4	rep LA s 48C
Schedule	
Schedule	am F2021L00426
