

# **Health Insurance (Professional Services Review) Regulations 1999**

## **1999 No. 258**

### **EXPLANATORY STATEMENT**

#### **STATUTORY RULES 1999 No. 258**

Issued by the Authority of the Minister for Health and Aged Care

*Health Insurance Act 1973*

Health Insurance (Professional Services Review) Regulations 1999

Section 133 of the *Health Insurance Act 1973* (the Act) allows the Governor-General to make regulations prescribing matters that are required or permitted by the Act to be prescribed, or that are necessary and convenient to be prescribed for carrying out or giving effect to the Act.

From 1 November 1999, subsection 82(3) of the Act requires that a Professional Services Review (PSR) Committee must have regard to whether or not the practitioner kept adequate and contemporaneous records in determining whether the practitioner's conduct constitutes inappropriate practice. The term "adequate and contemporaneous records" is defined in section 81 of the Act as records that meet the standards prescribed by the regulations.

These regulations prescribe standards for adequate and contemporaneous records.

The PSR process involves a review by a committee of peers to determine whether a practitioner has inappropriately rendered or initiated services which attract a Medicare benefit, or has inappropriately prescribed under the Pharmaceutical Benefits Scheme.

As part of the PSR process, a PSR Committee will examine the practitioner's records to determine whether the records satisfy the standards set out in these regulations.

Assessment of compliance or otherwise with the standards contained in these regulations will form part of the peer judgement of the PSR Committee in determining whether a practitioner's conduct was inappropriate. A PSR Committee may also have regard to the requirements of any relevant professional standards (or codes of practice), and/or the requirements of the General Medical Services Table, the Pathology Services Table and/or the Diagnostic Imaging Services Table.

Details of the Regulations are set out in the Attachment.

The Regulations commenced on 1 November 1999.

## **ATTACHMENT**

### **Details of the Health Insurance (Professional Services Review) Regulations 1999**

#### **PART 1 - INTRODUCTORY**

##### **Regulation 1 - Name of Regulations**

Specifies that the title of the regulations as the Health Insurance (Professional Services Review) Regulations 1999.

##### **Regulation 2 - Commencement**

Provides that the Regulations commence on 1 November 1999.

##### **Regulation 3 - Definitions**

Defines certain terms for the purposes of the Regulations.

#### **PART 2 - ADEQUATE AND CONTEMPORANEOUS RECORDS**

##### **Regulation 4 - Purpose**

Provides that this part of the Regulations sets out the standards to be met in order that a practitioner's records of the rendering or initiation of services is adequate and contemporaneous.

##### **Regulation 5 - An adequate record**

Specifies the standards to be met in order that a record of a rendered or initiated service be adequate.

##### **Regulation 6 - A contemporaneous record**

Specifies the standards to be met in order that a record of a rendered or initiated service be contemporaneous: