

Health Insurance Amendment Regulations 2001 (No. 6) 2001 No. 342

EXPLANATORY STATEMENT

STATUTORY RULES 2001 No. 342

Issued by authority of the Minister for Health and Ageing

Health Insurance Act 1973

Health Insurance Amendment Regulations 2001 (No. 6)

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

Section 19AA of the Act prohibits access to a Medicare provider number to certain persons who have become, or have been deemed to become, medical practitioners on or after 1 November 1996. The effect of the prohibition is that such a medical practitioner, and his or her patients, cannot claim a Medicare benefit in respect of professional services performed by the practitioner. However, subparagraphs 19AA(1)(b)(iv) and 19AA(2)(b)(iv) contain an exception to the prohibition for the duration of a period for which a medical practitioner is registered under section 3GA of the Act.

Section 3GA of the Act establishes a Register of Approved Placements. If a practitioner is "enrolled in, or undertaking, a course or program of a kind specified in the regulations" (subparagraph 3GA(5)(a)(i)) then while the practitioner is undertaking that course or program he or she is eligible to apply for listing on the Register of Approved Placements and once listed, will meet the requirements of subparagraphs 19AA(1)(b)(iv) and 19AA(2)(b)(iv).

Paragraph 3GA(5)(b) also provides that a person can be listed on the Register of Approved Placements where "the applicant is, in accordance with the regulations, eligible for registration under this section". Subsection 3GA(8) states that the HIC may give a "body specified" in the regulations certain information including the current state of the Register, and additions and deletions to the Register.

Regulation 6E of the *Health Insurance Regulations 1975* provides that for paragraph 3GA(5)(a) of the Act, "specified bodies" and "specified programs" are mentioned in part 2 of Schedule 5 (Specified Bodies and Programs). Currently, Part 2 of Schedule 5 includes the Royal Australian College of General Practitioners as a "specified body" and the RACGP Training Program as a "specified program".

Further, Section 130(1) of the Act requires officers to observe secrecy in relation to any information acquired in the performance of their duties relating to the affairs of another person. Paragraph 1.30(3A)(a) of the Act enables officers of the Department or the HIC to divulge information of a kind specified in the regulations to a "prescribed authority". Regulation 27 of the *Health Insurance Regulations 1975* states that for the purposes of paragraph 130(3A)(a)(a), "prescribed authorities" are mentioned in Schedule 3.

The *Health Insurance Amendment Regulations 2001 (No. 6)* allow General Practice Education and Training (GPET) Limited to meet its responsibilities as national manager of the general practice vocational training arrangements. GPET was established as a Commonwealth company limited by guarantee in March 2001 to manage the Government's reform of general practice vocational training arrangements, commencing in January 2002.

Under the new arrangements, GPET will replace the RACGP as the central co-ordinating general practice vocational training body. GPET will be responsible for providing information to the FRC about registrars undertaking general practice vocational training to enable the HIC to provide for the formal registration of registrars in approved training placements.

The Regulations:

- include GPET as a "specified body" for the purposes of section 3GA of the Act;
- include the Australian General Practice Training Program as a "specified program" for the purposes of section 3GA of the Act;
- enable GPET to obtain information about the Register from the HIC, concerning registrars that would otherwise not be available under the secrecy provisions of paragraph 130(3A)(a)(a) of the Act, to assist its national management and monitoring of general practice vocational training; and

This enables registrars to obtain a service provider number and claim Medicare benefits for the duration of their registration.

Details of the Regulations are set out in the Attachment.

The Regulations commence on gazettal.

ATTACHMENT

Health Insurance Amendment Regulations 2001 (No. 6)

Regulation 1 provides that the Regulations may be cited as the *Health Insurance Amendment Regulations 2001 (No. 6)*.

Regulation 2 provides that the Regulations will commence on gazettal.

Regulation 3 provides that the *Health Insurance Regulations 1975* are amended by Schedule 1.

Schedule 1 outlines the amendments to the *Health Insurance Regulations 1975*:

- Item 1, subregulation 27(9) inserts General Practice Education and Training Limited as a prescribed authority for the purpose of receiving information from the Health Insurance Commission relating to a medical practitioner who is undertaking the Australian General Practice Training Program and specifies the type of information to be provided;
- Item 1, subregulation 27(10) specifies that information provided under subregulation 27(9) must not be in a manner that is likely to identify the person to whom the service was rendered; and
- Item 2, Schedule 5, Part 2 inserts General Practice Education and Training Limited as a specified body and the Australian General Practice Training Program as a specified program to reflect General Practice Education and Training Limited's role as the central co-ordinating general practice vocational training body for the new regionalised training arrangements.