

EXPLANATORY STATEMENT

STATUTORY RULES 2004 No. 385

Issued by the Authority of the Minister for Health and Ageing

Health Insurance Act 1973

Health Insurance (General Medical Services Table) Amendment Regulations 2004 (No. 9)

Subsection 133(1) of the *Health Insurance Act 1973* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, 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.

The Act provides, in part, for payment of Medicare benefits in respect of professional services rendered to eligible persons. Section 9 of the Act provides that Medicare benefits shall be calculated by reference to the fees for medical services set out in prescribed tables.

Subsection 4(1) of the Act provides that the regulations may prescribe a table of medical services (other than diagnostic imaging services and pathology services) that sets out items of medical services, the amount of fees applicable in respect of each item and rules for interpretation of the table. The *Health Insurance (General Medical Services Table) Regulations 2004* (the Principal Regulations) currently prescribe such a table.

The purpose of the Regulations is to introduce thirty-two new items into the General Medical Services Table (the Table) and to increase the Medicare schedule fee for eight existing items in the Table. These amendments give effect to the Australian Government's election policy, "Round the Clock Medicare: Investing in After-Hours General Practitioner Services".

The new items allow a higher Medicare benefit to be paid for professional attendances provided by general practitioners and other medical practitioners during specified after-hours periods. The new items correspond to existing items in Group A1 and Group A2 of the Table. The Regulations also increase the Medicare schedule fee for the existing emergency after-hours items in Groups A1, A2 and A11 of the Table.

The Regulation also confirm that a service covered by Medicare item 10993 (an immunisation provided by a practice nurse on behalf of a GP) is taken not to include the supply of the vaccine unless the cost of the vaccine is subsidised by the Commonwealth or a State. This was the original intent of item 10993 when it was introduced in February 2004.

Details of the Regulations are set out in the Attachment.

The Act specifies no conditions that need to be met before the power to make the Regulations may be exercised.

The Regulations commence on 1 January 2005.

DETAILS OF THE *HEALTH INSURANCE (GENERAL MEDICAL SERVICES TABLE) AMENDMENT REGULATIONS 2004 (NO. 9)*

Regulation 1 provides for the Regulations to be referred to as the *Health Insurance (General Medical Services Table) Amendment Regulations 2004 (No. 9)*.

Regulation 2 provides for the Regulations to commence on 1 January 2005.

Regulation 3 provides for Schedule 1 to amend the *Health Insurance (General Medical Services Table) Regulations 2004* (the Principal Regulations).

Schedule 1 – Amendments

Item [1] - Subrule 7(1)

Subrule 7(1) describes the meaning of “professional attendance” in certain items. This item amends subrule 7(1) to include the services covered by new items 5000 to 5267 within the subrule (see item [8], below).

Item [2] - Paragraph 7(2)(a)

This amends paragraph 7(2)(a) to include new items 5000 to 5267 (see item [8], below).

Item [3] - New subrules 9(14) to 9(21)

This item inserts new subrules 9(14) to 9(21), which specify the Medicare schedule fee for the new items 5003, 5007, 5010, 5023, 5026, 5028, 5043, 5046, 5049, 5063, 5064, 5067, 5220, 5223, 5227, 5228, 5240, 5243, 5247, 5248, 5260, 5263, 5265 and 5267. These items are inserted by item [8], below.

Item [4] – Application of item numbers 5000 to 5267 in new rule 15(A)

This item inserts new rule 15(A) to specify that the new items 5000 to 5267 can be claimed only when the professional attendance is initiated on a public holiday, or on a Sunday, or before 8am or after 1pm on a Saturday, or before 8am or after 8pm on any day other than a Saturday, Sunday or public holiday.

Item [5] – New subrule 84(3)

This item inserts new subrule 84(3) to confirm that the service covered by item 10993 is taken not to include the supply of the vaccine unless the cost of the vaccine is subsidised by the Commonwealth or a State. The subrule 84(3) operates in a similar manner to subrule 7(2) in the Principal Regulations.

Item [6] – Item numbers 1 and 2

This amends items 1 and 2 of Part 3 of Schedule 1 to the Principal Regulations to clarify that these items do not apply to professional attendances initiated between 11pm and 7am.

Item [7] – Item numbers 97 and 98

This amends items 97 and 98 of Part 3 of Schedule 1 to the Principal Regulations to clarify that these items do not apply to professional attendances initiated between 11pm and 7am.

Item [8] – New item numbers 5000 to 5267

This introduces new items 5000, 5003, 5007, 5010, 5020, 5023, 5026, 5028, 5040, 5043, 5046, 5049, 5060, 5063, 5064, 5067, 5200, 5203, 5207, 5208, 5220, 5223, 5227, 5228, 5240, 5243, 5247, 5248, 5260, 5263, 5265 and 5267. These items apply to services provided by general practitioners and other medical practitioners during the specified after hours periods (see item [4], above).

New items 5000 to 5067 are inserted into the General Medical Services Table (the Table) in new Group A22, and correspond to existing items in Group A1 of the Table.

New items 5200 to 5267 are inserted into the Table in a new Group A23, and correspond to existing items in Group A2 of the Table.

Item [9] – Amendments to items 1, 2, 97, 98, 601, 602, 697, 698

This amends items 1, 2, 97, 98, 601, 602, 697 and 698 to specify new Medicare schedule fees. The new fee is \$10 higher than the current fee for each item.