

## EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Health and Ageing

### *Health Insurance Act 1973*

#### Health Insurance (Deep Brain Stimulation for Parkinson's Disease) Determination HS/01/2005

Subsection 3C(1) of the *Health Insurance Act 1973* ("the Act") allows the Minister to determine in writing that a specified health service (which is not listed in the Medicare Benefits Schedule) shall, in specified circumstances and for specified statutory provisions, be treated as if it were so listed.

The effect of subsection 3C(4) is that a determination made under subsection 3C(1) is a disallowable instrument within the meaning of the *Acts Interpretation Act 1901*.

On 11 February 2001 the former Minister for Health and Ageing made *Health Insurance Determination HS/07/2001* ("Determination HS/07/2001") to allow the payment of Medicare benefits for deep brain stimulation for Parkinson's disease. The Determination followed an assessment by the Medical Services Advisory Committee (MSAC) of the evidence supporting the safety, effectiveness and cost-effectiveness of the treatment. At that time, MSAC considered there was insufficient evidence to support permanent funding under Medicare, but recommended interim funding to allow further information on adverse events, longer-term patient outcomes and costs in the Australian setting to be collected. Accordingly, the Determination allowed the payment of benefits until 31 January 2005.

New evidence will now be assessed by MSAC.

*Health Insurance (Deep Brain Stimulation for Parkinson's Disease) Determination HS/01/2005* ("the Determination") replaces Determination HS/07/2001 and incorporates all subsequent amendments, except that the cessation date is extended from 31 January 2005 until 30 April 2006. Extending the cessation date will mean that Medicare benefits can continue to be paid while MSAC undertakes its assessment of the latest available evidence for the treatment.

Details of the Determination are set out in the Attachment.

## NOTES ON CLAUSES

Clause 1 provides that the Amending Determination may be cited as the *Health Insurance (Deep Brain Stimulation for Parkinson's Disease) Determination HS/01/2005*.

Clause 2 defines certain terms used in the Determination.

Clause 3 provides that the Determination commences on 1 February 2005.

Clause 4 provides that the Determination ceases on 30 April 2006.

Clause 5 provides that deep brain stimulation services for the treatment of Parkinson's Disease shall be treated as if were both a professional service and a medical service for the purposes of the provisions of the *Health Insurance Act 1973* and the *National Health Act 1953* and regulations made under each Act that make provision in respect of professional services or medical services. Clause 5 also provides that each deep brain stimulation service shall be treated as if there were an item in the general medical services table that related to the service and specified a fee in respect of that service.

Clause 6 specifies the circumstances in which the Determination applies. The determination applies to services rendered in relevant centres in respect of a patient whose response to medical therapy is not sustained and is accompanied by unacceptable motor fluctuations.

Schedule 1 lists the relevant centres in which deep brain stimulation services must be provided.

Schedule 2 sets out the deep brain stimulation services to which the Determination relates and specifies the fee in respect of each service.