

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2007 No. 189**

Subject: *Health Insurance Act 1973*

*Health Insurance (General Medical Services Table) Amendment Regulations 2007  
(No. 5)*

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 payments 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.

A table of general medical services is currently prescribed by the *Health Insurance (General Medical Services Table) Regulations 2006* (the Principal Regulations) which commenced on 1 November 2006.

The purpose of the Regulations is to amend the Principal Regulations as part of the on-going management of the General Medical Services Table, and also incorporate changes in items to the table resulting from review by the Medicare Benefits Consultative Committee. These reviews are designed to ensure that the table reflects current clinical practice and encourages best practice.

The Regulations include additions and amendments to the existing rules of interpretation. The Regulations also:

- introduce 11 new items to the table; and
- amend the descriptors for 9 existing items to accurately reflect current clinical practice.

Broadly, consultation for these amendments included the Australian Medical Association, relevant professional medical craft groups and Medicare Australia. Relevant professional medical craft groups consulted included the Australian and New Zealand Society of Urological Surgeons, the faculty of Radiation Oncology, the Australian College of Rural and Remote Medicine, the Royal Australian College of General Practitioners, the Australian Practice Nurse Association, the National Aboriginal Community Controlled Health Organisation, the Australian Orthopaedic Association, the Royal Australian and New Zealand College of Psychiatrists.

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 are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commence on 1 July 2007.

**Details of the *Health Insurance (General Medical Services Table) Amendment Regulations 2007 (No. 5)***

Regulation 1 provides for the Regulations to be referred to as the *Health Insurance (General Medical Services Table) Amendment Regulations 2007 (No. 5)*

Regulation 2 provides for the Regulations to commence on 1 July 2007.

Regulation 3 provides that Schedule 1 amends the *Health Insurance (General Medical Services Table) Regulations 2006* (the Principal Regulations).

**Schedule 1 - Amendments**

**Rules of interpretation**

The following amendments to rules, insertion of new rules and deletion of rules are :

**Item [1]**

Subrule 14(3)

This item amends the definition of ‘accredited training placement’ to cover all accredited specialist training places rather than just advanced training

**Item [2]**

Subrule 14(3)

This item amends the definition of a medical practitioner who is a specialist trainee to be one that is undertaking an accredited specialist training placement.

**Item [3]**

Rule 44

This item inserts a new subrule 44 (2C) for new items 718 and 719 to define that they only apply to a service for a patient who has an intellectual disability and is not an in patient of a hospital or a care recipient in a residential aged care facility.

**Item [4]**

Rule 44

This item inserts a new subrule 44 (4) for new items 718 and 719 to define the general functionality of a person with an intellectual disability.

**Item [5]**

Rule 48C

This item introduces a new rule 48C to define the meaning of ‘health assessment’ for items 718 and 719.

**Item [6]**

Rule 85A

This item introduces a new rule 85A to define the terms ‘GP management plan’, ‘multidisciplinary care plan’, ‘person with a chronic disease’, ‘practice nurse’, ‘registered Aboriginal health worker’ and ‘team care arrangements’ in relation to the operation of item 10997 (services provided to a person with a chronic disease by a practice nurse or registered Aboriginal health worker).

**Item [7]**

**Rule 86A**

This item introduces a new rule 86A to clarify that new items 30668, 30690, 30692, or 30694 for endoscopic ultrasound apply to a service only if the provider makes a record of the findings of the ultrasound imaging in the patient's notes.

**Services and Fees**

**Item [8]**

Item 353 is amended to state that the item is for a consultation of less than 15 minutes duration.

**Item [9]**

Items 364, 366, 367, 369, and 370 are amended to clarify that attendance under these items are conditional upon a patient having a telepsychiatry consultation to which any of items 353 to 358 applies, prior to the attendance.

**Item [10]**

New items 718 and 719 are introduced to provide an annual health assessment of a patient with an intellectual disability.

**Item [11]**

New item 10997 is introduced for services provided by a practice nurse or Aboriginal health worker, on behalf of a medical Practitioner for a person with a chronic disease.

**Items [12] and [13]**

Item 11820 is amended to clarify that this item does not cover double balloon enteroscopy.

**Item [14]**

Item 15338 is amended to increase the upper Gleason Score for prostate malignancy from 6 to 7 following recommendations for the Medical Services Advisory Committee.

**Item [15]**

New items 30680, 30682, 30684, 30686 are introduced for use in the diagnosis and management of patients with obscure gastrointestinal bleeding. This is in line with Medical Services Advisory Committee recommendations.

New items 30688, 30690, 30692 and 30694 are introduced for endoscopic ultrasound for staging and diagnosis (with or without fine needle aspiration) of a specific gastrointestinal neoplasm.

**Item [16]**

Item 37220 is amended to increase the upper Gleason Score for prostate malignancy from 6 to 7 following recommendations for the Medical Services Advisory Committee.