



## Australian Government

Veterans' Entitlements Act 1986

# Veterans' Entitlements (Treatment Principles – Providers/Treatment in New Guinea/ACPMH Treatment/Incorporated Documents) Instrument 2007

Instrument No. R25/2007

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I, Alan Griffin, Minister for Veterans' Affairs, pursuant to subsection 90(5) of the *Veterans' Entitlements Act 1986*, approve this instrument made by the Repatriation Commission.

Dated this 24th day of January 2008

Alan Griffin  
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**ALAN GRIFFIN**

The Repatriation Commission, pursuant to subsection 90(4) of the *Veterans' Entitlements Act 1986*, varies the *Treatment Principles* (Instrument No.R8 of 2004) in accordance with Schedules A, B, C and D.

Dated this 14th day of January 2008

Mark Sullivan  
.....

**MARK SULLIVAN**  
**PRESIDENT**

Ed Killesteyn  
.....

**ED KILLESTEYN**  
**DEPUTY PRESIDENT**

## 1. Name of Instrument

This instrument is the *Veterans' Entitlements (Treatment Principles – Providers/Treatment in New Guinea/ACPMH Treatment/Incorporated Documents) Instrument 2007*.

## 2. Commencement

This instrument commences when it is registered on the Federal Register of Legislative Instruments.

## 3. Definitions

For the purposes of this instrument other than the Schedules:

*Department of Veterans' Affairs* means the Department of State known as the Department of Veterans' Affairs;

*entitled person* means a person entitled to treatment under the *Treatment Principles*;

*health care provider* means a person who provides treatment of a type referred to in the *Treatment Principles*;

*Notes for Providers* means a document prepared by the *Department of Veterans' Affairs* that includes the word "Notes" in its title and which sets out the terms and conditions on which the *Repatriation Commission* will accept financial liability under the *Veterans' Entitlements Act 1986* for treatment provided by a *health care provider* to an *entitled person* e.g. Notes for Exercise Physiologists;

*Repatriation Commission* means the body corporate continued in existence under section 179 of the *Veterans' Entitlements Act 1986*;

*Treatment Principles* means the legislative instrument made by the *Repatriation Commission* under section 90 of the *Veterans' Entitlements Act 1986*.

## 4. Application

Any procedure or other action, or decision, commenced or made, as the case may be, under *Notes for Providers*, before the commencement of this instrument that, on the commencement of this instrument remains incomplete or not implemented, as the case may be, is taken to have been made under the relevant Notes as incorporated into the *Treatment Principles* by this instrument and the procedure or other action, or decision, may be completed or implemented, as the case may be, under those Notes for the purposes of the *Principles*.

## Schedule A – Disqualification of Providers

### 1. Paragraph 1.4.1 (definition of “Medicare benefit”)

*omit, substitute:*

“**medicare benefit**” has the same meaning as in section 3 of the *Health Insurance Act 1973* in force from time to time.

### 2. Paragraph 1.4.1 (definition of “physiotherapy”)

*after this definition, insert:*

“**practitioner**” has the same meaning as in section 124B of the *Health Insurance Act 1973* in force from time to time.

### 3. Paragraph 1.4.1 (definition of “provider number”)

*omit, substitute:*

“**provider number**” means the number that:

- (a) is allocated by the Chief Executive Officer of *Medicare Australia* or by his or her delegate or by a person authorised by the Chief Executive Officer, to a *practitioner*; and
- (b) identifies the *practitioner* and the places where the *practitioner* practises his or her profession.

Note: see regulation 2 of the *Health Insurance Regulations 1975*.

### 4. Paragraph 4.3.4

*after this paragraph, insert:*

#### 4.3A Disqualified Medical Practitioners

**4.3A.1** The *Commission* is not to accept financial responsibility for the cost of a medical service provided to an *entitled person* by, or on behalf of, a *LMO*, *other GP* or a *medical specialist* if, at the time the service was provided, a *medicare benefit* would not have been payable in respect of the service under

section 19B or section 19C of the *Health Insurance Act 1973* (in force from time to time) if the *LMO, other GP or medical specialist* had provided the service as a *practitioner* under that Act.

## 5. Paragraph 5.2.6

*after this paragraph, insert:*

### 5.2A Disqualified Dental Practitioners

**5.2A.1** The *Commission* is not to accept financial responsibility for the cost of a dental service provided to an *entitled person* by, or on behalf of, a *dental prosthetist, dentist or a dental specialist* if, at the time the service was provided, a *medicare benefit* would not have been payable in respect of the service under section 19B of the *Health Insurance Act 1973* (in force from time to time) if the *dental prosthetist, dentist or dental specialist* had provided the service as a *practitioner* under that Act.

## 6. Paragraph 7.1A.3

*after the Table, insert:*

### 7.1B Disqualified Health Care Providers

**7.1B.1** The *Commission* is not to accept financial responsibility for the cost of a service provided to an *entitled person* by, or on behalf of, a *health care provider* if, at the time the service was provided, a *medicare benefit* would not have been payable in respect of the service under section 19B of the *Health Insurance Act 1973* (in force from time to time) if the *health care provider* had provided the service as a *practitioner* under that Act.

## **Schedule B – Treatment (New Guinea)**

### **1. Paragraph 2.2.7**

*omit:*

Subject to these Principles

*substitute:*

Despite paragraph 2.2.1

*after:*

entitled persons

*insert:*

for any injury or disease

## Schedule C – ACPMH Treatment

### 1. Paragraph 1.4.1 (definition of “Act”)

*before the definition, insert:*

**“ACPMH treatment”** means action taken with a view to maintaining an *entitled veteran* in mental health and includes:

- (a) training members of the Defence Force or staff made available under section 196 of the *Act*, or both, in the mental health care disciplines that could benefit the mental health of an *entitled veteran*; and
- (b) conducting research into mental injuries or diseases suffered by members of the Defence Force or into the mental state generally of such members with the resulting knowledge being applied to the benefit of the health of an *entitled veteran*; and
- (c) improving communication on mental injury or disease health care matters between:
  - (i) members of the Defence Force who are staff-managers; and
  - (ii) staff made available under section 196 of the *Act*; and
  - (iii) an *entitled veteran*; and
- (d) conducting mental injury or disease health care policy research with the outcomes of that research being applied to the benefit of the health of an *entitled veteran*.

Note (1): under subsection 80(1) of the *Act* treatment can be action taken with a view to maintaining a person in physical or mental health.

Note (2): the terms “member”, “Defence Force”, “member of the Defence Force”, are defined in the *Act*.

### 2. Paragraph 1.4.1 (definition of “attendant care”)

*after the definition, insert:*

**“Australian Centre for Posttraumatic Mental Health”** and **“ACPMH”** mean the Australian Centre for Posttraumatic Mental Health Incorporated.

### 3. Paragraph 2.7A.1

*after this paragraph, insert:*

#### **2.7B Australian Centre for Posttraumatic Mental Health Treatment**

**2.7B.1** The *Commission* may accept financial liability for *ACPMH treatment* provided for the benefit of an *entitled veteran* who is eligible for such treatment by virtue of Determination no.R32/2007 made under section 88A of the *Act* and entitled *Veterans' Entitlements Treatment (Australian Centre for Posttraumatic Mental Health) Determination 2007*.

Note (1): under subsection 80(1) of the *Act* treatment can be action taken with a view to maintaining a person in physical or mental health.

Note (2): the intention is that the Commission may accept liability for *ACPMH treatment* even though such treatment is not directly provided by the *Australian Centre for Posttraumatic Mental Health* but under its auspices.

Note (3): The *Treatment Principles* establish the treatment called *ACPMH treatment* and the Determination entitled *Veterans' Entitlements Treatment (Australian Centre for Posttraumatic Mental Health) Determination 2007* (R32/2007), made under s.88A of the *Act*, establishes eligibility for that treatment.

Note (4): Unlike most of the eligibility provisions in Part V of the *Act*, eligibility for treatment under a "s.88A determination" need not relate to an injury or disease but can relate to a person's condition generally.

Note (5): prior approval for *ACPMH treatment* is not required.

## **Schedule D – Incorporated Documents**

### **1. Paragraph 1.4.1 (definition of “dental schedules”)**

*omit paragraph (c), substitute:*

are in force on the date in Schedule 3 for these documents.

### **2. Paragraph 1.4.1 (definition of “Fee Schedule”)**

*omit:*

1 May 2007

*substitute:*

the date in Schedule 3 for the document

### **3. Paragraph 1.4.1 (definition of “Notes for Local Medical Officers”)**

*omit:*

in August 2001

*substitute:*

on the date in Schedule 3 for this document

### **4. Paragraph 1.4.1 (definition of “Notes for Providers of Optometric Services / Dispensers of Optical Appliances”)**

*omit:*

in June 2006

*substitute:*

on the date in Schedule 3 for this document



**5. Paragraph 1.4.1 (definition of “Pricing Schedule for Visual Aids”)**

*omit:*

1 May 2007

*substitute:*

the date in Schedule 3 for this document

**6. Paragraph 2.4.2A**

*after:*

(commonly known as DSM-IV)

*insert:*

in force on the date in Schedule 3 for this document

**7. Paragraphs 3.5.1A.1 and 3.5.1A.2**

*omit, wherever occurring:*

1 May 2007

*substitute:*

the date in Schedule 3 for the document

**8. Paragraph 5.1.1**

*omit:*

1 May 2007

*substitute:*

the date in Schedule 3 for this document

**9. Paragraphs 7.1A.1 and 7.1A.3**

*omit:*

1 May 2007

*substitute:*

the date in Schedule 3 for the document

## **10. Paragraph 7.1A.3 (Table )**

*after:*

Dietitian	Notes for Dietitians
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*insert:*

Exercise Physiologist	Notes for Exercise Physiologists
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## **11. Paragraph 11.2A.1**

*omit, wherever occurring:*

1 July 2007

*substitute:*

the date in Schedule 3 for this document

## **12. Schedule 2      Repatriation Medical Fee Schedule**

*after the Schedule, insert:*

<b>SCHEDULE 3 DATES FOR INCORPORATED DOCUMENTS</b>
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The date for :

- (i) the dental schedules (paragraph 1.4.1);
- (ii) a fee schedule (paragraph 1.4.1);
- (iii) Notes for Local Medical Officers (paragraph 1.4.1);

- (iv) Notes for Providers of Optometric Services/Dispensers of Optical Appliances (paragraphs 1.4.1 and 7.1A.3);
- (v) Pricing Schedule for Visual Aids (paragraph 1.4.1);
- (vi) the fourth edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (commonly known as DSM-IV) (paragraph 2.4.2A);
- (vii) Notes for Providers (paragraphs 3.5.1A.1, 3.5.1A.2, 7.1A.1);
- (viii) Notes for Local Dental Officers (paragraph 5.1);
- (ix) Notes for Chiropractors (paragraph 7.1A.3);
- (x) Notes for Diabetes Educators (paragraph 7.1A.3);
- (xi) Notes for Dietitians (paragraph 7.1A.3);
- (xii) Notes for Exercise Physiologists (paragraph 7.1A.3);
- (xiii) Notes for Occupational Therapists (paragraph 7.1A.3);
- (xiv) Notes for Osteopaths (paragraph 7.1A.3);
- (xv) Notes for Podiatrists (paragraph 7.1A.3);
- (xvi) Notes for Physiotherapists (paragraph 7.1A.3);
- (xvii) Notes for Speech Pathologists (paragraph 7.1A.3);
- (xviii) RAP National Schedule of Equipment (paragraph 11.2A.1);
- (xix) Rehabilitation Appliances Program (RAP) National Guidelines (paragraph 11.2A.1);

is 1 November 2007.