

EXPLANATORY STATEMENT

Select Legislative Instrument 2008 No. 53

Health Insurance Act 1973

Health Insurance (General Medical Services Table) Amendment Regulations 2008 (No. 1)

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), which 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 2007* (the Principal Regulations) which commenced on 1 November 2007.

The purpose of the Regulations is to amend the Principal Regulations as part of the on-going management of the General Medical Services Table. This also incorporates changes to items in 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 an amendment to the existing rules of interpretation and correct the name of a Determination where it occurs.

Consultation for these amendments was undertaken with the Australian Medical Association, the Royal Australian College of General Practitioners, the Royal Australian and New Zealand College of Psychiatrists, the Australian Divisions of General Practice, the Rural Doctors Association of Australia and Medicare Australia.

Details of the Regulations are set out in the Attachment.

The Act specifies no conditions which 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 May 2008.

Details of the *Health Insurance (General Medical Services Table) Amendment Regulations 2008 (No. 1)*

Regulation 1 provides for the Regulations to be referred to as the *Health Insurance (General Medical Services Table) Amendment Regulations 2008 (No. 1)*.

Regulation 2 provides for the Regulations to commence on 1 May 2008.

Regulation 3 provides that Schedule 1 amends the *Health Insurance (General Medical Services Table) Regulations 2007* (the Principal Regulations).

Schedule 1 - Amendments

Rules of interpretation

The following amendments to rules are:

Item [1]

Subrule 3(1)

This item amends the note in the definition of 'item' by omitting the outdated reference to the *Health Insurance (Allied Health and Dental Services) Determination 2007* and replacing it with a reference to the *Health Insurance (Allied Health Services) Determination 2007*.

Item [2]

Subrule 55(2)

This item amends the note following this subrule by replacing the outdated reference to the *Health Insurance (Allied Health and Dental Services) Determination 2007* with a reference to the *Health Insurance (Allied Health Services) Determination 2007*.

Item [3]

Rule 57

This item amends paragraph 57(2)(b) to clarify that a patient may draw on any combination of services from the specified items listed in the General Medical Services Table and the *Health Insurance (Allied Health Services) Determination 2007*.

Item [4]

Subrule 57(2)

This item insert a note following this subrule that refers to items specified in the *Health Insurance (Allied Health Services) Determination 2007*.

Item [5]

Subrule 59(2)

This item amends the note following this subrule by replacing the outdated reference to the *Health Insurance (Allied Health and Dental Services) Determination 2007* with a reference to the *Health Insurance (Allied Health Services) Determination 2007*.

Services and Fees

The following amendment to an item is:

Item [6]

Item 4001, note

This item amends the note following this item by replacing the outdated reference to the *Health Insurance (Allied Health and Dental Services) Determination 2007* with a reference to the *Health Insurance (Allied Health Services) Determination 2007*.