

## **EXPLANATORY STATEMENT**

Issued by the Authority of the Minister for Health and Ageing

*Health Insurance Act 1973*

*Health Insurance (Dental Services) Amendment and Repeal Determination 2008*

Subsection 3C(1) of the *Health Insurance Act 1973* (the Act) provides that the Minister may, by writing, determine that a health service not listed in the general medical services table (the Table) shall, in specified circumstances and for specified statutory provisions, be treated as if it were so listed. The Table is set out in the *Health Insurance (General Medical Services Table) Regulations 2007*.

A determination made under subsection 3C(1) of the Act is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The purpose of the *Health Insurance (Dental Services) Amendment and Repeal Determination 2008* (the Determination) is to amend and repeal the *Health Insurance (Dental Services) Determination 2007* which sets out the schedule and provisions of Medicare dental items 85011-87777 for services available to people with chronic conditions and complex care needs. The Government is repealing these Medicare dental items and re-directing funds to support its dental initiatives, including the establishment of a new Commonwealth Dental Health Program and Teen Dental Plan.

The Determination makes the following changes to the *Health Insurance (Dental Services) Determination 2007*:

- removes access to Medicare dental items 85011-87777 from 31 March 2008, for persons who have not received a dental service under those items on or before 30 March 2008;
- allows persons who have received a service under Medicare dental items 85011-87777 on or before 30 March 2008, to continue to receive Medicare benefits for dental services provided under those items up to and including 30 June 2008; and
- repeals Medicare dental items 85011-87777 from 1 July 2008.

Notwithstanding the time periods in the *Health Insurance (Dental Services) Determination 2007* (e.g. sections 5, 12, 13 and 14), items 85011-8777 are repealed on and from 1 July 2008 and no further claims can be made under those items for services rendered after 30 June 2008. Eligible persons will still be able to access up to \$4,250 in Medicare benefits for these services as long as they are provided on or before 30 June 2008.

Details of this Determination are set out in the Attachment.

This Determination commences as follows:

- (a) on 31 March 2008 – sections 1 to 3 and Schedule 1, relating to the amendments; and

- (b) on 1 July 2008 – section 4, relating to the repeal of the *Health Insurance (Dental Services) Determination 2007*.

### **Consultation**

Prior to the federal election, the Government announced that it would discontinue the Medicare dental items (85011-87777), updated and introduced by the previous Government on 1 November 2007, and re-direct funds to support a new Commonwealth Dental Health Program and Teen Dental Plan.

In introducing the Commonwealth Dental Health Program, the Government will negotiate with the States and Territories to provide priority services to patients with chronic disease, allowing patients who previously qualified for the closing chronic care dental items to access treatment where they are eligible for publicly funded care.

In August and November 2007, the Australian Dental Association publicly expressed its view that the Medicare dental items were misdirected and that funding should be directed to the financially disadvantaged, particularly the 650,000 Australians on public dental waiting lists.

In implementing this election commitment, the Department of Health and Ageing has advised the peak groups representing dental practitioners (the Australian Dental Association and the Australian Dental Prosthetists' Association) and the peak groups representing general practitioners (the Australian Medical Association, Australian General Practice Network, Royal Australian College of General Practitioners and Rural Doctors Association of Australia) on the discontinuation arrangements. These organisations have agreed to disseminate information to their members.

The Department has also consulted with other government agencies (Department of Veterans' Affairs and Medicare Australia) about the discontinuation of the items.

## ATTACHMENT

### **DETAILS OF THE *HEALTH INSURANCE (DENTAL SERVICES)* *AMENDMENT AND REPEAL DETERMINATION 2008***

#### **Preliminary**

Section 1 provides for the Determination to be referred to as the *Health Insurance (Dental Services) Amendment and Repeal Determination 2008*.

Section 2 provides for the Determination to commence as follows:

- (a) on 31 March 2008 – sections 1 to 3 and Schedule 1;
- (b) on 1 July 2008 – section 4.

Section 3 provides that Schedule 1 of the Determination amends the *Health Insurance (Dental Services) Determination 2007*.

Section 4 provides that the *Health Insurance (Dental Services) Determination 2007* is to be repealed on 1 July 2008.

#### **Schedule 1 – Amendment**

Schedule 1 amends section 6 of the *Health Insurance (Dental Services) Determination 2007* which defines the patient eligibility criteria for Medicare dental items 85011-87777. In particular, a further eligibility requirement is added at paragraph 6(e), which requires the person to have received a dental service under Medicare dental items 85011-87777 before 31 March 2008.