

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2010 No. 127**

#### *Health Insurance Act 1973*

#### *Health Insurance (General Medical Services Table) Amendment Regulations 2010 (No. 4)*

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.

Part II of the Act provides for the payment of Medicare benefits for professional services rendered to eligible persons. Section 9 of the Act provides that Medicare benefits are calculated with 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, fees for each item, and rules for interpreting the table. The *Health Insurance (General Medical Services Table) Regulations 2009* (the Principal Regulations) currently prescribe such a table (the GMST).

The Regulations eliminate paragraph 57(1)(c) of the GMST that requires that ‘focused psychological strategies for assessed mental disorders’ (items 2721 to 2727 in the GMST) be provided only in a general practice participating in the Practice Incentives Program (PIP) or, if not participating in the PIP, be an accredited general practice. This requirement is redundant because the integrity of service provision is guaranteed in paragraph 57(b) which limits provision to medical practitioners qualified to provide focused psychological strategy services.

A consequential amendment of the elimination of paragraph 57(1)(c) is the elimination of subregulation 57(4) which defines ‘general practice’.

The Regulations also update the services listed in item 10992 of the GMST which pays an extra fee to medical practitioners who bulk-bill the services in question. This amendment is a consequential amendment from the *MBS Review of Primary Care Items*, which was implemented by amendments to the Principal Regulations made by the Governor-General in Counsel on 14 April 2010.

These amendments are a response to recommendations by representatives from the Australian Medical Association, the Royal Australian and New Zealand College of Psychiatrists, The Royal Australian College of General Practitioners, the Australian Psychological Society, the Australian General Practice Network, the Rural Doctors Association of Australia and other professional organisations who participated in a post-implementation review of the *Better Access to Psychiatrists, Psychologists and General Practitioners* initiative in 2009 and who raised the issue.

The Act specifies no conditions which need to be met before the power to make the Regulations is exercised.

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

The Regulations commence on 1 July 2010.