

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Health and Ageing

Private Health Insurance Act 2007

Private Health Insurance (Prostheses) Amendment Rules 2011 (No.3)

Authority

Section 333-20 of the *Private Health Insurance Act 2007* (the Act) provides that the Minister may make the *Private Health Insurance (Prostheses) Rules* providing for matters required or permitted by Part 3-3 of the Act or necessary or convenient in order to carry out or give effect to that part of the Act.

Purpose

The *Private Health Insurance (Prostheses) Amendment Rules 2011 (No.3)* (the Amendment Rules) amend the *Private Health Insurance (Prostheses) Rules 2011 (No.2)* (the Prostheses Rules), which commenced on 22 August 2011. The Amendment Rules make a consequential amendment to the definition of an accredited podiatrist to align it with the required standard of treatment provided by a podiatric surgeon as described in the *Private Health Insurance (Accreditation) Rules 2011* (the Accreditation Rules).

Background

The Accreditation Rules were made to replace the *Private Health Insurance (Accreditation) Rules 2008* to align the standard of treatment provided by podiatric surgeons for the payment of private health insurance benefits, with the national standard for practice in the specialty of podiatric surgery under the National Law. The Accreditation Rules define the National Law to mean the *Health Practitioner Regulation National Law Act 2009 (Qld)*, as it applies to the States and Territories other than Western Australia, and to the *Health Practitioner Regulation National Law (WA) Act 2010*.

Rule 8 of the *Private Health Insurance (Accreditation) Rules 2008* previously required podiatric surgeons to be accredited under section 3AAA of the *Health Insurance Act 1973*, to allow the payment of private health insurance benefits for their services. Rule 8 of the Accreditation Rules now require podiatric surgeons to hold specialist registration in the specialty of podiatric surgery under the National Law.

To reflect rule 8 of the Accreditation Rules, a consequential amendment is required to change the definition of an accredited podiatrist in the Prostheses Rules.

Details

The Amendment Rules change the definition of an accredited podiatrist in rule 4 of the Prostheses Rules to align it with the required standard of treatment provided by a podiatric surgeon under the Accreditation Rules.

Details of the Amendment Rules are set out in the Attachment.

Consultation

In accordance with section 18 of the *Legislative Instruments Act 2003*, consultation was unnecessary for this instrument as it is of a minor nature and does not substantially alter

existing arrangements. The Department of Health and Ageing conducted appropriate consultation with the Podiatry Board of Australia and the Australasian College of Podiatric Surgeons before the Accreditation Rules were made.

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

The Amendment Rules commence on the day after registration.

Authority: Section 333-20 of the *Private Health Insurance Act 2007*

PRIVATE HEALTH INSURANCE BRANCH
DEPARTMENT OF HEALTH AND AGEING
OCTOBER 2011

ATTACHMENT**DETAILS OF THE *PRIVATE HEALTH INSURANCE (PROSTHESES) AMENDMENT RULES 2011 (No.3)*****1. Name of Rules**

Rule 1 provides that the title of the Rules is the *Private Health Insurance (Prostheses) Amendment Rules 2011 (No.3)* (the Amendment Rules).

2. Commencement

Rule 2 provides that the Amendment Rules are to commence on the day after registration.

3. Amendment of the *Private Health Insurance (Prostheses) Rules 2011 (No.2)*

Rule 3 provides that the Schedule to the Amendment Rules amends the *Private Health Insurance (Prostheses) Rules 2011 (No.2)* (the Rules), which commenced on 22 August 2011.

Schedule – Amendments**Item 1 – Part 1 Preliminary, Rule 4 Definitions**

The Amendment Rules change the definition of an accredited podiatrist in rule 4 of the Rules to mean a podiatric surgeon who holds specialist registration in the specialty of podiatric surgery under the National Law. A definition for the term National Law has also been inserted in rule 4 which is consistent with the Accreditation Rules.

This change enables private health insurers to pay benefits for the provision of a listed prosthesis which is associated with podiatric treatment provided by a podiatric surgeon who holds specialist registration in the specialty of podiatric surgery under the National Law.