

## **EXPLANATORY STATEMENT**

Issued by the Authority of the Minister for Health

*Health Insurance Act 1973*

*Health Insurance (Review of GP Mental Health Treatment Plan) Revocation Determination 2012*

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*, which is remade each year.

### **Purpose**

The purpose of the *Health Insurance (Review of GP Mental Health Treatment Plan) Revocation Determination 2012* (this Determination) is to revoke the *Health Insurance (Review of GP Mental Health Treatment Plan) Determination 2011* (the 2011 Determination).

### **Background**

Prior to 1 November 2011, GP mental health treatment plans were provided under items 2702 and 2710 in the *Health Insurance (General Medical Services Table) Regulations 2010*. With the revocation of those regulations and their remaking as the *Health Insurance (General Medical Services Table) Regulations 2011*, items 2702 and 2710 were replaced by four new items for the preparation of a GP mental health treatment plan, items 2700, 2701, 2715 and 2717.

Item 2712 of the Table provides for the review of a GP mental health treatment plan. In accordance with subclause 2.20.6(4) of the Table, medicare benefits may only be paid for item 2712 where certain prerequisites are met, one of which is that a GP mental health treatment plan has been prepared for the patient in the previous 12 months (paragraph 2.20.6(4)(a)). Due to a drafting oversight, paragraph 2.20.6(4)(a) of the *Health Insurance (General Medical Services Table) Regulations 2011* provides that only GP mental health treatment plans prepared under new items 2700, 2701, 2715 and 2717 will trigger eligibility for a review of a plan under item 2712. Accordingly, patients who had received a plan under items 2702 or 2710 within the previous 12 months are not eligible to access a review of the plan under item 2712.

To remedy this oversight, the *Health Insurance (Review of GP Mental Health Treatment Plan) Determination 2011* created a new item for the review of a GP mental health treatment plan, corresponding to item 2712, to ensure that patients who have received a plan in the previous 12 months under items 2702 or 2710 are able to receive medicare benefits for a review of that plan.

Amendments to subclause 2.20.6(4) of the *Health Insurance (General Medical Services Table) Regulations 2011* taking effect 1 March 2012 will correct the drafting

oversight in the Table and provide for GP mental health treatment plans prepared under items 2702 or 2710 to be reviewed under item 2712.

As patients provided with a GP mental health treatment plan under items 2702 or 2710 in the last 12 months will, from 1 March 2012, no longer need to rely on the 2011 Determination to access medicare benefits for a review of that plan, the 2011 Determination will become redundant. This Determination will therefore revoke the 2011 Determination from that date.

### **Commencement and cessation**

This Determination commences on 1 March 2012 and ceases on 2 March 2012.

### **Consultation**

No consultation has been undertaken. The drafting oversight in the Table that led to the creation of the 2011 Determination has now been fixed, and the 2011 Determination is therefore redundant.

### **Human Rights Statement of Compatibility**

This Determination is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

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