



Health Insurance (Professional Services Review) Amendment Regulation 2012 (No. 2)¹

Select Legislative Instrument 2012 No. 298

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Health Insurance Act 1973*.

Dated 6 December 2012

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

TANYA PLIBERSEK
Minister for Health

1 Name of regulation

This regulation is the *Health Insurance (Professional Services Review) Amendment Regulation 2012 (No. 2)*.

2 Commencement

This regulation commences on 27 December 2012.

3 Amendment of *Health Insurance (Professional Services Review) Regulations 1999*

Schedule 1 amends the *Health Insurance (Professional Services Review) Regulations 1999*.

Schedule 1 Amendments

(section 3)

[1] Regulation 3, note

substitute

Note Several other words and expressions used in these Regulations have the meaning given by the Act. The following are examples of words and expressions defined in Part VAA of the Act:

- adequate and contemporaneous records
- inappropriate practice
- person under review
- practitioner
- profession
- relevant period
- service.

[2] Regulation 8, excluding the heading

substitute

This Part prescribes the circumstances in which services rendered or initiated by a practitioner constitute a prescribed pattern of services for Part VAA of the Act.

Note See section 82 of the Act for how a prescribed pattern of services may constitute engaging in inappropriate practice.

[3] Regulation 9

omit

subsection 106KA (3)

insert

section 82A

[4] Regulation 10, excluding the heading

substitute

For section 82A of the Act, the circumstances in which services that are professional attendances constitute a prescribed pattern of services are that 80 or more such services are rendered on each of 20 or more days in a 12 month period.

[5] Regulation 11

omit

106KA (5)

insert

82 (1D)

[6] Part 4*substitute***Part 4 Appropriate person or body
for person under review****12 Appropriate person or body for conduct involving
significant threat to life or health**

For subsection 106XA (4) of the Act, the appropriate person or body for a person under review is a person or body specified in Schedule 1 that has the power to take action against the person under review in relation to any conduct by that person that has caused, is causing, or is likely to cause, a significant threat to the life or health of another person.

**13 Appropriate body for non-compliance with
professional standards**

- (1) For paragraph 106XB (3) (a) of the Act, the appropriate body for a person under review who is a general practitioner is a body specified in Part 1 of Schedule 1 that:
 - (a) is responsible for registering general practitioners or for regulating the practice of the profession; and
 - (b) has the power to take action against the person in relation to the person's failure to comply with professional standards.
- (2) For paragraph 106XB (3) (b) of the Act, the appropriate body for a person under review who is a practitioner other than a general practitioner is a body specified in Part 2 of Schedule 1 that:
 - (a) is responsible for registering practitioners for practice in the profession or specialty to which the practitioner belongs or for regulating the practice of that profession or specialty; and
 - (b) has the power to take action against the person in relation to the person's failure to comply with professional standards.

[7] Schedules 1 and 2*substitute***Schedule 1 Appropriate person or body
for a person under review**

(regulations 12 and 13)

**Part 1 If person under review is a general
practitioner**

Item	Person or body
101	Medical Board of Australia
102	General Practice Recognition Appeal Committee
103	General Practice Recognition Eligibility Committee
104	The Royal Australian College of General Practitioners
105	Australian General Practice Accreditation Limited
106	Quality Practice Accreditation Pty Ltd trading as GPA Accreditation plus

**Part 2 If person under review is not a general
practitioner**

Item	Person or body
201	Chiropractic Board of Australia
202	Dental Board of Australia
203	Department of Human Services
204	Medical Board of Australia
205	Nursing and Midwifery Board of Australia
206	Optometry Board of Australia
207	Osteopathy Board of Australia
208	Physiotherapy Board of Australia
209	Podiatry Board of Australia

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.comlaw.gov.au.