



Health Insurance (Pharmacogenetic Testing – Epidermal Growth Factor Receptor) Determination 2013

I, RICHARD BARTLETT, delegate of the Minister for Health, make this Determination under subsection 3C(1) of the *Health Insurance Act 1973*.

Dated 16 December 2013

RICHARD BARTLETT
FIRST ASSISTANT SECRETARY
MEDICAL BENEFITS DIVISION

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Part 1 Preliminary

1. Name of Determination

This Determination is the *Health Insurance (Pharmacogenetic Testing Epidermal Growth Factor Receptor) Determination 2013*.

2. Commencement

This Determination commences on 1 January 2014.

3. Authority

This Determination is made under the *Health Insurance Act 1973*.

4. Interpretation

(1) In this Determination:

Act means the *Health Insurance Act 1973*.

relevant provision means a provision of the Act or of regulations made under the Act, or a provision of the *National Health Act 1953* or of regulations made under that Act, that relates to professional services, medical services or items.

relevant service means a health service, as defined in subsection 3C(8) of the Act, that is specified in the Schedule to this Determination.

Note Unless the contrary intention appears, expressions used in this determination have the same meanings as in the Act—see section 13 of the *Legislative Instruments Act 2003*.

(2) Unless the contrary intention appears, in this Determination a reference to a provision of the Act or regulations made under the Act or the *National Health Act 1953* or regulations made under the *National Health Act 1953* as applied, adopted or incorporated in relation to specifying a matter is a reference to those provisions as in force from time to time and any other reference to provisions of an Act or regulations is a reference to those provisions as in force from time to time.

5. Treatment of a relevant service

A relevant service specified in the Schedule shall, for the purposes of each relevant provision, be treated as if:

- (a) it were both a professional service and a medical service; and
- (b) there was an item in Group 7 of the pathology services table that:
 - i. related to the service; and
 - ii. specified in respect of the service a fee in relation to each State being the fee specified in the Schedule.

SCHEDULE – SPECIFIED HEALTH SERVICES

| Item | Health Service | Fee for all States (\$) |
|--------------|---|--------------------------------|
| 73337 | A test of tumour tissue from a patient diagnosed with non-small cell lung cancer, shown to have non-squamous histology or histology not otherwise specified, requested by, or on behalf of, a specialist or consultant physician, to determine if the requirements relating to epidermal growth factor receptor (EGFR) gene status for access to erlotinib or gefitinib under the Pharmaceutical Benefits Scheme (PBS) are fulfilled. | 397.35 |

Note Subsection 3C(7) of the Act deems an internal territory to form part of the State of New South Wales.