



# **Health Insurance (Pathologist-determinable Services) Determination 2015**

made under section 4BA of the

*Health Insurance Act 1973*

## **Compilation No. 8**

**Compilation date:** 1 November 2022

**Includes amendments up to:** F2022L01357

**Registered:** 4 November 2022

Prepared by the Office of Parliamentary Counsel, Canberra

---

## About this compilation

### This compilation

This is a compilation of the *Health Insurance (Pathologist-determinable Services) Determination 2015* that shows the text of the law as amended and in force on 1 November 2022 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

---

## Contents

<b>1.</b>	<b>Name of Determination</b>	<b>1</b>
<b>4.</b>	<b>Interpretation</b>	<b>1</b>
<b>5.</b>	<b>Pathologist-determinable services</b>	<b>1</b>
	<b>Endnotes</b>	<b>4</b>
	<b>Endnote 1—About the endnotes</b>	<b>4</b>
	<b>Endnote 2—Abbreviation key</b>	<b>5</b>
	<b>Endnote 3—Legislation history</b>	<b>6</b>
	<b>Endnote 4—Amendment history</b>	<b>7</b>



---

## 1. Name of Determination

This Determination is the *Health Insurance (Pathologist-determinable Services) Determination 2015*.

## 4. Interpretation

- (1) In this Determination:

*Act* means the *Health Insurance Act 1973*.

**Recognised pathologist** means a medical practitioner recognised as a specialist in pathology for the purposes of the Act.

**Pathology services table** means the table prescribed under subsection 4A(1) of the Act.

- (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. Pathologist-determinable services

Pursuant to section 4BA of the Act, the following classes of pathology services are pathologist-determinable services:

- (a) a pathology service that:
- (i) is mentioned in an item in the pathology services table; and
  - (ii) is rendered, by or on behalf of, an approved pathology practitioner to a patient of that practitioner;
- (b) a pathology service that:
- (i) is rendered, by or on behalf of, an approved pathology practitioner; and
  - (ii) the approved pathology practitioner considers to be necessary, on the basis of information learned from another service:
    - (A) that was rendered to the patient by, or on behalf of, that practitioner; and
    - (B) the request for which complied with paragraph 16A (4) (a) or (b) of the Act; and
  - (iii) is an item in the pathology services table that is mentioned in column 1 in the following table and, in relation to which, the pathology service originally requested was an item in the pathology services table that is mentioned in column 2 of the following table for that item of the table:
-

---

Item	Column 1 Pathology service	Column 2 Originally requested service
1	72846, 72847, 72848, 72849, 72850, 72851, 72852, 73332, 73336, 73337, 73341, 73342, 73344, 73364, 73365, 73366, 73367, 73368, 73369, 73370, 73371, 73372, 73373, 73374, 73375, 73376, 73377, 73378, 73379, 73380, 73381, 73382, 73383, 73389, 73436	72813, 72816, 72817, 72818, 72823, 72824, 72825, 72826, 72827, 72828, 72830, 72836, 72838
2	73059, 73060, 73061	73045, 73047, 73049, 73051
3	73305	73300
4	73320	71147
5	66839	66838
6	73411, 73412, 73413	73410

Note: Items 72860, 73332, 73336, 73337, 73341, 73342 and 73344 are specified in a determination made under subsection 3C(1) of the Act.

- (c) a pathology service that is mentioned in items 69316, 69317, 69319, 69494, 69495, 69496, 69497 or 69498 of the pathology services table and:
- (i) is rendered, by or on behalf of, an approved pathology practitioner who is a recognised pathologist; and
  - (ii) is a service that the approved pathology practitioner determines to be necessary on the basis of:
    - (A) information provided by a treating practitioner in relation to a pathology service mentioned in items 69303, 69306, 69312, 69318, 69321 or 69345 of the pathology services table, that was rendered to the patient by, or on behalf of, the approved pathology practitioner pursuant to a request that complied with paragraph 16A(4)(a) or (b) of the Act; or
    - (B) the nature or appearance of the pathology specimen collected for a pathology service mentioned in items 69303, 69306, 69312, 69318, 69321 or 69345 of the pathology services table, that was rendered to the patient by, or on behalf of, the approved pathology practitioner pursuant to a request that complied with paragraph 16A(4)(a) or (b) of the Act; or
    - (C) information learned from a pathology service mentioned in items 69303, 69306, 69312, 69318, 69321 or 69345 of the pathology services table, that was rendered to the patient by, or on behalf of,

---

the approved pathology practitioner pursuant to a request that complied with paragraph 16A(4)(a) or (b) of the Act.

- (d) a pathology service that is mentioned in item 72860, which is specified in a determination made under subsection 3C(1) of the Act and:
- (i) An initial service that is described in an item in Group P5 (other than item 72860), P6 or P7 of the pathology services table was rendered in a patient episode for the patient by, or on behalf of, the approved pathology practitioner pursuant to a request that complied with paragraph 16A(4) (a) or (b) of the Act; and
  - (ii) Following the initial service, the treating practitioner determines that a service described in an item in Group P7 (the subsequent P7 service) is clinically necessary; and
  - (iii) following a request from the treating practitioner, an approved pathology practitioner at the accredited pathology laboratory, where the initial service was rendered, determines the accredited pathology laboratory is unable to perform the subsequent P7 service and consequently determines a service described under item 72860 is required to select appropriate tissue samples for referral to a different accredited pathology laboratory for performance of the subsequent P7 service; and
  - (iv) the subsequent P7 service and a service under item 72860 are rendered in a different accredited pathology laboratory, by or on behalf of, an approved pathology practitioner who is a recognised pathologist.

## Endnotes

### Endnote 1—About the endnotes

---

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.



**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnotes

### Endnote 3—Legislation history

---

### Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Health Insurance (Pathologist-determinable Services) Determination 2015	17 December 2015 (F2015L02063)	1 January 2016	
Health Insurance Legislation Amendment (2018 Measures No. 1) Instrument 2018	24 September 2018 (F2018L01333)	1 October 2018	—
Health Insurance (Pathologist-determinable Services) Amendment Determination 2018	17 December 2018 (F2018L01777)	1 January 2019 (s 2(1) item 1)	—
Health Insurance (Pathologist-determinable Services) Amendment Determination 2019	21 March 2019 (F2019L00338)	1 April 2019 (s 2(1) item 1)	—
Health Insurance (Pathologist-determinable Services) Amendment Determination 2020	12 March 2020 (F2020L00251)	13 March 2020 (s 2(1) item 1)	—
Health Insurance (Pathologist-determinable Services) Amendment Determination (No. 2) 2020	29 April 2020 (F2020L00519)	1 May 2020 (s 2(1) item 1)	—
Health Insurance (Pathologist-determinable Services) Amendment Determination 2021	29 October 2021 (F2021L01477)	1 November 2021 (s 2(1) item 1)	—
Health Insurance (Pathologist-determinable Services) Amendment Determination 2022	7 April 2022 (F2022L00565)	1 July 2022 (s 2(1) item 1)	—
Health Insurance (Pathologist-determinable Services) Amendment (No. 2) Determination 2022	17 Oct 2022 (F2022L01357)	1 Nov 2022 (s 2(1) item 1)	—

## Endnote 4—Amendment history

## Endnote 4—Amendment history

Provision affected	How affected
s 2.....	rep LA s 48D
s 3.....	rep LA s 48C
s 4.....	am F2018L01333
s 5.....	am F2018L01777; F2019L00338; F2020L00251; F2020L00519; F2021L01477 ed C6 am F2022L00565; F2022L01357