



Health Insurance (Permitted Benefits — Pathology Services) Determination 2018

Health Insurance Act 1973

I, DAVID WEISS, delegate of the Minister for Health, make this Determination under section 23DZZIG of the *Health Insurance Act 1973*.

Dated 21 March 2018

DAVID WEISS
First Assistant Secretary
Medical Benefits Division
Health Financing Group
Department of Health

1 Name

This instrument is the *Health Insurance (Permitted Benefits – Pathology Services) Determination 2018*.

2 Authority

This instrument is made under section 23DZZIG of the *Health Insurance Act 1973*.

3 Commencement

This instrument commences on the day after it is registered.

4 Repeal

The *Health Insurance (Permitted benefits – pathology services) Determination 2008* is repealed.

5 Definitions

In this instrument:

Act means the *Health Insurance Act 1973*.

hospital treatment has the meaning given by section 121-5 of the *Private Health Insurance Act 2007*.

Note **Accredited pathology laboratory**, **approved pathology practitioner**, **hospital** and **pathology service** are defined in subsection 3 (1) of the Act. **Provider** and **requester** are defined in subsection 23DZZID (1) of the Act.

6 Permitted benefits for pathology services

- (1) For section 23DZZIG of the Act, a benefit mentioned in Schedule 1 is a permitted benefit if:
 - (a) a beneficiary who is, or is connected to, a requester of a kind of pathology service, asks for, or accepts, the benefit from a provider, or a person connected to a provider, of a kind of pathology service; or
 - (b) a provider, or a person connected to a provider, of a kind of pathology service offers or provides the benefit to a beneficiary who is, or is connected to, a requester of a kind of pathology service.
- (2) However, a benefit is not a permitted benefit if:
 - (a) it is related to the number, kind or value of requests for pathology services made by a requester to a particular provider; or
 - (b) taken with other benefits of the same kind, it exceeds the number that would usually be needed by the beneficiary's practice.

Schedule 1 Permitted benefits

(section 6)

- 1 Items related to pathology that help the requester to make requests or view pathology reports if they can only be used for purposes connected with pathology

Example

Requesting software

- 2 The provision of the following staff at premises of the beneficiary:

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- (a) an approved pathology practitioner, or a person rendering services on behalf of an approved pathology practitioner, stationed at the premises for the sole purpose of providing preliminary analysis or advice in relation to specimens collected during any of the following procedures performed at the premises:
 - (i) a procedure performed by fine needle aspiration;
 - (ii) bone marrow aspiration or trephine;
 - (iii) frozen section examination;
 - (b) for premises that are a hospital — staff stationed at the hospital to collect pathology specimens from a person who is in attendance at the hospital for the purpose of receiving hospital treatment
 - 3 The provision of the following equipment at premises of the beneficiary:
 - (a) equipment stationed at the premises for the sole purpose of providing preliminary analysis in relation to specimens collected during any of the following procedures performed at the premises:
 - (i) a procedure performed by fine needle aspiration;
 - (ii) bone marrow aspiration or trephine;
 - (iii) frozen section examination;
 - (b) for premises that are a hospital — equipment stationed at the hospital for use in relation to the rendering of services relating to pathology to a person who is in attendance at the hospital for the purpose of receiving hospital treatment
 - 4 Educational material about pathology, including material that may be given to patients
 - 5 Education sessions on pathology for the beneficiary if:
 - (a) the primary objective of the session is to provide relevant information about pathology; and
 - (b) the venue is appropriate for the educational purpose of the session; and
 - (c) any hospitality given is secondary to the educational purpose of the session; and
 - (d) the cost of any hospitality is reasonable having regard to the venue and the conduct of the session; and
 - (e) no travel or accommodation costs of the beneficiary are paid by the provider of the benefit; and
 - (f) the session does not include, and is not held with, a sporting event or other entertainment

Examples of topics for educational material or sessions

- 1 Appropriate requesting of pathology tests
- 2 Understanding results and reports for areas of pathology and for particular tests
- 3 Specimen collection, identification and transport procedures

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- 6 Gifts or hospitality if:
- (a) they are a non-cash benefit that is not convertible to cash; and
 - (b) they are given infrequently and only in relation to a significant occasion; and
 - (c) they are not given as inducement, consideration or reward for the beneficiary requesting pathology services from a particular provider; and
 - (d) the cost of the gift or hospitality is reasonable in the circumstances

Examples

- 1 Flowers given because of the death of a family member of the beneficiary
- 2 Hospitality given for Christmas parties

- 7 Pathology request forms and other forms (paper or electronic), telephone result pads, stock request pads, promotional publications and promotional items, including material promoting the quality, convenience and cost to patients of pathology services if:
- (a) it has no resale value for the beneficiary; and
 - (b) it is clearly identified as coming from the provider of the pathology service
- 8 The following equipment that is necessary for the collection, identification or temporary storage of pathology specimens:
- (a) a refrigerator if:
 - (i) it is necessary to preserve specimens awaiting transport; and
 - (ii) it is labelled as the property of the provider of the benefit and used exclusively for pathology purposes; and
 - (iii) it is used only for purposes connected with pathology services;
 - (b) insulated containers or other specimen transport containers for transporting specimens must be labelled as the property of the provider of the benefit;
 - (c) specimen pick-up receptacles (e.g. night boxes) must be labelled as the property of the provider of the benefit
- 9 Goods mentioned in an item in the following table used for the collection of pathology specimens for testing or, if other uses are possible, when supplied by an accredited pathology laboratory to referrers, will only be used for collection purposes.

Item	Goods
1	Needle barrel holders
2	Vacutainer or equivalent tubes for collection
3	Syringes (5 ml or larger)
4	21 or 23 gauge needles
5	Individual alcohol wipes (for example, alcowipes)

Item	Goods
6	Spreaders for blood films
7	Small test tube racks
8	Spray fixative
9	Cervix spatulas
10	Cyto brush
11	Direct to vial kits
12	Slides and slide carriers or holders
13	Formalin or other fixative
14	Appropriate containers and media for specimens
15	Punch biopsy instruments
16	Microbiological or virology swabs and transport media
17	Urine containers
18	Faeces containers
19	Paediatric urine collection kits
20	Chlamydia specific collection and transport receptacles
21	Tuberculosis specific collection receptacles
22	Blood culture bottles
23	Petri dishes
24	Specimen biohazard bags and rubber bands
25	Appropriate containers and media for urine, sputum and other body fluid cytology and cytology samples collected directly from tissues by the procedure of Fine Needle Aspiration (FNA)
26	Timed urine collection containers
27	Faecal fat collection containers
28	Glucose drinks for a glucose tolerance test (GTT)
29	Centrifuges if: <ul style="list-style-type: none"> (a) they are labelled as the property of the provider of the benefit; and (b) they are necessary to ensure that specimens are not damaged
30	Disposable vaginal speculums
