



Health Insurance (Section 3C General Medical Services – General Practice Attendance for Assessing Patient Suitability for a COVID-19 Vaccine) Determination 2021

made under subsection 3C(1) of the

Health Insurance Act 1973

Compilation No. 11

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About this compilation

This compilation

This is a compilation of the *Health Insurance (Section 3C General Medical Services – General Practice Attendance for Assessing Patient Suitability for a COVID-19 Vaccine) Determination 2021* that shows the text of the law as amended and in force on 1 July 2023 (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 Register (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 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 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1. Name

This instrument is the *Health Insurance (Section 3C General Medical Services – General Practice Attendance for Assessing Patient Suitability for a COVID-19 Vaccine) Determination 2021*.

3. Authority

This instrument is made under subsection 3C(1) of the *Health Insurance Act 1973*.

4. Definitions

- (1) In this instrument:

Act means the *Health Insurance Act 1973*.

after-hours period means any of the following:

- (a) a public holiday;
- (b) a Sunday;
- (c) before 8 am, or after 1 pm, on a Saturday;
- (d) before 8 am, or after 8 pm, on a day other than a day mentioned in paragraphs (a) to (c).

bulk-billed: a medical service is *bulk-billed* if:

- (a) a medicare benefit is payable to a person in relation to the service; and
- (b) under an agreement entered into under section 20A of the Act:
 - (i) the person assigns to the medical practitioner by whom, or on whose behalf, the service is provided, the person's right to the payment of the medicare benefit; and
 - (ii) the medical practitioner accepts the assignment in full payment of the practitioner's fee for the service provided.

Health Practitioner Regulation National Law has the meaning given by the *Health Insurance Regulations 2018*.

Modified Monash 1 area means an area that is not a Modified Monash 2 area, Modified Monash 3 area, Modified Monash 4 area, Modified Monash 5 area, Modified Monash 6 area or Modified Monash 7 area.

Modified Monash 2 area has the meaning given by Part 7 of the general medical services table.

Modified Monash 3 area has the meaning given by Part 7 of the general medical services table.

Modified Monash 4 area has the meaning given by Part 7 of the general medical services table.

Modified Monash 5 area has the meaning given by Part 7 of the general medical services table.

Modified Monash 6 area has the meaning given by Part 7 of the general medical services table.

Modified Monash 7 area has the meaning given by Part 7 of the general medical services table.

practice location has the meaning given by Part 7 of the general medical services table.

relevant health professional means a person who is registered in a health profession regulated under the Health Practitioner Regulation National Law, other than the medical profession.

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

residential aged care facility means a facility where residential care (as defined in section 41-3 of the *Aged Care Act 1997*) is provided.

Schedule means a Schedule to this instrument.

staff member has the same meaning as in Schedule 1 to the *Aged Care Act 1997*.

Note: The following terms are defined in subsection 3(1) of the Act:

- clinically relevant service;
- general medical services table;
- hospital-substitute treatment;
- hospital treatment;
- item;
- medical practitioner;
- professional service.

- (2) Unless the contrary intention appears, a reference in this instrument to a provision of the Act or the *National Health Act 1953* or regulations made under the Act or 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 relevant services

- (1) For subsection 3C(1) of the Act, a relevant service, provided in accordance with this instrument and as a clinically relevant service, is to be treated for the purposes of the provisions specified in subsection (2) as if:
 - (a) it were both a professional service and a medical service; and
 - (b) there were an item in the general medical 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 this instrument in relation to the service.
- (2) For the purposes of subsection (1), each provision of the following laws that relates to medical services, professional services or items is specified:
 - (a) the Act;
 - (b) the regulations made under the Act;
 - (c) the *National Health Act 1953*;
 - (d) the regulations made under the *National Health Act 1953*.
- (3) However, subsection 19(4) of the Act is not specified for the purposes of subsection (1).

6. Application of general provisions of the general medical services table

Clause 1.2.8 of the general medical services table shall have effect as if each of the items in the Schedule were also specified in that clause.

7. Services may be rendered on behalf of a medical practitioner

- (1) An item in the Schedule (other than items 10660, 10661, 93660 and 93661) applies to a service whether the service is provided:
 - (a) by a medical practitioner; or
 - (b) on behalf of a medical practitioner by a relevant health professional.

Note: see subsection 3(17) of the Act for when a service is taken to be rendered on behalf of a medical practitioner.

- (1A) For the purposes of items 93660 and 93661, the medical practitioner on whose behalf the service is provided:

-
- (a) is not required to attend the location where the service is provided by the relevant health professional; and
 - (b) retains responsibility for the health, safety and clinical outcomes of the patient; and
 - (c) must be satisfied that the relevant health professional is appropriately qualified and trained to provide the service.
- (2) Item 10660 applies to a service provided in the course of a personal attendance by a single general practitioner on a single patient on a single occasion.
 - (3) Item 10661 applies to a service provided in the course of a personal attendance by a single medical practitioner (other than a general practitioner) on a single patient on a single occasion.

8. Restrictions on items

Availability of COVID-19 vaccine at service location

- (1) An item in the Schedule only applies to a service if:
 - (a) for a service provided at a practice location - a dose of a COVID-19 vaccine is immediately available for administration to the patient at that location; or
 - (b) for a service provided from a practice location - a dose of a COVID-19 vaccine is immediately available for administration to the patient at the location at which the service is provided.

Restrictions on co-claiming with item 10988 or the bulk-billing incentive items

- (2) An item in the Schedule does not apply to a service if the service is associated with a service to which any of items 10988, 10990, 10991, 10992, 75855, 75856, 75857 or 75858 in the general medical services table applies.

Exclusion of hospital treatment and hospital-substitute treatment

- (3) An item in the Schedule does not apply to a service if the service is provided as part of an episode of hospital treatment or hospital-substitute treatment.

Items 10660 and 10661 – claiming frequency

- (4) A service provided under items 10660 or 10661 cannot be claimed more than once during a patient's lifetime.

9. Fee in relation to the first patient during each attendance

- (1) Subject to subsections (2) and (3), for the first patient attended during one attendance by a general practitioner or by a medical practitioner (other than a general practitioner) at:
 - (a) one residential aged care facility, or at consulting rooms situated within such a complex, on one occasion; or
 - (b) one residential disability setting facility, or at consulting rooms situated within such a complex, on one occasion; or
 - (c) a person's place of residence (other than a residential aged care facility) on one occasion;

the fee for a service described in an item of the Schedule is the amount listed in the item plus \$144.00.

- (2) Subsection (1) only applies to a service provided at a residential aged care facility if the patient is:
 - (a) a care recipient in the facility; or
 - (b) a staff member of the approved provider operating the facility.
- (3) Subsection (1) only applies to a service provided in a residential disability facility setting if the patient is:
 - (a) unable to attend the practice location due to a disability; or
 - (b) employed, hired, retained or contracted (whether directly or through an employment or recruiting agency) to provide care and other care related services.
- (4) Subsection (1) only applies to a service provided at a person's place of residence if the patient is unable to attend the practice location due to a medical condition, disability, dementia or frailty.
- (5) Subsection (1) applies to a service provided on behalf of a medical practitioner by a relevant health professional.

10 Indexation

- (1) At the start of 1 July 2023 (the ***indexation day***), each amount covered by subclause (2) is replaced by the amount worked out using the following formula:

$$1.036 \times \text{the amount of the fee immediately before the indexation day}$$

Note: The indexed fees could in 2023 be viewed on the Department of Health and Aged Care's MBS Online website (<http://www.health.gov.au>).

- (2) The amounts covered by this subsection are the fee for each item in a Schedule of this Determination.
- (3) An amount worked out under subsection (1) is to be rounded up or down to the nearest 5 cents (rounding down if the amount is an exact multiple of 2.5 cents).

Schedule – relevant services

Group A44 – General Practice Attendance for Assessing Patient Suitability for a COVID-19 Vaccine

Subgroup 3— Assessing Patient Suitability for a Dose of a COVID-19 Vaccine

Item	Service	Fee (\$)
93644	Professional attendance by a general practitioner for the purpose of assessing a patient's suitability for a COVID-19 vaccine if all of the following apply: (a) one or both of the following is undertaken, where clinically relevant: (i) a short patient history; (ii) limited examination and management; (b) the service is bulk-billed; (c) the service is provided at, or from, a practice location in a Modified Monash 1 area	41.25
93645	Professional attendance by a general practitioner for the purpose of assessing a patient's suitability for a COVID-19 vaccine if all of the following apply: (a) one or both of the following is undertaken, where clinically relevant: (i) a short patient history; (ii) limited examination and management; (b) the service is bulk-billed; (c) the service is provided at, or from, a practice location in: (i) a Modified Monash 2 area; or (ii) a Modified Monash 3 area; or (iii) a Modified Monash 4 area; or (iv) a Modified Monash 5 area; or (v) a Modified Monash 6 area; or (vi) a Modified Monash 7 area	45.25
93646	Professional attendance by a medical practitioner (other than a general practitioner) for the purpose of assessing a patient's suitability for a COVID-19 vaccine if all of the following apply: (a) one or both of the following is undertaken, where clinically relevant: (i) a short patient history; (ii) limited examination and management; (b) the service is bulk-billed; (c) the service is provided at, or from, a practice location in a Modified Monash 1 area	33.10
93647	Professional attendance by a medical practitioner (other than a general practitioner) for the purpose of assessing a patient's suitability for a COVID-19 vaccine if all of the following apply: (a) one or both of the following is undertaken, where clinically relevant: (i) a short patient history;	40.95

	(ii) limited examination and management;	
	(b) the service is bulk-billed;	
	(c) the service is provided at, or from, a practice location in:	
	(i) a Modified Monash 2 area; or	
	(ii) a Modified Monash 3 area; or	
	(iii) a Modified Monash 4 area; or	
	(iv) a Modified Monash 5 area; or	
	(v) a Modified Monash 6 area; or	
	(vi) a Modified Monash 7 area	

Subgroup 4— After-Hours Assessing Patient Suitability for a Dose of a COVID-19 Vaccine

93653	Professional attendance by a general practitioner for the purpose of assessing a patient’s suitability for a COVID-19 vaccine if all of the following apply: (a) one or both of the following is undertaken, where clinically relevant: (i) a short patient history; (ii) limited examination and management; (b) the service is bulk-billed; (c) the service is provided at, or from, a practice location in a Modified Monash 1 area; (d) the service is rendered in an after-hours period	55.95
93654	Professional attendance by a general practitioner for the purpose of assessing a patient’s suitability for a dose of a COVID-19 vaccine if all of the following apply: (a) one or both of the following is undertaken, where clinically relevant: (i) a short patient history; (ii) limited examination and management; (b) the service is bulk-billed; (c) the service is provided at, or from, a practice location in: (i) a Modified Monash 2 area; or (ii) a Modified Monash 3 area; or (iii) a Modified Monash 4 area; or (iv) a Modified Monash 5 area; or (v) a Modified Monash 6 area; or (vi) a Modified Monash 7 area; (d) the service is rendered in an after-hours period	59.90
93655	Professional attendance by a medical practitioner (other than a general practitioner) for the purpose of assessing a patient’s suitability for a COVID-19 vaccine if all of the following apply: (a) one or both of the following is undertaken, where clinically relevant: (i) a short patient history; (ii) limited examination and management; (b) the service is bulk-billed; (c) the service is provided at, or from, a practice location in a Modified Monash 1 area;	45.10

	(d) the service is rendered in an after-hours period	
93656	Professional attendance by a medical practitioner (other than a general practitioner) for the purpose of assessing a patient's suitability for a COVID-19 vaccine if all of the following apply: (a) one or both of the following is undertaken, where clinically relevant: (i) a short patient history; (ii) limited examination and management; (b) the service is bulk-billed; (c) the service is provided at, or from, a practice location in: (i) a Modified Monash 2 area; or (ii) a Modified Monash 3 area; or (iii) a Modified Monash 4 area; or (iv) a Modified Monash 5 area; or (v) a Modified Monash 6 area; or (vi) a Modified Monash 7 area; (d) the service is rendered in an after-hours period	52.65
Subgroup 5 – In-depth Patient Assessment for a Patient who has Received a Vaccine Suitability Assessment Service		
10660	Professional attendance by a general practitioner, if all of the following apply: (a) the service is associated with a service to which item 93644, 93645, 93653 or 93654 applies; (b) the service requires personal attendance by the general practitioner, lasting more than 10 minutes in duration, to provide in-depth clinical advice on the individual risks and benefits associated with receiving a COVID-19 vaccine; (c) one or both of the following is undertaken, where clinically relevant: (i) a detailed patient history; (ii) complex examination and management; (d) the service is bulk-billed	46.70
10661	Professional attendance by a medical practitioner (other than a general practitioner), if all of the following apply: (a) the service is associated with a service to which item 93646, 93647, 93655 or 93656 applies; (b) the service requires personal attendance by the medical practitioner (other than a general practitioner), lasting more than 10 minutes in duration, to provide in-depth clinical advice on the individual risks and benefits associated with receiving a COVID-19 vaccine; (c) one or both of the following is undertaken, where clinically relevant: (i) a detailed patient history; (ii) complex examination and management; (d) the service is bulk-billed	37.40

Subgroup 6— Off-Site Patient Assessment on Behalf of a Medical Practitioner

93660	Attendance by a relevant health professional on behalf of a medical practitioner for the purpose of assessing a patient's suitability for a dose of a COVID-19 vaccine if all of the following apply: (a) one or both of the following is undertaken, where clinically relevant: (i) a short patient history; (ii) limited examination and management; (b) the service is bulk-billed; (c) the service is not provided at a practice location; and (d) the service is provided from a practice location in a Modified Monash 1 area	25.10
93661	Attendance by a relevant health professional on behalf of a medical practitioner for the purpose of assessing a patient's suitability for a dose of a COVID-19 vaccine if all of the following apply: (a) one or both of the following is undertaken, where clinically relevant: (i) a short patient history; (ii) limited examination and management; (b) the service is bulk-billed; (c) the service is not provided at a practice location; and (d) the service is provided from a practice location in: (i) a Modified Monash 2 area; or (ii) a Modified Monash 3 area; or (iii) a Modified Monash 4 area; or (iv) a Modified Monash 5 area; or (v) a Modified Monash 6 area; or (vi) a Modified Monash 7 area	28.65

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.

Endnotes

Endnote 2—Abbreviation key

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

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Health Insurance (Section 3C General Medical Services – General Practice Attendance for Assessing Patient Suitability for a COVID-19 Vaccine) Determination 2021	25 Feb 2021 (F2021L00156)	26 Feb 2021 (s 2(1) item 1)	
Health Insurance (Section 3C General Medical Services – General Practice Attendance for Assessing Patient Suitability for a COVID-19 Vaccine) Amendment Determination 2021	11 June 2021 (F2021L00786)	14 June 2021 (s 2(1) item 1)	—
Health Insurance (Section 3C General Medical Services – General Practice Attendance for Assessing Patient Suitability for a COVID-19 Vaccine) Amendment (No. 2) Determination 2021	18 June 2021 (F2021L00786)	18 June 2021 (s 2(1) item 1)	—
Health Insurance Legislation Amendment (Section 3C General Medical Services – Medicare Indexation and Extension of Remote Service Options) Determination 2021	24 June 2021 (F2021L00822)	Sch 2 (items 8–24): 1 July 2021 (s 2(1) item 3)	—
Health Insurance (Section 3C General Medical Services – General Practice Attendance for Assessing Patient Suitability for a COVID-19 Vaccine) Amendment (No. 3) Determination 2021	1 July 2021 (F2021L00943)	Sch 1: 18 June 2021 (s 2(1) item 2) Sch 2: 29 June 2021 (s 2(1) item 3) Sch 3: 31 May 2021 (s 2(1) item 3) Sch 4: 1 July 2021 (s 2(1) item 4)	—
Health Insurance (Section 3C General Medical Services – General Practice Attendance for Assessing Patient Suitability for a COVID-19 Vaccine) Amendment (No. 4) Determination 2021	17 Dec 2021 (F2021L01816)	1 Jan 2022 (s 2(1) item 1)	—
Health Insurance (Section 3C General Medical Services – General Practice Attendance for Assessing Patient Suitability for a COVID-19 Vaccine) Amendment (No. 5) Determination 2021	22 Dec 2021 (F2021L01884)	23 Dec 2021 (s 2(1) item 1)	—

Endnotes

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Health Insurance Legislation Amendment (2022 Measures No. 1) Determination 2022	17 Jan 2022 (F2022L00035)	Sch 2: 18 Jan 2022 (s 2(1) item 3)	—
Health Insurance (Section 3C General Medical Services – General Practice Attendance for Assessing Patient Suitability for a COVID-19 Vaccine) Amendment (Definition of Booster Dose) Determination 2022	31 Mar 2022 (F2022L00452)	1 Apr 2022 (s 2(1) item 1)	—
Health Insurance Legislation Amendment (Indexation) Determination 2022	7 Apr 2022 (F2022L00553)	Sch 1 (item 17) and Sch 2 (item 27): 1 July 2022 (s 2(1) item 1)	—
Health Insurance (Section 3C General Medical Services – General Practice Attendance for Assessing Patient Suitability for a COVID-19 Vaccine) Amendment (No. 1) Determination 2023	11 Jan 2023 (F2023L00030)	1 Feb 2023 (s 2(1) item 1)	—
Health Insurance Legislation Amendment (Indexation) Determination 2023	24 Mar 2023 (F2023L00348)	Sch 2 (items 2, 3): 1 July 2023 (s 2(1) item 1)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2.....	rep LA s 48D
s 4.....	am F2021L00746; F2021L00943; F2021L01884; F2022L00452; F2023L00030
s 5.....	am F2021L00746
s 7.....	am F2021L00786; F2021L01816
s 8.....	am F2021L00943; F2022L00035
s 9.....	ad F2021L00746
	am F2021L00822; F2021L01816; F2022L00553; F2023L00030; F2023L00348
s 10.....	ad F2022L00553
	am F2023L00348
Schedule	
Schedule.....	am F2021L00786; F2021L00822; F2021L00943; F2021L01816; F2021L01884; F2023L00030