



# **Health Insurance (Section 3C Diagnostic Imaging Services – Whole Body Magnetic Resonance Imaging Scan) Determination 2022**

made under subsection 3C(1) of the

*Health Insurance Act 1973*

## **Compilation No. 2**

<b>Compilation date:</b>	1 November 2023
<b>Includes amendments up to:</b>	F2023L01183
<b>Registered:</b>	16 November 2023

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Health Insurance (Section 3C Diagnostic Imaging Services – Whole Body Magnetic Resonance Imaging Scan) Determination 2022* that shows the text of the law as amended and in force on 1 November 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](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 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## Contents

1.	Name.....	1
3.	Authority.....	1
4.	Definitions .....	1
5.	Treatment of relevant services .....	2
6.	Application of provisions of the diagnostic imaging services table .....	2
7.	Limitation of items.....	2
<b>Schedule – relevant services .....</b>		<b>3</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>



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## 1. Name

This instrument is the *Health Insurance (Section 3C Diagnostic Imaging Services – Whole Body Magnetic Resonance Imaging Scan) Determination 2022*.

## 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*.

**MRI** means magnetic resonance imaging.

**(R)** has the meaning given by clause 1.2.15(1) of the diagnostic imaging services table.

**relevant provisions** mean all provisions, of the Act and regulations made under the Act, and the *National Health Act 1953* and regulations made under the *National Health Act 1953*, relating to medical services, professional services or items.

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

**Schedule** means a Schedule to this instrument.

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

- clinically relevant service;
- diagnostic imaging services table;
- item;
- 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.

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## **5. Treatment of relevant services**

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 relevant provisions, as if:

- (a) it were both a professional service and a diagnostic imaging service; and
- (b) there were an item in the diagnostic imaging services table that:
  - i. related to the service; and
  - ii. specified for the service a fee in relation to each State, being the fee specified in the Schedule in relation to the service.

## **6. Application of provisions of the diagnostic imaging services table**

- (1) Clause 1.2.17 of the diagnostic imaging services table shall have effect as if the items in Schedule 1 of this instrument were specified for the purpose of that clause.

## **7. Limitation of items**

- (1) A service described under item 63564 applies only if the same patient has not received a service to which the same item applies within the preceding 12 months.

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## Schedule – relevant services

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Group I5 – Magnetic Resonance Imaging		
Column 1	Column 2	Column 3
Item	Description	Fee (\$)
Subgroup 19 – Scan of Body – For Specified Conditions		
63564	MRI – whole body scan for the early detection of cancer: a) requested by a specialist or consultant physician in consultation with a clinical geneticist in a familial cancer or genetic clinic; and b) the request identifies that the patient has a high risk of developing cancer malignancy due to heritable <i>TP53</i> - related cancer ( <i>hTP53rc</i> ) syndrome (R) (Anaes.)	1,561.75

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## Endnotes

### Endnote 1—About the endnotes

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## 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

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### Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Health Insurance (Section 3C Diagnostic Imaging Services – Whole Body Magnetic Resonance Imaging Scan) Determination 2022	17 Nov 2022 (F2022L01472)	1 Mar 2023 (s 2(1) item 1)	
Health Insurance Legislation Amendment (Indexation) Determination 2023	24 Mar 2023 (F2023L00348)	Sch 2 (item 8): 1 July 2023 (s 2(1) item 1)	—
Health Insurance Legislation Amendment (Indexation No. 2) Determination 2023	4 Sept 2023 (F2023L01183)	Sch 2 (item 7): 1 Nov 2023 (s 2(1) item 1)	—

## Endnote 4—Amendment history

## Endnote 4—Amendment history

Provision affected	How affected
s 2 .....	rep LA s 48D
<b>Schedule</b>	
Schedule .....	am F2023L00348; F2023L01183