

# **Health Insurance (Professional Services Review) Amendment Regulations 1999 (No. 1) 1999 No. 346**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 1999 No. 346**

Issued by the Authority of the Minister for Health and Aged Care

*Health Insurance Act 1973*

Health Insurance (Professional Services Review) Amendment Regulations 1999 (No. 1)

Section 133 of the *Health Insurance Act 1973* (the Act) allows the Governor-General to make regulations prescribing matters that are required or permitted by the Act to be prescribed, or that are necessary and convenient to be prescribed for carrying out or giving effect to the Act.

Subsection 106KA(3) of the Act provides that the regulations may prescribe, in relation to a particular profession or an identified group or groups of practitioners in a particular profession, circumstances in which services of a particular kind or description that are rendered or initiated constitute, or do not constitute, a prescribed pattern of services for the purposes of subsection 106KA(1). Subsection 106KA(1) in effect deems the conduct of a person in relation to a prescribed pattern of services to be inappropriate practice.

Subsections 106KA (2) and (2A) of the Act provide that the quantum of inappropriate practice can be reduced where exceptional circumstances can be demonstrated to the satisfaction of the Professional Services Review (PSR) Committee. Subsection 106KA(5) provides that the circumstances that constitute exceptional circumstances include, but are not limited to, circumstances that are declared by the regulations to be exceptional circumstances.

The regulations amend the Health Insurance (Professional Services Review) Regulations 1999 (the Regulations) by inserting a new Part 3. New Part 3 of the Regulations prescribes the circumstances in which some or all of the referred services constitute a prescribed pattern of services for Part VAA of the Act.

In particular, New Part 1

\* prescribes, in respect of general practitioners and other medical practitioners rendering professional attendances, the rendering of 80 or more professional attendances on each of 20 or more days in a 12-month period, as a prescribed pattern of services. This was agreed with the Australian Medical Association; and

\* declares two specific circumstances as constituting exceptional circumstances. These are.. an unusual occurrence causing an unusual level of need for professional attendances by the person under review., and the absence of any other medical services for the patients of the person under review. In determining these, or any other exceptional circumstance, a PSR Committee would have regard to matters such as the location of the practice/s and the characteristics of the patients of the person under review.

A person under review claiming exceptional circumstances will have to satisfy the PSR that such circumstances existed and that these justify the consistent high volume of services prescribed in the regulations.

Details of the Regulations are set out in the Attachment.

The Regulations commenced on 1 January 2000.

## **ATTACHMENT**

### **Details of the Health Insurance (Professional Services Review) Amendment Regulations 1999 (No. 1)**

#### **Regulation 1 - Name of Regulations**

Specifies that the title of the regulations as the Health Insurance (Professional Services Review) Amendment Regulations 1999 (No. 1)

#### **Regulation 2 - Commencement**

Provides that the Regulations commence on 1 January 2000.

#### **Regulation 3 - Amendment of Health Insurance (Professional Services Review) Regulations 1999**

Provides that Schedule 1 amends the Health Insurance (Professional Services Review) Regulations 1999.

#### **Schedule 1 - Amendments**

[1] Inserts a new Note 2, which provides that various expressions used in the Regulations are defined in section 81 of the Act.

[2] Inserts a new Part 3 entitled 'Prescribed pattern of services'.

#### **Regulation 7 - Definitions**

Defines a professional attendance for the purposes of the Regulations in terms of specific items mentioned in the general medical services tables.

#### **Regulation 8 - Purpose of this Part**

Provides that this part of the Regulations prescribes the circumstances in which referred services constitute a prescribed pattern of services for Part VAA of the Act.

#### **Regulation 9 - Practitioners affected by these Regulations**

Specifies that for subsection 106KA (3) of the Act, the groups of practitioners, in the profession of medicine, to which these Regulations apply, are general practitioners and other medical practitioners.

#### **Regulation 10 - Circumstances constituting a prescribed pattern**

**Specifies** that the circumstances in which services that are professional attendances constitute a prescribed pattern of services is when 80 or more such services are rendered on each of 20 or more days in a 12-month period.

#### **Regulation 11 - Exceptional Circumstances**

Provides that for subsection 106KA(5) of the Act, the following circumstances are declared as constituting exceptional circumstances:

(a) an unusual occurrence causing an unusual level of need for professional attendances by the person under review;

(b) an absence of any other medical services for the patients of the person under review, having regard to the location of the practice and the characteristics of the patients of the person under review.