

Health Insurance Commission Amendment Regulations 2001 (No. 2) 2001 No. 277

EXPLANATORY STATEMENT

STATUTORY RULES 2001 No. 277

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

Health Insurance Commission Act 1973

Health Insurance Commission Amendment Regulations 2001 (No. 2)

Section 44 of the *Health Insurance Commission Act 1973* (the Act) provides that the Governor-General may make regulations prescribing matters for the purposes of the Act.

Subsection 8AA(2) of the Act provides that the Health Insurance Commission (the Commission) is to perform such functions as are prescribed by the regulations.

The Regulations confer an additional function on the Commission, namely, to establish and maintain a Register of Sonographers (the Register).

From 1 November 2001, for reporting physicians to be able to claim for Medicare rebateable diagnostic ultrasound services that are performed on their behalf, the sonographer must be Registered, ie, a person whose name is entered on the Register.

The Regulations establish the Register and deal with registration matters.

The Register will be administered by the Australasian Sonographer Accreditation Registry (ASAR) in conjunction with the Commission.

Details of the Regulations are set out in the Attachment.

The Regulations commenced on gazettal.

NOTES ON CLAUSES

Regulation 1 provides that the regulations may be cited as the *Health Insurance Commission Amendment Regulations 2001(No. 2)*.

Regulation 2 provides that the Regulations commence on gazettal.

Regulation 3 provides that the Health Insurance Commission Regulations are amended by Schedule 1.

Item 1 of Schedule 1 provides that these Regulations are the *Health Insurance Commission Regulations 1975*.

Item 2 of Schedule 1 inserts a new regulation 3S.

New subregulation 3S(1) provides that registration of sonographers is an additional function of the Commission for the purposes of subsection 8AA(2) of the Act.

New subregulation 3S(2) provides that the Register may be maintained in any form, including a computer record.

New subregulation 3S(3) requires the Commission to register eligible sonographers.

New subregulation 3S(4) provides for the form for an application for registration.

New subregulation 3S(5) sets out the time limits within which an eligible sonographer must be registered by the Commission.

New subregulation 3S(6) provides that where the eligible sonographer is a student, the Commission must record that fact in the Register.

New subregulation 3S(7) sets out the circumstances in which the Commission is required to remove a person's name from the Register.

New subregulation 3S(8) requires the Commission to notify a person before removing their name from the Register.

New subregulation 3S(9) requires the Commission to give at least 28 days notice before removing a name from the Register.

New subregulation 3S(10) sets out the following eligibility requirements for registration:

- Possession of an accredited postgraduate qualification in medical ultrasound; or
- Current participation in an accredited course of study or a Diploma of Medical Ultrasound (such students will be eligible to be placed on the register of students); or
- Five years or greater clinical experience before 1 November 2001 working as a sonographer in Australia or New Zealand under the supervision, or direction, of a medical practitioner.

New paragraph 3S(10)(d) and new subregulation 3S(11) provide that sonographers working in an approved clinical setting who, at 1 November 2001, do not meet these eligibility requirements can nevertheless be registered provided that they have gained, or are enrolled in, an accredited qualification, or have successfully undergone a one-off competency assessment, by 31 December 2004.

New subregulation 3S(12) defines the term 'accredited'.

Item 3 makes a minor technical amendment to regulation 4.