

# Health Insurance Commission Amendment Regulations 2002 (No. 2) 2002 No. 253

## EXPLANATORY STATEMENT

### STATUTORY RULES 2002 No. 253

Issued by the Minister for Health and Ageing

*Health Insurance Commission Act 1973*

Health Insurance Commission Amendment Regulations 2002 (No. 2)

Section 44 of the *Health Insurance Commission Act 1973* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 8AA of the Act provides that additional functions may be conferred on the Health Insurance Commission (the Commission) by Regulations.

The Regulations amended Regulation 3T of the *Health Insurance Commission Regulations 1975* to confer on the Commission the additional function of establishing and maintaining a Register of general practitioners who may:

- participate in the *Better Outcomes in Mental Health Care* Initiative (the Initiative) (Part A of the Register); and
- provide Focussed Psychological Strategies services (FPS services) under the Initiative (Part B of the Register)

The Regulations also provide for the removal of a person from the Register.

The purpose of establishing Part B of the Register is to enable the Commission to identify the general practitioners who may be eligible to render FPS services, thereby assisting the Commission to fulfil its role in the administration of the Initiative. Participating general practitioners will need to be accredited by the relevant accreditation body.

The relevant accreditation body for the purposes of the Regulations is the General Practice Mental Health Standards Collaboration (the GPMHSC). This body functions under the auspices of the Royal Australian College of General Practitioners and is made up of 10 members representing a broad range of expertise in the mental health field.

Removing the name of a general practitioner from Part A or Part B of the Register is necessary if

- a person requests that his or her name be removed; and/or
- the relevant accreditation body gives the Commission written notice that it has decided that the person no longer satisfies the requirements for participation in the Initiative or no longer satisfies the requirements for providing FPS services.

However, the relevant accreditation body must not give the Commission such notice unless it has notified the person of its decision and has given the person the opportunity to have that decision reviewed. Decisions will be reviewed in accordance with the Royal Australian College of General Practitioners Charter of Fair Decision-Making, which provides for decisions to be made in a fair,

open and transparent manner. The Charter provides for reconsideration of the original decision and review through independent mediation prior to any formal hearing of the Appeals Joint Operations Group.

Details of the Regulations are set out in the Attachment.

The Regulations commenced on 1 November 2002.

## **ATTACHMENT**

### **Details of the Health Insurance Commission Amendment Regulations 2002 (No. 2)**

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

Specifies that the title of the regulations is the Health Insurance Commission Amendment Regulations 2002 (No. 2).

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

Provides that the regulations commenced on 1 November 2002.

#### **Regulation 3 - Amendment of *Health Insurance Commission Regulations 1975***

Provides that Schedule 1 amends the *Health Insurance Commission Regulations 1975*.

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

Item [1] replaces subregulation 3T (1) with subregulation (1). Subregulation (1) provides that it is a prescribed function of the Commission to establish and maintain a Register of general practitioners who may (a) participate in the *Better Outcomes in Mental Health Care Initiative* (the ***Initiative***) and (b) provide Focussed Psychological Strategies Services (***FPS Services***) under the Initiative.

Item [2] amends subregulation (2) to provide that the Register may be divided into two Parts, with Part A containing the names of persons who may participate in the Initiative and Part B containing the names of persons who may provide FPS Services.

Item [3] inserts a sub-heading after subregulation (2), denoting Part A of the Register.

Item [4] amends subregulation (3) and (4) by replacing all references to (the ***Register***) with (Part A of the ***Register***).

Item [5] replaces subregulation (5) with subregulations (5) to (13).

Subregulation (5) provides that the Commission must remove a person's name from Part A of the Register if the person so requests or if the relevant accreditation body notifies the Commission of its decision that the person no longer satisfies the requirements for participation in the Initiative. The person's name must only be removed from Part A of the Register if the relevant accreditation body has notified the person in writing of its decision and has advised the person of the opportunity to have the decision reviewed in accordance with the relevant accreditation body's rules and procedures.

Subregulation (6) provides that where a person's name has been removed from Part A of the Register, the Commission must give the person and the relevant accreditation body written notification that the person's name has been removed from Part A of the Register and the day on which this removal occurred.

Subregulation (7) provides that a person's name may be entered in Part B of the Register if the person's name has been entered in Part A of the Register and if the relevant accreditation body has given the Commission written notification that the person has the mental health skills required to provide FPS services.

Subregulation (8) provides the time within which the Commission must enter a person's name in Part B of the Register.

Subregulation (9) provides that where a person's name has been entered in Part B of the Register, the Commission must give the person and the relevant accreditation body written notification that the person's name has been entered in Part B of the Register and the day on which the person's name was entered.

Subregulation (10) provides that a person's name must be removed from Part B of the Register if the person so requests, if the person's name is removed from Part A of the Register or if the relevant accreditation body notifies the Commission of its decision that the person no longer satisfies the requirements for providing FPS services. A person's name may only be removed from Part B of the Register if the relevant accreditation body has notified the person in writing of its decision and has advised the person of the opportunity to have the decision reviewed in accordance with the relevant accreditation body's rules and procedures.

Subregulation (11) provides that where a person's name has been removed from Part B of the Register, the Commission must give the person and the relevant accreditation body written notification that the person's name has been removed from Part B of the Register and the day on which this removal occurred.

Subregulation (12) allows the Commission to give to the relevant accreditation body information concerning the names that have been entered in, added to and removed from Parts A and B of the Register.

Subregulation (13) defines the terms 'general practitioner' and 'relevant accreditation body'.