

## EXPLANATORY STATEMENT

### Select Legislative Instrument 2007 No. 86

Subject:            *Health Insurance Act 1973*  
  
                         *Health Insurance (Diagnostic Imaging Services Table) Amendment*  
                         *Regulations 2007 (No. 2)*

Subsection 133(1) of the *Health Insurance 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.

The Act provides, in part, for payments of Medicare benefits in respect of professional services rendered to eligible persons.

Subsection 4AA(1) of the Act provides that the regulations may prescribe a table of diagnostic imaging services, the amount of fees applicable in respect of each item and the rules for interpretation of the table. The *Health Insurance (Diagnostic Imaging Services Table) Regulations 2006* (the Principal Regulations) prescribe such a table.

The purpose of the Regulations is to amend the Principal Regulations to enable Medicare benefits to be paid, from the day after the Regulations are registered, for certain magnetic resonance imaging (MRI) services conducted using specified equipment at St Vincent's Hospital in Darlinghurst, NSW.

Paragraph 36(d) of Schedule 1 to the Principal Regulations sets out the conditions under which the equipment in question is regarded as "eligible equipment". Details of the Regulations are set out in the Attachment.

Industry consultation regarding the payment of Medicare benefits for MRI services is managed through the 2003-2008 Radiology Quality Outlays MoU as a result of a package of measures developed in 1998 to introduce MRI services onto the Medical Benefits Schedule.

The Act specifies no conditions that need to be met before the power to make the Regulations may be exercised.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments.

**ATTACHMENT****Details of the *Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2007 (No. 2)*****Regulation 1 – Name of Regulations**

This regulation provides that the title of the Regulations is the *Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2007 (No. 2)*.

**Regulation 2 – Commencement**

This regulation provides for the Regulations to commence on the day they are registered on the Federal Register of Legislative Instruments.

**Regulation 3 – Amendment of the *Health Insurance (Diagnostic Imaging Services Table) Regulations 2006***

This regulation provides that the *Health Insurance (Diagnostic Imaging Services Table) Regulations 2006* (the Principal Regulations) are amended as set out in Schedule 1.

**Schedule 1 – Amendment****Item [1]**

This item inserts the details of the new MRI unit at St. Vincent’s Hospital in Darlinghurst, NSW into table 2 at rule 36 of Part 2 of Schedule 1 to the Principal Regulations.

Pursuant to paragraph 36(d) of Part 2 of Schedule 1, the new specified piece of equipment is “eligible equipment” only if the equipment:

- (a) is located at the place specified in Table 2 for that equipment; and
- (b) forms part of a comprehensive radiology department at the relevant location that provides, at a minimum, x-ray, computed tomography and ultrasound services; and
- (c) is available for use from 9 am to 5 pm each Monday to Friday (excluding public holidays) for routine services, except for periods reasonably required for necessary maintenance, repairs and upgrades; and
- (d) is available for use at all times for emergency services, except for periods reasonably required for necessary maintenance, repairs and upgrades.