



Private Health Insurance (Prostheses Application and Listing Fee) Rules 2008 (No. 1)

I, NICOLA ROXON, Minister for Health and Ageing, make these Rules under section 8 of the *Private Health Insurance (Prostheses Application and Listing Fees) Act 2007*.

Dated _____ 13 July 2008 _____

Nicola Roxon
Minister for Health and Ageing

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Part 1 Preliminary

1. Name of Rules

These Rules are the *Private Health Insurance (Prostheses Application and Listing Fee) Rules 2008 (No. 1)*.

2. Commencement

These Rules commence on the day after they are registered.

3. Revocation

The *Private Health Insurance (Prostheses Application and Listing Fee) Rules 2007 (No. 2)* are revoked.

4. Definitions

In these Rules:

Act means the *Private Health Insurance (Prostheses Application and Listing Fees) Act 2007*.

duplicate listing has the meaning given by subrule 5 (5).

human tissue prosthesis means a product that is substantially derived from human tissue where the tissue has been subjected to processing or treatments and the supply (however described, including trade, sell, give or gift) of which is governed by State or Territory law.

Private Health Insurance Act means the *Private Health Insurance Act 2007*.

revocation and relisting has the meaning given by subrule 5 (4).

Part 2 Fees

5. Application fees

- (1) For subsection 3 (1) of the Act, the application fee for an application made under subsection 72-10 (2) of the Private Health Insurance Act is:
 - (a) in relation to a human tissue prosthesis—nil; and
 - (b) in relation to any other prosthesis, except where subrule (2) applies—\$400.
- (2) If an application under subsection 72-10 (2) of the Private Health Insurance Act to list a prosthesis would result in, if granted:
 - (a) a revocation and relisting; or
 - (b) a duplicate listing,the application fee is, and is taken always to have been, nil.
- (3) If the approved form for an application permits more than one application for listing of a kind of prosthesis to be made on the same form, the application for each kind of prosthesis is a separate application and each listing, if granted, is a separate listing.
- (4) An application will result in a **revocation and relisting** only in the following circumstances:
 - (a) where the application:
 - (i) if granted, would involve revocation of an existing listing of a prosthesis; and
 - (ii) is for the listing of:
 - (A) exactly the same prosthesis for the new applicant; or
 - (B) the same kind of prostheses which are different only in size or materials, or both, but have the same action, function and clinical outcomes;
 - (b) where the application:
 - (i) if granted, would involve the revocation of the listing of a prosthesis which has component items but is listed as one prosthesis (**prosthesis system**); and
 - (ii) is for the listing of a component of that prosthesis system as a separate listing;
 - (c) where the application:
 - (i) if granted, would involve the revocation of the listing of two or more prostheses (**items**) all of which have the same form (but may be of different sizes, action, function and clinical outcomes, such as a range of screws of different sizes); and
 - (ii) is for the listing of exactly the same items together as one kind of prosthesis;
 - (d) where the application:

- (i) if granted, would involve the revocation of the listing of two or more prostheses which are components of a kind of prosthesis that is a system or set which can be used only as a system or set (**system**) and the system is not a knee or hip replacement prosthesis; and
 - (ii) is for the listing of exactly the same system as one kind of prosthesis.
- (5) An application will result in a **duplicate listing** only where the application is for the listing of a kind of prosthesis by an applicant and exactly the same kind of prosthesis is already listed following an application by a different applicant.

6. Initial listing fee

- (1) For subsection 4 (1) of the Act, the initial listing fee for the purposes of subsection 72-10 (5) of the Private Health Insurance Act is:
 - (a) for a human tissue prosthesis—nil; and
 - (b) for any other prosthesis, except where subrule (2) or rule 8 applies—\$110.
- (2) If an application under subsection 72-10 (2) of the Private Health Insurance Act to list a prosthesis would result in, if granted:
 - (a) a revocation and relisting; or
 - (b) a duplicate listing,the initial listing fee is, and is taken always to have been, nil.

7. Ongoing listing fee

For subsection 4 (3) of the Act, the ongoing listing fee for the purposes of section 72-15 of the Private Health Insurance Act is:

- (a) for a human tissue prosthesis—nil; and
- (b) for any other prosthesis, except where rule 9 applies—\$110.

8. Transitioned applications

Despite rule 6, for subsection 4 (1) of the Act, the initial listing fee for an application to which rule 7 of the *Private Health Insurance (Transition) Rules 2007* applies is, and is taken always to have been, nil.

9. First ongoing listing fee following grant of application

Despite rule 7, for subsection 4 (3) of the Act, the ongoing listing fee imposed on the ongoing listing fee imposition day immediately following the granting of an application, other than an application for revocation and relisting or a duplicate listing, is nil.

Note: An application involving a revocation and relisting or a duplicate listing is free from an application fee and an initial listing fee, but not from the first ongoing listing fee following grant of the application.

10. Ongoing listing fee imposition day

For subsection 4 (4) of the Act, the following days of each year are specified as ongoing listing fee imposition days:

- (a) 15 January; and
- (b) 15 July.

Note: The ongoing listing fee must be paid within 28 days of each ongoing listing fee imposition day—see subsection 72-15 (2) of the Private Health Insurance Act.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au