

EXPLANATORY STATEMENT

Select Legislative Instrument 2008 No. 210

Health Insurance Act 1973

Health Insurance (Diagnostic Imaging Services Table) Regulations 2008

Subsection 133(1) of the *Health Insurance Act 1973* (the Act) provides, in part, 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. Section 9 of the Act provides that Medicare benefits shall be calculated by reference to the fees for medical services, including diagnostic imaging services, set out in prescribed tables.

Subsection 4AA(1) of the Act provides that the regulations may prescribe a table of diagnostic imaging services that sets out items of diagnostic imaging services, the amount of fees applicable in respect of each item and the rules of interpretation of the diagnostic imaging services table. The *Health Insurance (Diagnostic Imaging Services Table) Regulations 2007* (the 2007 Regulations) currently prescribe such a table.

Subsection 4AA(2) of the Act provides that, unless sooner repealed, regulations made under subsection 4AA(1) cease to be in force and are taken to have been repealed on the day after the 15th sitting day of the House of Representatives after the end of a period of 12 months, commencing on the day on which the regulations are notified on the Federal Register of Legislative Instruments. The 2007 Regulations were registered on the Federal Register of Legislative Instruments on 24 October 2007 and commenced on 1 November 2007.

The purpose of the Regulations is to repeal the 2007 Regulations and to prescribe a new table of diagnostic imaging services for the 12 month period commencing on 1 November 2008. The new table reproduces the table contained in the 2007 Regulations, with no amendments to the rules of interpretation and the schedule of services and fees. The Regulations set out the items of diagnostic imaging services which are eligible for Medicare benefits, the amount of fees applicable in respect of each item and rules for interpretation of the table.

Details of the Regulations are set out in the Attachment.

The annual remake of the diagnostic imaging services table is an accepted annual process pursuant to section 4AA(2) of the Act and, as there are no amendments to the items or rules related to the services in the Regulations, it was not necessary to conduct consultations with stakeholders.

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 1 November 2008.

Details of the *Health Insurance (Diagnostic Imaging Services Table) Regulations 2008***Regulation 1 – Name of Regulations**

This regulation provides that the title of the Regulations is the *Health Insurance (Diagnostic Imaging Services Table) Regulations 2008*.

Regulation 2 - Commencement

This regulation provides for the Regulations to commence on 1 November 2008.

Regulation 3 – *Health Insurance (Diagnostic Imaging Services Table) Regulations 2007 - Repeal*

This regulation provides that the *Health Insurance (Diagnostic Imaging Services Table) Regulations 2007* are repealed.

Regulation 4 - Definitions

This regulation provides that in these Regulations, *Act* means the *Health Insurance Act 1973* and *this table* means these Regulations.

Regulation 5 – Diagnostic imaging services table

This regulation provides that the table of diagnostic imaging services set out in Schedule 1 is prescribed for the purposes of subsection 4AA (1) of the Act.

Schedule 1 – Table of diagnostic imaging services

Part 1 of Schedule 1 provides that these Regulations prescribe a table of diagnostic imaging services.

Part 2 of Schedule 1 sets out the rules for interpretation of the table.

Part 3 of Schedule 1 prescribes the items of diagnostic imaging services and the amount of fees applicable for each item.