

EXPLANATORY STATEMENT

Select Legislative Instrument 2008 No. 235

Health Insurance Act 1973

Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2008 (No. 4)

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. Schedule 1 to the *Health Insurance (Diagnostic Imaging Services Table) Regulations 2008* (the Principal Regulations) prescribes such a table.

The purpose of the Regulations is to amend the Principal Regulations to:

- (a) revise the item descriptor for three existing Nuclear Medicine Imaging services; and
- (b) insert two new items to enable Medicare benefits to be paid for Magnetic Resonance Imaging (MRI) services used in the diagnosis of breast cancer in asymptomatic women less than 50 years of age with a high risk of developing breast cancer.

Part 3, Services and fees, of Schedule 1 to the Principal Regulations sets out the services and fees under which the services in question would be regarded as a Medicare eligible service.

Details of the Regulations are provided in the [Attachment](#).

The Department of Health and Ageing supports the Australian and New Zealand Association of Physicians in Nuclear Medicine request to amend three nuclear medicine items in the Medicare Benefits Schedule that relate to procedures used in the treatment of adrenal tumours that required multiple imaging scans. The amendments will reflect contemporary best practice and reduce the number of imaging sessions required before a patient is eligible for a Medicare rebate.

The two new items for breast MRI were developed by the Department of Health and Ageing in consultation with the diagnostic imaging industry and key stakeholders. This consultation followed a Medical Services Advisory Committee recommendation which was endorsed by the Minister for Health and Ageing. The two new item descriptors clarify the required clinical indicators to receive the services. In addition, the fees for the services have been set to reflect the complexity of the scans.

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 February 2009.

Details of the *Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2008 (No. 4)*

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2008 (No. 4)*.

Regulation 2 - Commencement

This regulation provides for the Regulations to commence on 1 February 2009.

Regulation 3 – Amendment of the *Health Insurance (Diagnostic Imaging Services Table) Regulations 2008*

This regulation provides that the *Health Insurance (Diagnostic Imaging Services Table) Regulations 2008* (the Principal Regulations) are amended as set out in Schedule 1.

Schedule 1 – Amendments

Item [1]

This item includes new items 63464 and 63467 (see item [5] below) on the list of services that are entitled for a maximum number of services of one that can be claimed in a 12 month period.

Item [2]

This item inserts items 61484 (Adrenal Study) and 61485 (Adrenal Study, with single photon emission tomography) to the descriptor of item 61462. Where imaging is required on two or more separate occasions for an Adrenal study, item 61462 applies.

Item [3]

This item removes the current requirement that an Adrenal study (item 61484) requires imaging on two or more separate occasions.

Item [4]

This item removes the current requirement that an Adrenal study, with single photon emission tomography (item 61485), requires imaging on two or more occasions and renal localisation.

Item [5]

This item inserts two new items 63464 and 63467 into the Diagnostic Imaging Services Table. The new items pertain to breast MRI services for a specific group of women. Item 63464 will be available for asymptomatic women under 50 years of age that are in the high risk category as defined in the item descriptor. Item 63467 will be available if an abnormality has been detected as a result of the service described in item 63464 performed in the previous 12 months.