

EXPLANATORY STATEMENT

Select Legislative Instrument 2011 No. 99

Health Insurance Act 1973

Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2011 (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. 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.

Section 4AA of the Act provides that the regulations may prescribe a table of diagnostic imaging services that sets out items of R-type and NR-type diagnostic imaging services, the amount of fees applicable in respect of each item, and rules for interpretation of the diagnostic imaging services table. The *Health Insurance (Diagnostic Imaging Services Table) Regulations 2010* (the Principal Regulations) currently prescribe such a table.

The Regulations amend the current table of diagnostic imaging services in the Principal Regulations, as part of the ongoing management of the table.

The following changes to the table have been approved through the 2011-12 Budget process and are implemented by the Regulations:

- Computed Tomography of the Coronary Arteries (CTCA) – two new items are introduced based on a recommendation from the Medical Services Advisory Committee (MSAC);
- Prostate ultrasound – two items are amended to broaden the range of techniques that can be used in claiming these items;
- Positron Emission Tomography (PET) – several PET items are moved from the *Health Insurance (Positron Emission Tomography) Facilities Determination 2010 (No. 2)* to the Principal Regulations and three new PET items are added. These changes alter the indications for which Medicare benefits are payable and ensure that they reflect the latest scientific evidence;
- PET – Several items that include catheterisation are removed. These are anomalous – catheterisation is regularly performed without being mentioned in item descriptors;
- Musculoskeletal ultrasound – three items are amended to clarify that podiatrists can request the service. The *Health Insurance Regulations 1975* currently specify that podiatrists may request the service, but the item descriptors in the Principal Regulations do not; and
- Consequential rule changes are made to reflect the above.

Details of the Regulations are set out in the Attachment.

The Act specifies no conditions that need to be satisfied 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 July 2011.

The PET and CTCA services were evaluated by the MSAC and recommended for public funding on the basis of being effective, cost effective and safe. The MSAC is an independent scientific committee comprising individuals with expertise in clinical medicine, health administration, health economics and consumer matters.

The Conjoint Committee for the Recognition of Training in CT Coronary Angiography, which comprises representatives from the Australian and New Zealand Association of Physicians in Nuclear Medicine, the Cardiac Society of Australia and New Zealand and the Royal Australian and New Zealand College of Radiologists, was consulted in relation to CTCA. It recommended the item descriptors in the form proposed.

Amendments to the prostate ultrasound items are supported by the Diagnostic Imaging Services Table Committee. This committee comprises a variety of representatives of diagnostic imaging as a profession and an industry, as well as representatives of closely related fields such as cardiology and surgery.

DETAILS OF THE *HEALTH INSURANCE (DIAGNOSTIC IMAGING SERVICES TABLE) AMENDMENT REGULATIONS 2011 (NO. 2)*

Regulation 1 – Name of Regulations

This regulation provides for the Regulations to be referred to as the *Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2011 (No. 2)*.

Regulation 2 – Commencement

This regulation provides for the Regulations to commence on 1 July 2011.

Regulation 3 – Amendment of the *Health Insurance (Diagnostic Imaging Services Table) Regulations 2010*

This regulation provides that Schedule 1 amends the *Health Insurance (Diagnostic Imaging Services Table) Regulations 2010* (the Principal Regulations).

Schedule 1 – Amendments

Item [1] – Schedule 1, item 55600

This item omits the word ‘transrectal’ from item 55600, which applies to prostate ultrasound, so that the service can be performed by any technique.

Item [2] – Schedule 1, item 55600, paragraph (a)

This item omits the words ‘a transducer probe’ and insert the words ‘1 or more transducer probes’ to clarify that the service includes the use of multiple probes where applicable.

Item [3] – Schedule 1, item 55600, subparagraph (a)(i)

This item is a grammatical amendment consequential to item [2] above.

Item [4] – Schedule 1, item 55600, paragraph (a)

This item inserts the words ‘or a participating nurse practitioner’ after ‘paragraph (c))’, which allows nurse practitioners to perform this prostate ultrasound service rather than conduct the preceding consultation.

Item [5] – Schedule 1, item 55600, paragraph (c)

This item omits the words ‘or a participating nurse practitioner,’ and is a consequential amendment to item [4] above.

Item [6] – Schedule 1, item 55603

This item omits the word ‘transrectal’ from item 55603, which applies to prostate ultrasound, so that the service can be performed by any technique.

Item [7] – Schedule 1, item 55603, paragraph (a)

This item omits the words ‘a transducer probe’ and insert the words ‘1 or more transducer probes’, to clarify that the service includes the use of multiple probes where applicable.

Item [8] – Schedule 1, item 55603, subparagraph (a)(i)

This item is a grammatical amendment consequential to item [7] above.

Item [9] – Schedule 1, item 55836, paragraph (b)

This item omits the words ‘medical practitioner or participating nurse practitioner;’ and insert the words ‘medical practitioner, participating nurse practitioner or podiatrist;’ to remove an inconsistency with the *Health Insurance Regulations 1975* and clarify that podiatrists may request the service.

Item [10] – Schedule 1, item 55840, paragraph (b)

This item omits the words ‘medical practitioner or participating nurse practitioner;’ and insert the words ‘medical practitioner, participating nurse practitioner or podiatrist;’ to remove an inconsistency with the *Health Insurance Regulations 1975* and clarify that podiatrists may request the service.

Item [11] – Schedule 1, item 55844, paragraph (b)

This item omits the words ‘medical practitioner or participating nurse practitioner;’ and insert the words ‘medical practitioner, participating nurse practitioner or podiatrist;’ to remove an inconsistency with the *Health Insurance Regulations 1975* and clarify that podiatrists may request the service.

Item [12] – Schedule 1, Part 2, Division 2.2, heading

This item amends a typographical error in the heading of this Division. The correct terminology is “computed tomography.”

Item [13] - Schedule 1, clause 2.2.2

This item substitutes the existing clause 2.2.2 so that the new computed tomography of the coronary arteries (Computed Tomography of the Coronary Arteries (CTCA)) items introduced under item [15] below (57360 and 57361) are only available to providers who have been recognised by the Conjoint Committee for the Recognition of Training in CT Coronary Angiography. The role of the Conjoint Committee is to formulate guidelines for training in CTCA and to provide certification of practitioners who complete the required training. The Conjoint Committee is composed of representatives from the Australian and New Zealand Association of Physicians in Nuclear Medicine, the Cardiac Society of Australia and New Zealand and the Royal Australian and New Zealand College of Radiologists.

Item [14] - Schedule 1, Part 2, Division 2.2, Group I2, heading

This item amends a typographical error in the running header of this Group. The correct terminology is “computed tomography”.

Item [15] - Schedule 1, after item 57356

This item introduces two new items (57360 and 57361) to provide benefits for CTCA services.

Item [16] - Schedule 1, after item 61529

This item introduces a new Positron Emission Tomography (PET) item for the evaluation of residual or recurrent brain tumours based on recommendations by the Medical Services Advisory Committee (MSAC) to reflect appropriate clinical practice.

Item [17] - Schedule 1, item 61544

This item removes item 61544, which is for the evaluation of colorectal carcinoma with catheterisation of the bladder.

Note: Items that include catheterisation are anomalous. Catheterisation is regularly performed without being mentioned in item descriptors.

Item [18] - Schedule 1, item 61556

This item removes PET item 61556, which is for the evaluation of malignant melanoma with catheterisation of the bladder.

Item [19] - Schedule 1, item 61568

This item removes PET item 61568, which is for the evaluation of ovarian carcinoma with catheterisation of the bladder.

This item also lists two new PET items (61571 and 61575) for staging of patients with cervical cancer based on recommendations by the MSAC to reflect appropriate clinical practice.

Item [20] - Schedule 1, item 61580

This item removes item 61580, which is for the staging of oesophageal or gastro-oesophageal carcinoma with catheterisation of the bladder.

Item [21] - Schedule 1, item 61613

This item removes item 61613, which is for the evaluation of metastatic squamous cell carcinoma with catheterisation of the bladder.

This item also lists seven new PET items for evaluation, staging and restaging of Hodgkin's or non-Hodgkin's lymphoma (61616, 61620, 61622, 61628 and 61632) and for evaluation and staging of patients with sarcoma (61640 and 61646) based on recommendations by the MSAC. Items 61616, 61622, 61628, 61640 and 61646 are currently listed on the *Health Insurance (Positron Emission Tomography) Facilities Determination 2010 (No.2)* and only seven facilities across Australia can access these services. Moving these items to the Principal Regulations allows all Medicare-eligible PET facilities in Australia to access these items. Items 61620 and 61632 are new PET items.

Items [22] and [23] - Schedule 1, item 64991, sub-subparagraph (e)(iii)(E)

This item amends sub-subparagraph (e)(iii)(E) of item 64991 to refer to spatial units "East Metropolitan, Perth" and "South West Metropolitan, Perth" to make it clear to which geographical areas these refer and remove any ambiguity.