



Health Insurance Amendment Regulation 2012 (No. 2)¹

Select Legislative Instrument 2012 No. 165

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Health Insurance Act 1973*.

Dated 12 July 2012

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

TANYA PLIBERSEK
Minister for Health

1 Name of regulation

This regulation is the *Health Insurance Amendment Regulation 2012 (No. 2)*.

2 Commencement

This regulation commences on 1 August 2012.

3 Amendment of *Health Insurance Regulations 1975*

Schedule 1 amends the *Health Insurance Regulations 1975*.

Schedule 1 Amendments

(section 3)

[1] Subregulation 9A (1)

omit

paragraph 16A (4) (b)

insert

section 16A

[2] Subregulation 13 (12)

substitute

(12) For subsection 19 (6) of the Act, particulars for professional services to which an item in the pathology services table, other than items 73801 to 73811 (inclusive), relates are the name and either the address of the place of practice or the provider number for the place of practice of:

(a) the approved pathology practitioner by whom, or on whose behalf, the professional service was rendered; or

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- (b) if the professional service was rendered completely in an accredited pathology laboratory—any approved pathology practitioner rendering professional services in the accredited pathology laboratory; or
 - (c) any approved pathology practitioner rendering professional services in an accredited pathology laboratory that is owned and controlled by an approved pathology authority if:
 - (i) a request for the professional service was received by:
 - (A) any approved pathology practitioner rendering professional services in the accredited pathology laboratory; or
 - (B) the approved pathology authority; and
 - (ii) the professional service was rendered partly in the accredited pathology laboratory and partly in another accredited pathology laboratory that are both owned and controlled by the approved pathology authority.

[3] After regulation 18

insert

18A Branded Pathology Request Form

- (1) For subsection 23DP (3) of the Act, a pathology request form that is a branded pathology request form must include one of the following statements:
 - (a) ‘Your doctor has recommended that you use [*insert name of pathology provider*]. You are free to choose your own pathology provider. However, if your doctor has specified a particular pathologist on clinical grounds, a Medicare rebate will only be payable if that pathologist performs the service. You should discuss this with your doctor.’;
 - (b) ‘Your treating practitioner has recommended that you use [*insert name of pathology provider*]. You are free to choose your own pathology provider. However, if your treating practitioner has specified a particular pathologist on clinical grounds, a Medicare rebate will only be

payable if that pathologist performs the service. You should discuss this with your treating practitioner.’.

(2) In this regulation:

branded pathology request form means a pathology request form that:

- (a) if the form is provided by an approved pathology authority—includes:
 - (i) the registered name or trading name of the approved pathology authority; and
 - (ii) the location of one or more specimen collection centres; and
- (b) if the form is provided by an approved pathology practitioner—includes:
 - (i) the registered name or trading name of an approved pathology authority that employs or engages the approved pathology practitioner; and
 - (ii) the location of one or more specimen collection centres.

[4] Paragraph 19 (1) (c)

omit

requested

[5] Paragraph 19 (1) (d)

substitute

- (d) if all of the following circumstances apply—a statement that informs the patient that the request may be taken to a diagnostic imaging provider of the patient’s choice:
 - (i) the request is made on a document for use by requesting practitioners in making subsection 16B (1) requests; and
 - (ii) the document is supplied, or made available to, a requesting practitioner by a diagnostic imaging provider on or after 1 August 2012; and

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- (iii) the document contains relevant information about the diagnostic imaging provider at the time the document is supplied or made available.

[6] Subregulations 19 (1A) and (1B)

omit

[7] Subregulation 19 (2)

*omit each mention of
requested*

[8] After subregulation 19 (2)

insert

- (3) In this regulation:

diagnostic imaging provider means a person who:

- (a) renders diagnostic imaging services; or
- (b) carries on the business of rendering diagnostic imaging services; or
- (c) employs, or engages under a contract of service, a person mentioned in paragraph (a) or (b).

relevant information means:

- (a) the registered name or trading name of the diagnostic imaging provider; and
- (b) one or more locations of the diagnostic imaging provider if diagnostic imaging services are rendered at the location.

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.comlaw.gov.au.