



Health Insurance Legislation Amendment (Various Measures) Regulation 2013

Select Legislative Instrument No. 250, 2013

I, Quentin Bryce AC CVO, 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 21 November 2013

Quentin Bryce
Governor-General

By Her Excellency's Command

Peter Dutton
Minister for Health

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1 Name of regulation

This regulation is the *Health Insurance Legislation Amendment (Various Measures) Regulation 2013*.

2 Commencement

Each provision of this regulation specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 4 and anything in this regulation not elsewhere covered by this table	The day after this regulation is registered.	
2. Schedule 1	The day after this regulation is registered.	
3. Schedule 2	1 January 2014	1 January 2014

3 Authority

This regulation is made under the *Health Insurance Act 1973*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1—Amendments commencing day after registration

Health Insurance Regulations 1975

1 Regulation 2

Insert:

(K) item means an item of the diagnostic imaging services table that includes the symbol (K) at the end of the item.

(NK) item means an item of the diagnostic imaging services table that includes the symbol (NK) at the end of the item.

upgraded, for equipment, has the meaning given by the diagnostic imaging services table.

2 Subparagraph 6EF(b)(ii)

Repeal the subparagraph, substitute:

- (ii) to which clause 1.2.9 or 1.2.10 of Schedule 1 to the diagnostic imaging services table applies.

3 Paragraphs 10(1)(a) to (e)

Repeal the paragraphs, substitute:

- (a) if the dental practitioner who requests the service is approved by the Minister under paragraph (b) of the definition of **professional service** in subsection 3(1) of the Act—a service described in any of items 55005, 55008, 55011, 55028, 55030, 55032, 56001 to 56220, 56224, 56227, 56230, 56259, 56301 to 56507, 56541, 56547, 56801 to 57007, 57041, 57047, 57341, 57345, 57703, 57705, 57709, 57711, 57712, 57714, 57715, 57717, 58103 to 58115, 58117, 58123, 58124, 58306, 58308, 58506, 58508, 58521 to 58527, 58529, 58909, 58911, 59103, 59104, 59703, 59704, 60000 to 60009, 60506, 60507, 60509, 60510, 61109, 61110, 61372, 61421, 61425, 61429, 61430, 61433, 61434, 61446, 61449, 61450, 61453, 61454, 61457, 61462, 61672, 61690, 61691, 61693, 61694, 61695, 61696, 61702, 61703, 61704, 61705, 61706, 61707, 61710, 63007, 63016, 63334 and 63346;

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- (b) if the dental practitioner who requests the service is a prosthodontist—a service described in any of items 55005, 55028, 56013, 56016, 56022, 56028, 56053, 56056, 56062, 56068, 58306, 58308, 61421, 61425, 61429, 61430, 61433, 61434, 61446, 61449, 61450, 61453, 61454, 61457, 61462, 61690, 61691, 61693, 61694, 61695, 61696, 61702, 61703, 61704, 61705, 61706, 61707, 61710, 63334 and 63346;
- (c) if the dental practitioner who requests the service is a dental specialist—a service described in any of items 56022, 56062, 58306, 58308, 61421, 61454, 61457, 61690, 61706, 61707, 63334 and 63346;
- (d) if the dental practitioner who requests the service is an oral medicine specialist or oral pathology specialist—a service described in any of items 55005, 55008, 55011, 55028, 55030, 55032, 56001, 56007, 56010, 56013, 56016, 56022, 56028, 56041, 56047, 56050, 56053, 56056, 56062, 56068, 56101, 56107, 56141, 56147, 56301, 56307, 56341, 56347, 56401, 56407, 56441, 56447, 57341, 57345, 58306, 58308, 58506, 58508, 58909, 58911, 59103, 59104, 59703, 59704, 60000, 60003, 60006, 60009, 60506, 60507, 60509, 60510, 61109, 61110, 61372, 61421, 61425, 61429, 61430, 61433, 61434, 61446, 61449, 61450, 61453, 61454, 61457, 61462, 61672, 61690, 61691, 61693, 61694, 61695, 61696, 61702, 61703, 61704, 61705, 61706, 61707, 61710, 63007, 63016, 63334 and 63346;
- (e) in any case—a service described in any of items 57509, 57515, 57521, 57527, 57530, 57533, 57536, 57539, 57901 to 57969, 58100, 58102, 58300, 58302, 58503, 58505, 58903, 58905, 59733, 59734, 59739, 59740, 59751, 59752, 60100, 60101, 60500, 60501, 60503 and 60504.

4 Regulation 11

Repeal the regulation, substitute:

11 Diagnostic imaging services that chiropractors, osteopaths, physiotherapists and podiatrists may request

- (1) For subsection 16B(3), (3A) or (3C) of the Act, the services are those mentioned in the diagnostic imaging services table in

items 57712, 57714, 57715, 57717, 58100 to 58106, 58109, 58111, 58112, 58117, 58120, 58121, 58123, 58126 and 58127.

- (2) For subsection 16B(3B) of the Act, the services are those mentioned in the diagnostic imaging services table in items 55836, 55837, 55840, 55841, 55844, 55845, 57521, 57527, 57536 and 57539.

5 Regulations 11B and 12

Repeal the regulations, substitute:

11B Diagnostic imaging services that participating midwives and participating nurse practitioners may request

- (1) For subsection 16B(3D) of the Act, the services in relation to a participating midwife are those mentioned in the diagnostic imaging services table in items 55700, 55701, 55704, 55706, 55707, 55710, 55713, 55714, 55718 and 55722.
- (2) For subsection 16B(3E) of the Act, the services in relation to a participating nurse practitioner are those mentioned in the diagnostic imaging services table in items 55014, 55036, 55059, 55061, 55070, 55076, 55600, 55601, 55769, 55800, 55801, 55804, 55805, 55808, 55809, 55812, 55813, 55816, 55817, 55820, 55821, 55824, 55825, 55828, 55829, 55832, 55833, 55836, 55837, 55840, 55841, 55844, 55845, 55848, 55849, 55850, 55851, 55852, 55853, 57509, 57515, 57521, 57530, 57533, 57536, 58503 to 58527 and 58529.

12 Exemption—pre-existing diagnostic imaging services

For subsection 16B(11) of the Act, the services are those mentioned in the diagnostic imaging services table in items 57712, 57714, 57715, 57717, 57901, 57902, 57903, 57911, 57912, 57914, 57915, 57917, 57921, 57926, 57929, 57935, 58100 to 58115, 58117, 58123, 58124, 58521, 58523, 58524, 58526, 58527, 58529, 58700, 58702, 58924 58926, 59103 and 59104.

6 Regulation 20C

Repeal the regulation, substitute:

20C Primary information—types of diagnostic imaging equipment

- (1) For subsection 23DZR(2) of the Act, diagnostic imaging equipment is prescribed if:
- (a) the equipment is used in carrying out a diagnostic imaging procedure used in rendering a service that is described in an item of the type mentioned in columns 2 and 3 of an item of the following table; and
 - (b) the conditions (if any) mentioned in column 4 of that item of the following table are met.

Diagnostic imaging equipment				
Item	Column 1 Diagnostic imaging equipment	Column 2 The item is ...	Column 3 in the following provision of the diagnostic imaging services table:	Column 4 Conditions
1	Ultrasound equipment non-musculoskeletal K-type	a (K) item	Group I1 (other than Subgroup 6)	The equipment: (a) does not include a transducer capable of operating at a frequency of 7.5 megahertz or higher; and (b) is 10 years old or less
2	Ultrasound equipment non-musculoskeletal K-type upgraded	a (K) item	Group I1 (other than Subgroup 6)	The equipment: (a) does not include a transducer capable of operating at a frequency of 7.5 megahertz or higher; and (b) is more than

Schedule 1 Amendments commencing day after registration

Diagnostic imaging equipment				
Item	Column 1 Diagnostic imaging equipment	Column 2 The item is ...	Column 3 in the following provision of the diagnostic imaging services table:	Column 4 Conditions
				10 years old and no more than 15 years old; and (c) was upgraded on or before it was 10 years old
3	Ultrasound equipment non-musculoskeletal NK-type	an (NK) item	Group I1 (other than Subgroup 6)	The equipment: (a) does not include a transducer capable of operating at a frequency of 7.5 megahertz or higher; and (b) either: (i) is more than 10 years old and has not been upgraded; or (ii) was upgraded on or before it was 10 years old and is
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Diagnostic imaging equipment				
Item	Column 1 Diagnostic imaging equipment	Column 2 The item is ...	Column 3 in the following provision of the diagnostic imaging services table:	Column 4 Conditions
				more than 15 years old
4	Ultrasound equipment musculoskeletal K-type	a (K) item	Subgroup 6 of Group II	The equipment: (a) includes a transducer capable of operating at a frequency of 7.5 megahertz or higher; and (b) is 10 years old or less
5	Ultrasound equipment musculoskeletal K-type upgraded	a (K) item	Subgroup 6 of Group II	The equipment: (a) includes a transducer capable of operating at a frequency of 7.5 megahertz or higher; and (b) is more than 10 years old and no more than 15 years old; and (c) was upgraded on or before it was 10 years old
6	Ultrasound equipment	an (NK)	Subgroup 6	The equipment:

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Diagnostic imaging equipment				
Item	Column 1 Diagnostic imaging equipment	Column 2 The item is ...	Column 3 in the following provision of the diagnostic imaging services table:	Column 4 Conditions
	musculoskeletal NK-type	item	of Group I1	(a) includes a transducer capable of operating at a frequency of 7.5 megahertz or higher; and (b) either: (i) is more than 10 years old and has not been upgraded; or (ii) was upgraded on or before it was 10 years old and is more than 15 years old
7	Computed tomography equipment K-type	a (K) item	Group I2	
8	Computed tomography equipment NK-type	an (NK) item	Group I2	
9	Magnetic resonance imaging equipment	a (K) item	Group I5	The equipment is 10 years old or
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Diagnostic imaging equipment				
Item	Column 1 Diagnostic imaging equipment	Column 2 The item is ...	Column 3 in the following provision of the diagnostic imaging services table:	Column 4 Conditions
	K-type			less
10	Magnetic resonance imaging equipment K-type upgraded	a (K) item	Group 15	The equipment: (a) is more than 10 years old and no more than 15 years old; and (b) was upgraded on or before it was 10 years old
11	Magnetic resonance imaging equipment NK-type	an (NK) item	Group 15	The equipment: (a) is more than 10 years old and has not been upgraded; or (b) was upgraded on or before it was 10 years old and is more than 15 years old
12	Nuclear medicine imaging equipment for positron emission tomography	any of items 61523 to 61646	Group 14	
13	Nuclear medicine imaging equipment K-type	a (K) item	Group 14 (other than items 61523 to 61646)	The equipment is 10 years old or less

Schedule 1 Amendments commencing day after registration

Diagnostic imaging equipment				
Item	Column 1 Diagnostic imaging equipment	Column 2 The item is ...	Column 3 in the following provision of the diagnostic imaging services table:	Column 4 Conditions
14	Nuclear medicine imaging equipment K-type upgraded	a (K) item	Group I4 (other than items 61523 to 61646)	The equipment: (a) is more than 10 years old and no more than 15 years old; and (b) was upgraded on or before it was 10 years old
15	Nuclear medicine imaging equipment NK-type	an (NK) item	Group I4	The equipment: (a) is more than 10 years old and has not been upgraded; or (b) was upgraded on or before it was 10 years old and is more than 15 years old
16	Diagnostic radiology equipment for mammography K-type	a (K) item	Subgroup 10 of Group I3	The equipment is 10 years old or less
17	Diagnostic radiology equipment for mammography K-type upgraded	a (K) item	Subgroup 10 of Group I3	The equipment: (a) is more than 10 years old and no more than 15 years old; and

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Diagnostic imaging equipment				
Item	Column 1 Diagnostic imaging equipment	Column 2 The item is ...	Column 3 in the following provision of the diagnostic imaging services table:	Column 4 Conditions
				(b) was upgraded on or before it was 10 years old
18	Diagnostic radiology equipment for mammography NK-type	an (NK) item	Subgroup 10 of Group I3	The equipment: (a) is more than 10 years old and has not been upgraded; or (b) was upgraded on or before it was 10 years old and is more than 15 years old
19	Diagnostic radiology equipment for angiography K-type	a (K) item	Subgroup 13 of Group I3	
20	Diagnostic radiology equipment for angiography NK-type	an (NK) item	Subgroup 13 of Group I3	
21	Diagnostic radiology equipment for fluoroscopic examination K-type	a (K) item	Subgroup 15 or 17 of Group I3	The equipment is 15 years old or less
22	Diagnostic radiology equipment for fluoroscopic examination K-type upgraded	a (K) item	Subgroup 15 or 17 of Group I3	The equipment: (a) is more than 15 years old and no more than 20 years

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Diagnostic imaging equipment				
Item	Column 1 Diagnostic imaging equipment	Column 2 The item is ...	Column 3 in the following provision of the diagnostic imaging services table:	Column 4 Conditions
				old; and (b) was upgraded on or before it was 15 years old
23	Diagnostic radiology equipment for fluoroscopic examination NK-type	an (NK) item	Subgroup 15 or 17 of Group I3	The equipment: (a) is more than 15 years old and has not been upgraded; or (b) was upgraded on or before it was 15 years old and is more than 20 years old
24	Diagnostic radiology equipment for orthopantomography K-type	item 57960, 57963, 57966 or 57969	Subgroup 3 of Group I3	The equipment is 15 years old or less
25	Diagnostic radiology equipment for orthopantomography K-type upgraded	item 57960, 57963, 57966 or 57969	Subgroup 3 of Group I3	The equipment: (a) is more than 15 years old and no more than 20 years old; and (b) was upgraded on or before it was 15 years old

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Diagnostic imaging equipment				
Item	Column 1 Diagnostic imaging equipment	Column 2 The item is ...	Column 3 in the following provision of the diagnostic imaging services table:	Column 4 Conditions
26	Diagnostic radiology equipment for orthopantomography NK-type	an (NK) item	Subgroup 3 of Group I3	The equipment: (a) is more than 15 years old and has not been upgraded; or (b) was upgraded on or before it was 15 years old and is more than 20 years old
27	Diagnostic radiology equipment X-ray K-type	a (K) item	Subgroups 1 to 9 (other than items 57960, 57963, 57966 and 57969), 11, 12 and 14 of Group I3	The equipment is 15 years old or less
28	Diagnostic radiology equipment X-ray K-type upgraded	a (K) item	Subgroups 1 to 9 (other than items 57960, 57963, 57966 and 57969), 11, 12 and 14 of Group I3	The equipment: (a) is more than 15 years old and no more than 20 years old; and (b) was upgraded on or before it was 15 years old
29	Diagnostic radiology	an (NK)	Subgroups 1	The equipment:

Schedule 1 Amendments commencing day after registration

Diagnostic imaging equipment				
Item	Column 1 Diagnostic imaging equipment	Column 2 The item is ...	Column 3 in the following provision of the diagnostic imaging services table:	Column 4 Conditions
	equipment X-ray NK-type	item	to 9 (other than items 57959, 57962, 57965 and 57968), 11, 12 and 14 of Group I3	(a) is more than 15 years old and has not been upgraded; or (b) was upgraded on or before it was 15 years old and is more than 20 years old

- (2) Subclause 1.2.1C(1) of the diagnostic imaging services table (age of equipment) applies, for this regulation, in the same way as the subclause applies for the diagnostic imaging services table.

Schedule 2—Amendments commencing 1 January 2014

Health Insurance (Diagnostic Imaging Services Table) Regulation 2013

1 Schedule 1 (items 55735 to 55739)

Omit “, female”.

2 Schedule 1 (items 63457, 63458, 63464 and 63467)

Omit “woman”, substitute “person”.

Health Insurance (General Medical Services Table) Regulation 2013

3 Schedule 1 (Group A18 table, subheading Subgroup 1)

Repeal the subheading, substitute:

Subgroup 1—Taking of a cervical smear from an unscreened or significantly underscreened person

4 Schedule 1 (Group A19 table, subheading Subgroup 1)

Repeal the subheading, substitute:

Subgroup 1—Taking of a cervical smear from an unscreened or significantly underscreened person

5 Subclause 2.22.1(3) of Schedule 1 (definition of *non-directive pregnancy support counselling*)

Omit “woman” (wherever occurring), substitute “person”.

6 Schedule 1 (item 4001)

Omit all the words from and including “woman” to and including “that pregnancy”, substitute:

person who:

(a) is currently pregnant; or

(b) has been pregnant in the 12 months preceding the provision of the first service to which this item or item 81000, 81005 or 81010 applies in relation to that pregnancy

7 Schedule 1 (items 13215 and 13218)

Omit “female reproductive system”, substitute “uterus or fallopian tubes”.

8 Schedule 1 (item 13506)

Omit “, Minnesota, Sengstaken-Blakemore or similar.”.

9 Schedule 1 (item 20791)

After “for”, insert “bariatric surgery in”.

10 Schedule 1 (item 20900)

Omit “(including biopsy of male genital system)”.

11 Schedule 1 (item 20940)

Omit “labia,”.

12 Schedule 1 (item 30084)

Omit “with a Jamshidi needle or similar device”.

13 Schedule 1 (items 31539, 31542 and 31545)

Omit “advanced breast biopsy instrumentation (ABBI)”, substitute “a bore-enbloc stereotactic biopsy”.

14 Schedule 1 (items 34527 and 34528)

Omit “Hickman or Broviac”, substitute “central venous line”.

15 Schedule 1 (item 34530)

Omit “Hickman or Broviac”, substitute “Central venous line”.

16 Schedule 1 (item 35518)

Omit “premenopausal women and at least 2 cm in diameter in postmenopausal women”, substitute “a premenopausal person and at least 2 cm in diameter in a postmenopausal person”.

17 Schedule 1 (item 35614)

Omit “female”.

18 Schedule 1 (item 37217)

Omit “gold”, insert “radio-opaque”.

19 Schedule 1 (item 41884)

Omit “Minitrach or similar”, substitute “mini tracheostomy”

20 Schedule 1 (item 48660)

Omit “, other than a service associated with artificial intervertebral total disc replacement”.

21 Schedule 1 (item 48663)

Omit “(if an assisting surgeon performs the approach)—principal surgeon (H) (Anaes.) (Assist.)”, substitute “—principal surgeon (H) (Anaes.)”.

22 Schedule 1 (item 48666)

Omit “(if an assisting surgeon performs the approach)—assisting surgeon (H) (Assist.)”, substitute “—assisting surgeon (H)”.

23 Schedule 1 (item 48669)

Omit “, other than a service associated with artificial intervertebral total disc replacement”.

24 Schedule 1 (item 48672)

Omit “(if an assisting surgeon performs the approach)—principal surgeon (H) (Anaes.) (Assist.)”, substitute “—principal surgeon (H) (Anaes.)”.

25 Schedule 1 (item 48675)

Omit “(if an assisting surgeon performs the approach)—assisting surgeon (H) (Assist.)”, substitute “assisting surgeon (H)”.

26 Schedule 1 (item 48684)

Omit “, other than a service associated with artificial intervertebral total disc replacement”.

27 Schedule 1 (items 48691, 48692 and 48693)

Repeal the items, substitute:

48691	Lumbar artificial intervertebral total disc replacement, at one level only, including removal of disc, for a patient who: (a) has not had prior spinal fusion surgery at the same lumbar level; and (b) does not have vertebral osteoporosis; and (c) has failed conservative therapy; other than a service associated with item 40300 or 40301 (Anaes.) (Assist.)	1 793.65
48692	Lumbar artificial intervertebral total disc replacement, at one level only, including removal of disc, for a patient who: (a) has not had prior spinal fusion surgery at the same lumbar level; and (b) does not have vertebral osteoporosis; and (c) has failed conservative therapy; other than a service associated with item 40300 or 40301— principal surgeon (Anaes.) (Assist.)	1 208.95
48693	Lumbar artificial intervertebral total disc replacement, at one level only, including removal of disc, for a patient who: (a) has not had prior spinal fusion surgery at the same lumbar level; and (b) does not have vertebral osteoporosis; and (c) has failed conservative therapy; other than a service associated with item 40300 or 40301— assisting surgeon (Anaes.) (Assist.)	584.70

28 Schedule 1 (item 52133)

Omit “Minitrach or similar”, substitute “mini tracheostomy”.

***Health Insurance (Pathology Services Table)
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29 Schedule 1 (items 73059, 73060, 73061, 73064 and 73065)

Omit “and 73063”, substitute “73063, 73066 and 73067”.

30 Schedule 1 (cell at item 73065, column headed “Fee (\$)”)

Repeal the cell, substitute:

86.00

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