

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Health

Health Insurance Act 1973

Health Insurance (Allied Health Services) Amendment (Psychological Telehealth Services) Determination 2018

Subsection 3C(1) of the *Health Insurance Act 1973* (the Act) provides that the Minister may determine in writing that a health service not specified in an item in the general medical services table (the Table) shall, in specified circumstances and for the purpose of specified statutory provisions, be treated as if it were specified in the Table. This Table is set out in the *Health Insurance (General Medical Services Table) Regulation*, which is re-made each year.

The purpose of the *Health Insurance (Allied Health Services) Amendment (Psychological Telehealth Services) Determination 2018* (the Amendment Determination) is to amend the *Health Insurance (Allied Health Services) Determination 2014* (the Principal Determination). The Principal Determination sets out items that may be provided as Medicare-eligible services by appropriately qualified allied health professionals, including but not limited to psychologists, occupational therapists and social workers.

The Amendment Determination amends the Principal Determination to implement changes to the Better Access psychological telehealth items. These changes will modify the existing 12 Medicare Benefits Schedule items to allow allied health professionals to provide Medicare-eligible services via video conference for up to 10 services, rather than the former maximum of seven, and with no requirement to undergo a face-to-face consultation.

The amendments to the Principal Determination repeal and substitute sections 6B (Limitation on certain individual telehealth items) and 6C (Limitation on certain group telehealth items) to:

- remove the limitation requiring a face-to-face consultation (personal individual service) to occur within the first four services, and
- increase the number of services which may be delivered by telehealth from seven to 10.

The Amendment Determination also makes minor consequential amendments to the Principal Determination due to the commencement of the *Health Insurance (Section 3C General Medical Services – Other Medical Practitioner) Determination 2018* on 1 July 2018.

Details of the Amendment Determination are set out in the Attachment.

The Act specifies no conditions which need to be met before the power to make the Amendment Determination may be exercised.

This Amendment Determination is a legislative instrument for the purposes of the *Legislation Act 2003*.

This Amendment Determination commences on 1 September 2018.

Consultation

Consultation has been regularly maintained since the announcement by Government to introduce video conferencing to Better Access services in November 2017. This consultation has assisted in these amendments to commence on 1 September 2018. Consultation has been undertaken with key stakeholders and has included Primary Health Networks, professional associations, rural and digital services and consumer groups.

Details of the *Health Insurance (Allied Health Services) Amendment (Psychological Telehealth Services) Determination 2018*

Section 1 – Name

Section 1 provides that the name of the Determination is the *Health Insurance (Allied Health Services) Amendment (Psychological Telehealth Services) Determination 2018* (the Amendment Determination).

Section 2 – Commencement

Section 2 provides that the Amendment Determination commences on 1 September 2018.

Section 3 – Authority

Section 3 provides that the Amendment Determination is made under section 3C of the *Health Insurance Act 1973*.

Section 4 – Schedules

Section 4 provides that the Schedule to the Amendment Determination repeals and substitutes each instrument specified in the Schedule. The Schedule specifies the *Health Insurance (Allied Health Services) Determination 2014* (the Principal Determination).

Schedule 1 – Amendments

Item 1 – Subsection 6(4)

Item 1 repeals and substitutes subsection 6(4). The new subsection 6(4) adds items 283 to 287 to the definition ‘relevant service’. This is a consequential amendment following the commencement of the *Health Insurance (Section 3C General Medical Services – Other Medical Practitioner) Determination 2018* which introduced items 283 to 287 for non-specialist medical practitioners providing focussed psychological strategies for assessed mental disorders from 1 July 2018. This amendment ensures that services provided by medical practitioners under that Determination are treated as ‘relevant services’ for the purposes of the Principal Determination in the same manner as focussed psychological strategies provided by general practitioners.

Item 2 – Section 6B

Item 2 repeals and substitutes section 6B. The new section 6B increases the maximum number of individual telehealth item services to be undertaken in a calendar year to 10 and removes the need for a face-to-face consultation within those 10 services.

Item 3 – Section 6C

Item 3 repeals and substitutes section 6C. The new section 6C increases the maximum number of group telehealth items to be undertaken in a calendar year to 10 and removes the need for a face-to-face consultation within those 10 services.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Health Insurance (Allied Health Services) Amendment (Psychological Telehealth Services) Determination 2018

This Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Disallowable Legislative Instrument

The Determination amends the *Health Insurance (Allied Health Services) Determination 2014* to implement changes to the Better Access psychological telehealth items. These changes will modify the existing 12 Medicare Benefits Schedule items to allow allied health professionals to provide Medicare-eligible services via video conference for up to 10 services, rather than the former maximum of seven, and with no requirement to undergo a face-to-face consultation.

A telehealth service is a service delivered via video conference where both a visual and audio link has been established between provider and patient. The patient must be located in an area within Modified Monash Model regions four to seven and, at the time of consultation, be at least 15 kilometres by road from the treating psychologist, occupational therapist or social worker.

Human rights implications

The Determination engages Articles 9 and 12 of the International Covenant on Economic Social and Cultural Rights (ICESCR), specifically the right to social security, including social insurance, and the right to the enjoyment of the highest attainable standard of physical and mental health.

Analysis

The Determination is compatible with human rights because it increases access to mental health services by people who may have been unable to access these services because of where they live.

Conclusion

The Determination ensures that subsidised psychological therapy and focussed psychological strategies services are available for people living in regional and remote Australia. As such, the Determination is compatible with human rights because it expands existing arrangements and promotes the right to social security and the right to health.

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