



Health Insurance (Section 3C General Medical Services – Botox, Dysport or Xeomin Injection) Determination 2020

made under subsection 3C(1) of the

Health Insurance Act 1973

Compilation No. 4

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Health Insurance (Section 3C General Medical Services – Botox, Dysport or Xeomin Injection) Determination 2020* that shows the text of the law as amended and in force on 1 July 2022 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1. Name

This instrument is the *Health Insurance (Section 3C General Medical Services – Botox, Dysport or Xeomin Injection) Determination 2020*.

3. Authority

This instrument is made under subsection 3C(1) of the *Health Insurance Act 1973*.

4. Definitions

(1) In this instrument:

Act means the *Health Insurance Act 1973*.

relevant provisions means all provisions, of the Act and regulations made under the Act, and the *National Health Act 1953* and regulations made under the *National Health Act 1953*, relating to medical services, professional services or items.

relevant service means a health service, as defined in subsection 3C(8) of the Act, that is specified in a Schedule.

Schedule means a Schedule to this instrument.

Note: The following terms are defined in subsection 3(1) of the Act:

- clinically relevant service;
- general medical services table;
- item;
- professional service.

(2) Unless the contrary intention appears, a reference in this instrument to a provision of the Act or the *National Health Act 1953* or regulations made under the Act or under the *National Health Act 1953* as applied, adopted or incorporated in relation to specifying a matter is a reference to those provisions as in force from time to time and any other reference to provisions of an Act or regulations is a reference to those provisions as in force from time to time.

5. Treatment of relevant services

For subsection 3C(1) of the Act, a relevant service, provided in accordance with this instrument and as a clinically relevant service, is to be treated, for the relevant provisions, as if:

- (a) it were both a professional service and a medical service; and

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- (b) there were an item in the general medical services table that:
- i. related to the service; and
 - ii. specified for the service a fee in relation to each State, being the fee specified in the Schedule in relation to the service.

6. Application of provisions of the general medical services table

- (1) Clause 5.8.1 of the general medical services table shall have effect as if item 18365 of this Determination was specified in the clause.
- (2) Clause 5.8.2 of the general medical services table shall have effect as if item 18365 of this Determination was specified in subclause 5.8.2(2) and 5.8.2(3).

7. Indexation

- (1) On 1 July 2022 (the *indexation day*), each amount covered by subsection (2) is replaced by the amount worked out using the following formula:

$1.016 \times$ the amount immediately before the indexation day

- (2) The amounts covered by this subsection are the fee for each item in a Schedule of this Determination.
- (3) An amount worked out under subsection (1) is to be rounded up or down to the nearest 5 cents (rounding down if the amount is an exact multiple of 2.5 cents).

Schedule 1 – relevant services

Group T11—Botulinum toxin

Column 1 Item	Column 2 Description	Column 3 Fee (\$)
18365	<p>Botulinum Toxin Type A Purified Neurotoxin Complex (Botox) or Clostridium Botulinum Type A Toxin-Haemagglutinin Complex (Dysport) or IncobotulinumtoxinA (Xeomin), injection of, for the treatment of moderate to severe spasticity of the upper limb following an acute event, if:</p> <ul style="list-style-type: none">(a) the patient is at least 18 years of age; and(b) treatment is provided as:<ul style="list-style-type: none">(i) second line therapy when standard treatment for the condition has failed; or(ii) an adjunct to physical therapy; and(c) the patient does not have established severe contracture in the limb that is to be treated; and(d) the treatment is for all or any of the muscles subserving one functional activity and supplied by one motor nerve, with a maximum of 4 sets of injections for the patient on any one day (with a maximum of 2 sets of injections for each upper limb), including all injections per set; and(e) for a patient who has received treatment on 2 previous separate occasions—the patient has responded to the treatment	129.90

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Health Insurance (Section 3C General Medical Services – Botox, Dysport or Xeomin Injection) Determination 2020	29 Apr 2020 (F2020L00511)	1 May 2020 (s 2(1) item 1)	
Health Insurance Legislation Amendment (Section 3C General Medical and Diagnostic Imaging Services – Medicare Indexation) Determination 2020	18 June 2020 (F2020L00748)	Sch 1 (item 79): 1 July 2020 (s 2(1) item 1)	—
Health Insurance (Section 3C General Medical Services – Botox, Dysport or Xeomin Injection) Amendment Determination 2020	23 July 2020 (F2020L00941)	1 Aug 2020 (s 2(1) item 1)	—
Health Insurance Legislation Amendment (Section 3C General Medical and Diagnostic Imaging Services – Medicare Indexation) Determination 2021	8 Apr 2021 (F2021L00426)	Sch 1 (item 354): 1 July 2021 (s 2(1) item 1)	—
Health Insurance Legislation Amendment (Indexation) Determination 2022	7 Apr 2022 (F2022L00553)	Sch 1 (item 7): 1 July 2022 (s 2(1) item 1)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2	rep LA s 48D
s 7	ad F2022L00553
Schedule 1	
Schedule 1	am F2020L00748; F2020L00941; F2021L00426