



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

I, David Weiss, delegate of the Minister for Health, make the following determination.

Dated 24 April 2020

David Weiss
First Assistant Secretary
Medical Benefits Division
Health Financing Group
Department of Health

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1. Name

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

2. Commencement

- (1) Each provision of this instrument 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
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 May 2020	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

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.

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- (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
- (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).

Schedule 1 – relevant services

Group T11—Botulinum toxin		
Column 1	Column 2	Column 3
Item	Description	Fee (\$)
18365	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 a stroke, if: (a) the patient is at least 18 years of age; and (b) treatment is provided as: (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	126.85
