



## **Health Insurance (Section 3C General Medical Services – Botox Injection) Determination 2020**

---

I, Paul McBride, delegate of the Minister for Health, make the following determination.

Dated 6 October 2020

Paul McBride  
First Assistant Secretary  
Medical Benefits Division  
Health Resourcing Group  
Department of Health

---



---

# Contents

1. Name .....	1
2. Commencement .....	1
3. Authority .....	1
4. Definitions .....	1
5. Treatment of relevant services .....	2
6. Application of provisions of the general medical services table .....	2
<b>Schedule 1 – relevant services</b>	<b>3</b>



---

## 1. Name

This instrument is the *Health Insurance (Section 3C General Medical Services – Botox 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 November 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Note: This table relates only to the provisions of this instrument as originally made.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.

- 
- (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 18361 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 18361 of this Determination was specified in subclause 5.8.2(1).

---

## Schedule 1 – relevant services

---

<b>Group T11—Botulinum toxin</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Item</b>	<b>Description</b>	<b>Fee (\$)</b>
18361	<p>Botulinum Toxin Type A Purified Neurotoxin Complex (Botox), injection of, for the treatment of moderate to severe upper limb spasticity due to cerebral palsy if:</p> <p>(a) the patient is at least 2 years of age; and</p> <p>(b) for a patient who is at least 18 years of age—before the patient turned 18, the patient had commenced treatment for the spasticity with botulinum toxin supplied under the pharmaceutical benefits scheme; and</p> <p>(c) 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 (Anaes.)</p>	128.75

---