

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

Schedule 1 – relevant services 3

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 Note: This table relates only to the provisions of this instrument as originally made.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:

* + 1. it were both a professional service and a medical service; and
		2. there were an item in the general medical services table that:
		3. related to the service; and
		4. 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

| Group T11—Botulinum toxin |
| --- |
| Column 1Item | Column 2Description | Column 3Fee ($) |
| 18361 | 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:(a) the patient is at least 2 years of age; and(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(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.) | 128.75 |