

Health Insurance (Section 3C General Medical Services – Smoking Cessation Services) Determination 2021

I, Travis Haslam, delegate of the Minister for Health and Aged Care, make the following determination.

Dated 21 July 2021

Travis Haslam

Assistant Secretary

MBS Policy and Specialist Services Branch

Medical Benefits Division

Health Resourcing Group

Department of Health

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1. Name

This instrument is the *Health Insurance (Section 3C General Medical Services – Smoking Cessation Services) Determination 2021*.

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 | 21 July 2021 |  |

Note: This table relates only to the provisions of this instrument as originally made.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

Unless earlier revoked this instrument ceases as if revoked on 30 June 2022.

5. Definitions

(1) In this instrument:

***Act***means the *Health Insurance Act 1973*.

***admitted patient*** means a patient who is receiving a service that is provided:

(a)  as part of an episode of hospital treatment; or

(b) as part of an episode of hospital-substitute treatment in respect of which the person to whom the treatment is provided chooses to receive a benefit from a private health insurer.

***phone attendance*** means a professional attendance by telephone where the medical practitioner:

(a)  has the capacity to provide the full service through this means safely and in accordance with professional standards; and

(b) is satisfied that it is clinically appropriate to provide the service to the patient; and

(c)  maintains an audio link with the patient.

***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.

***telehealth attendance*** means a professional attendance by video conference where the rendering medical practitioner:

(a)     has the capacity to provide the full service through this means safely and in accordance with relevant professional standards; and

(b)     is satisfied that it is clinically appropriate to provide the service to the patient; and

(c)     maintains a visual and audio link with the patient; and

(d)     is satisfied that the software and hardware used to deliver the service meets the applicable laws for security and privacy.

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

* clinically relevant service;
* general medical services table;
* hospital treatment;
* hospital-substitute treatment;
* item;
* medical practitioner;
* 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.

(3) In this instrument, a ***general practitioner*** includes a kind of medical practitioner specified in clause 1.1.3 of the general medical services table.

6. 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.

7. Application of provisions of the general medical services table

(1)   Clause 1.2.1 of the general medical services table shall have effect as if an item in a Schedule of this instrument were specified in Schedule 1 of the general medical services table.

(2) Clause 1.2.5 of the general medical services table shall have effect as if an item in a Schedule of this instrument were also specified in subclause 1.2.5(1).

(3) Clause 1.2.7 of the general medical services table shall have effect as if items 93680 to 93685 were also specified in subclause 1.2.7(1).

8. Application of items

(1) An item in a Schedule does not apply to a service mentioned in the item if the patient is an admitted patient.

(2) An item in a Schedule only applies to a service that is an attendance by a single medical practitioner on a single patient.

(3)  For items 93682, 93685, 93692, 93695, 93702 and 93705, ***eligible area*** has the meaning given by section 4 of the *Health Insurance (Section 3C General Medical Services – Other Medical Practitioner) Determination 2018*.

9. Limitation of items

(1) This section applies to items 93680, 93681, 93682, 93683, 93684, 93685, 93690, 93691, 93692, 93693, 93694, 93695, 93700, 93701, 93702, 93703, 93704 and 93705.

(2) An item mentioned in subsection (1) does not apply to a service provided on the same occasion as:

(a) a service associated with an item in this instrument; or

(b) a service associated with an item in Part 2 of the general medical services table.

Schedule – relevant services

|  |  |  |
| --- | --- | --- |
| **Group A45 – Nicotine and Smoking Cessation Counselling** | | |
| **Subgroup 1 – GP Nicotine and Smoking Cessation Counselling – Face to Face Services** | | |
| 93680 | Professional attendance for nicotine and smoking cessation counselling, care and advice by a general practitioner at consulting rooms lasting less than 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation | 46.00 |
| 93681 | Professional attendance for nicotine and smoking cessation counselling, care and advice by a medical practitioner (not including a general practitioner, specialist or consultant physician) at consulting rooms lasting less than 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation | 24.70 |
| 93682 | Professional attendance for nicotine and smoking cessation counselling, care and advice by a medical practitioner (not including a general practitioner, specialist or consultant physician) at consulting rooms, in an eligible area, lasting less than 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation | 36.80 |
| 93683 | Professional attendance for nicotine and smoking cessation counselling, care and advice by a general practitioner at consulting rooms lasting at least 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation | 89.10 |
| 93684 | Professional attendance for nicotine and smoking cessation counselling, care and advice by a medical practitioner (not including a general practitioner, specialist or consultant physician) at consulting rooms lasting at least 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation | 44.70 |
| 93685 | Professional attendance for nicotine and smoking cessation counselling, care and advice by a medical practitioner (not including a general practitioner, specialist or consultant physician) at consulting rooms, in an eligible area, lasting at least 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation. | 71.25 |
| **Subgroup 2 – GP Nicotine and Smoking Cessation Counselling – Telehealth Services** | | |
| 93690 | Telehealth attendance for nicotine and smoking cessation counselling, care and advice by a general practitioner lasting less than 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation. | 46.00 |
| 93691 | Telehealth attendance for nicotine and smoking cessation counselling, care and advice by a medical practitioner (not including a general practitioner, specialist or consultant physician) lasting less than 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation. | 24.70 |
| 93692 | Telehealth attendance for nicotine and smoking cessation counselling, care and advice by a medical practitioner (not including a general practitioner, specialist or consultant physician), in an eligible area, lasting less than 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation. | 36.80 |
| 93693 | Telehealth attendance for nicotine and smoking cessation counselling, care and advice by a general practitioner lasting at least 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation. | 89.10 |
| 93694 | Telehealth attendance for nicotine and smoking cessation counselling, care and advice by a medical practitioner (not including a general practitioner, specialist or consultant physician) lasting at least 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation. | 44.70 |
| 93695 | Telehealth attendance for nicotine and smoking cessation counselling, care and advice by a medical practitioner (not including a general practitioner, specialist or consultant physician), in an eligible area, lasting at least 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation. | 71.25 |
| **Subgroup 3 – GP Nicotine and Smoking Cessation Counselling – Phone Services** | | |
| 93700 | Phone attendance for nicotine and smoking cessation counselling, care and advice by a general practitioner lasting less than 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation. | 46.00 |
| 93701 | Phone attendance for nicotine and smoking cessation counselling, care and advice by a medical practitioner (not including a general practitioner, specialist or consultant physician) lasting less than 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation. | 24.70 |
| 93702 | Phone attendance for nicotine and smoking cessation counselling, care and advice by a medical practitioner (not including a general practitioner, specialist or consultant physician), in an eligible area, lasting less than 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation. | 36.80 |
| 93703 | Phone attendance for nicotine and smoking cessation counselling, care and advice by a general practitioner lasting at least 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation. | 89.10 |
| 93704 | Phone attendance for nicotine and smoking cessation counselling, care and advice by a medical practitioner (not including a general practitioner, specialist or consultant physician) lasting at least 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation. | 44.70 |
| 93705 | Phone attendance for nicotine and smoking cessation counselling, care and advice by a medical practitioner (not including a general practitioner, specialist or consultant physician), in an eligible area, lasting at least 20 minutes and must include any of the following:   1. taking a patient history, aimed at identifying disease risk factors attributable to nicotine use and smoking dependence, and/or identifying barriers and enablers to cessation; and 2. completing an assessment of the patient’s nicotine dependence, including where clinically appropriate a basic physical examination; and 3. initiating interventions and referrals for the cessation of nicotine, if required; and 4. implementing a management plan for appropriate treatment; and 5. providing the patient with nicotine and smoking cessation advice and information, including modifiable lifestyle factors;   with appropriate documentation. | 71.25 |