



Private Health Insurance Legislation Amendment (Prostheses—Repeal and Consequential Amendments) Rules 2023

I, Mark Butler, Minister for Health and Aged Care, make the following rules.

Dated 26 June 2023

Mark Butler
Minister for Health and Aged Care

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
Schedule 1—Repeals		2
	<i>Private Health Insurance (Prostheses) Rules (No. 1) 2023</i>	2
Schedule 2—Consequential Amendments		3
	<i>Private Health Insurance (Benefit Requirements) Rules 2011</i>	3
	<i>Private Health Insurance (Complying Product) Rules 2015</i>	3
	<i>Private Health Insurance (National Joint Replacement Register Levy) Rule 2015</i>	4

1 Name

This instrument is the *Private Health Insurance Legislation Amendment (Prostheses—Repeal and Consequential Amendments) Rules 2023*.

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	At the same time as the <i>Private Health Insurance (Medical Devices and Human Tissue Products) Rules (No. 1) 2023</i> commence.	1 July 2023

Note: This table relates only to the provisions of this instrument as originally made.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

- (a) the *Private Health Insurance Act 2007*;
- (b) the *Private Health Insurance (National Joint Replacement Register Levy) Act 2009*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Repeals

Private Health Insurance (Prostheses) Rules (No. 1) 2023

1 The whole of the instrument

Repeal the instrument.

Schedule 2—Consequential Amendments

Private Health Insurance (Benefit Requirements) Rules 2011

1 Subparagraphs 3(7)(b)(i) and (ii) of Schedule 5

Omit “prostheses”, substitute “medical devices and human tissue products”.

Private Health Insurance (Complying Product) Rules 2015

2 Subrule 8(1) (table item 2, column headed “Kind of policy”, paragraph (a))

Repeal the paragraph, substitute:

- (a) the treatment includes the provision of a kind of medical device or human tissue product that is listed in the Private Health Insurance (Medical Devices and Human Tissue Products) Rules, made under the Act, as in force from time to time; and

3 Subrule 8(1) (table item 2, column headed “Kind of policy”, paragraph (b))

Omit “prosthesis” (wherever occurring), substitute “medical device or human tissue product”.

4 Subrule 8(1) (table item 2, column headed “Treatments the policy must cover”)

Omit “prosthesis”, substitute “medical device or human tissue product”.

5 Subrule 8(1) (table item 3, column headed “Kind of policy”, paragraph (a))

Repeal the paragraph, substitute:

- (a) the treatment includes the provision of a medical device or human tissue product of a kind listed in the Private Health Insurance (Medical Devices and Human Tissue Products) Rules, made under the Act, as in force from time to time; and

6 Subrule 8(1) (table item 3, column headed “Kind of policy”, paragraph (b))

Omit “prosthesis”, substitute “medical device or human tissue product”.

7 Subrule 8(1) (table item 3, column headed “Treatments the policy must cover”)

Omit “prosthesis”, substitute “medical device or human tissue product”.

8 Subrule 8(1) (note)

Omit “Private Health Insurance (Prostheses) Rules”, substitute “Private Health Insurance (Medical Devices and Human Tissue Products) Rules”.

9 Subrule 8(1) (note)

Omit “prostheses”, substitute “medical devices and human tissue products”.

10 Clause 2 of Schedule 5 (table item dealing with implantation of hearing devices, column 2)

Omit “prosthetic”.

11 Clause 2 of Schedule 5 (table item dealing with joint replacements, column 2)

Omit “prostheses”, substitute “medical devices”.

12 Clause 2 of Schedule 5 (table item dealing with podiatric surgery, column 2)

Omit “prosthesis as listed in the prostheses list set out in the Private Health Insurance (Prostheses) Rules”, substitute “medical device or human tissue product as listed in the Private Health Insurance (Medical Devices and Human Tissue Products) Rules, made under the Act”.

***Private Health Insurance (National Joint Replacement Register Levy)
Rule 2015***

13 Section 4 (paragraph (a) of the note to heading)

Omit “prosthesis”, substitute “device”.

14 Section 6 (heading)

Omit “hand articulation prostheses and foot articulation prostheses”, substitute “hand articulation medical devices and foot articulation medical devices”.

15 Section 6

Omit “joint replacement prosthesis”, substitute “joint replacement device”.

16 Paragraphs 6(a) and (b)

Omit “prosthesis”, substitute “medical device”.

17 Section 7 (heading)

Omit “prostheses”, substitute “devices”.

18 Subsection 7(1)

Omit “prosthesis (other than a hand articulation prosthesis or a foot articulation prosthesis)”, substitute “device (other than a hand articulation medical device or a foot articulation medical device)”.

19 Subsection 7(2)

Omit “the prosthesis” (wherever occurring), substitute “the joint replacement device”.

20 Subsection 7(2) (formula)

Repeal the formula, substitute:

$$\frac{\text{device benefit amount}}{\text{total benefit amount}} \times \frac{\text{NJRR funding amount}}{\text{amount}}$$

21 Subsection 7(3)

Omit “the prosthesis” (wherever occurring), substitute “the joint replacement device”.

22 Subsection 7(3)

Omit “*prosthesis*”, substitute “*joint replacement device*”.

23 Subsection 7(3)

Omit “relevant prosthesis”, substitute “relevant joint replacement device”.

24 Subsection 7(3) (formula)

Repeal the formula, substitute:

$$\frac{\text{device benefit amount}}{\text{adjusted total benefit amount}} \times \left[\frac{\text{NJRR funding amount}}{\text{amount}} - \left(\$5000 \times n \right) \right]$$

25 Subsection 7(3) (paragraph (b) of the definition of *adjusted total benefit amount*)

Omit “prosthesis benefit”, substitute “device benefit”.

26 Subsection 7(3) (paragraph (b) of the definition of *adjusted total benefit amount*)

Omit “a prosthesis”, substitute “joint replacement device”.

27 Subsection 7(3) (subparagraph (b)(i) of the definition of *adjusted total benefit amount*)

Omit “relevant prosthesis”, substitute “relevant joint replacement device”.

28 Subsection 7(3) (definition of *n*)

Omit “prostheses”, substitute “joint replacement devices”.

29 Subsection 7(3) (paragraph (a) of the definition of *n*)

Omit “relevant prosthesis”, substitute “relevant joint replacement device”.

30 Subsection 7(4)

Insert:

device benefit amount for a joint replacement device for a levy day means the amount worked out by multiplying:

- (a) the number of recordings on the register of the provision of the joint replacement device during the financial year ending before the levy day (being recordings made on or before the 30 September before the levy day); by
- (b) the minimum benefit for the joint replacement device set out, or worked out using the method set out, in the Private Health Insurance (Medical Devices and Human Tissue Products) Rules, as in force immediately before the levy day, made for the purposes of item 4 of the table in subsection 72-1(2) of the *Private Health Insurance Act 2007*.

31 Subsection 7(4) (definition of *prosthesis benefit amount*)

Repeal the definition.

32 Subsection 7(4) (definition of *total benefit amount*)

Omit “each prosthesis”, substitute “each device”.

33 Subsection 7(4) (definition of *total benefit amount*)

Omit “prosthesis (other than a hand articulation prosthesis or a foot articulation prosthesis)”, substitute “device (other than a hand articulation medical device or a foot articulation medical device)”.

34 Subsection 7(4) (definition of *total benefit amount*)

Omit “the prosthesis”, substitute “the joint replacement device”.