



Health Insurance Legislation Amendment (2023 Measures No. 4) Determination 2023

I, Louise Riley, delegate of the Minister for Health and Aged Care, make the following determination.

Dated 14 December 2023

Louise Riley
Assistant Secretary
MBS Policy and Reviews Branch
Medicare Benefits and Digital Health Division
Health Resourcing Group
Department of Health and Aged Care

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1 Name

This instrument is the *Health Insurance Legislation Amendment (2023 Measures No. 4) Determination 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. Section 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	
2. Schedule 1	28 December 2023.	
3. Schedule 2	31 December 2023.	
4. Schedule 3	1 January 2024.	

Note: This table relates only to the provisions of this instrument as originally made.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 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Usual medical practitioner amendments

Health Insurance (Section 3C General Medical Services – Telehealth and Telephone Attendances) Determination 2021

1 Subsection 5(1)

Insert:

Commonwealth Urgent Care Clinic Program means the Commonwealth Urgent Care Clinic Program administered by the Department of Health and Aged Care.

eligible urgent care clinic means:

- (a) the trustee for Kimberlee Medical Unit Trust trading as the Kimberly Medical Group located in Broome Western Australia; or
- (b) the My Clinic Plus Pty Ltd as Trustee for My Clinic Plus Trust trading as My Clinic Plus located in Devonport Tasmania.

2 Paragraph 7(6)(c)

Repeal the paragraph, substitute:

- (c) a service to which item 91900, 91903, 91906, 91910, 91913 or 91916 applies; or
- (d) a service to which item 91790, 91800, 91801, 91802, 91920, 92115 or 91853 applies if:
 - (i) the service is provided under the Commonwealth Urgent Care Clinic Program by a general practitioner engaged to provide services at an eligible urgent care clinic; and
 - (ii) the service is provided during the hours of operation of the eligible urgent care clinic under the Commonwealth Urgent Care Clinic Program; and
 - (iii) at the time the service is provided, a general practitioner or participating nurse practitioner is not in attendance at the eligible urgent care clinic to provide the service in person.

Schedule 2—Extension of COVID-19 services

Health Insurance (General Practice COVID-19 Treatment) Determination 2022

1 Section 4

Omit “31 December 2023”, substitute “30 June 2024”.

Health Insurance (Section 3C Pathology Services – COVID-19) Determination 2020

2 Section 3

Omit “31 December 2023”, substitute “30 June 2024”.

Health Insurance (Section 3C General Medical Services – Telehealth and Telephone Attendances) Determination 2021

3 Section 4

Repeal the section, substitute:

4 Cessation

Unless earlier revoked, Schedule 5 of this instrument ceases as if revoked on 30 June 2024 at 11.59pm.

Schedule 3—1 January 2024 amendments

Health Insurance (Section 3C Pathology Services – COVID-19) Determination 2020

1 Schedule 1 (Group P3 table)

Repeal the table, substitute:

Group P3 – Microbiology		
Column 1	Column 2	Column 3
Item	Pathology service	Fee (\$)
69511	Detection of a SARS-CoV-2 nucleic acid if the person receives a bulk-billed service	68.85
69512	Detection of a viral, fungal, atypical pneumonia pathogen or Bordetella species nucleic acid from a nasal swab, throat swab, nasopharyngeal aspirate and/or lower respiratory tract sample, including a service described in 69511, if the person receives a bulk-billed service 2 to 4 tests	74.75
69513	5 to 8 tests described in 69512	80.65
69514	9 to 12 tests described in 69512	86.55
69515	13 or more tests described in item 69512	92.45

Health Insurance (Section 3C General Medical Services – Telehealth and Telephone Attendances) Determination 2021

2 Subsection 5(1) (definition of *admitted patient*)

Omit and substitute:

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;

other than an outpatient hospital service to which an item in Schedule 1, 2, 4 or 5 or item 11342 or 11345 in Schedule 4A applies.

3 Subsection 5(1)

Insert:

outpatient hospital service, for the purposes of an item specified in Schedule 1, 2, 4 or 5 or item 11342 or 11345 in Schedule 4A of this instrument, means a service provided, or arranged, with the direct involvement of a hospital where the service is:

-
- (a) provided by a practitioner located at the hospital;
 - (b) provided to a patient who is not located at the hospital and who previously received hospital treatment as an admitted patient of the hospital; and
 - (c) a service for which a private health insurance benefit is not payable.

4 After subsection 7(9)

Insert:

- (10) An item in Subgroup 5 or Subgroup 10 of Group M18 applies to a service only if the nurse practitioner:
 - (a) is not employed by the proprietor of a hospital that is not a private hospital; or
 - (b) both:
 - (i) is employed by the proprietor of a hospital that is not a private hospital; and
 - (ii) provides the service otherwise than in the course of employment by that proprietor.

5 Schedule 1 (item 91900, column 2)

Omit “short”, substitute “detailed”.

6 Schedule 1 (item 91903, column 2)

Omit “short”, substitute “detailed”.

7 Schedule 1 (item 91906, column 2)

Omit “an extensive”, substitute “a detailed”.

8 Schedule 1 (item 91913, column 2)

After “medical practitioner”, insert “(not including a general practitioner)”.

9 Schedule 1 (item 91913, column 2)

Omit “a detailed”, substitute “an extensive”.

10 Schedule 1 (item 91916, column 2)

Omit “a detailed”, substitute “an extensive”.