



Health Insurance (Section 3C Pathology Services – Respiratory Pathogen Testing) Determination 2024

I, Mary Warner, delegate of the Minister of Health and Aged Care, make the following determination.

Dated 14 May 2024

Mary Warner
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Diagnostic Imaging and Pathology Branch
Medicare Benefits and Digital Health Division
Health Resourcing Group
Department of Health and Aged Care

Contents

1 Name	1
2 Commencement.....	1
3 Authority	1
4 Definitions	1
5 Treatment of relevant services	2
Schedule 1—Pathology services	3

1 Name

This instrument is the *Health Insurance (Section 3C Pathology Services – Respiratory Pathogen Testing) Determination 2024*.

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Note: This table relates only to the provisions of this instrument as originally made.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

pathology services table means the table prescribed under subsection 4A(1) of the Act.

Schedule means a Schedule to this instrument.

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

- clinically relevant service;

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- item;
 - professional service;
 - schedule fee.

- (1) 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

- (1) For a service to which an item in Schedule 1 applies, 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 pathology service; and
 - (b) there were an item in Group P3 of the pathology 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 pathology services table

- (1) Clause 1.2.1 of the pathology services table shall have effect as if the items in Schedule 1 of this instrument were specified in that clause.
- (2) Clause 1.2.2 of the pathology services table shall have effect as if the items in Schedule 1 of this instrument were specified in that clause.
- (3) Clause 1.2.9 of the pathology services table shall have effect as if the items in Schedule 1 of this instrument were specified as pathology services under subclause 1.2.9(1) in that clause.
- (4) Clause 1.2.10 of the pathology services table shall have effect as if the items in Schedule 1 of this instrument were specified in that clause.
- (5) Clause 1.2.11 pathology services table shall have effect as if the items in Schedule 1 of this instrument were specified in that clause.
- (6) Clause 1.2.12 pathology services table shall have effect as if the items in Schedule 1 of this instrument were specified in that clause.
- (7) Clause 1.3.2 of the pathology services table shall have effect as if the items in Schedule 1 of this instrument were specified in subsection (2) of that clause.

Schedule 1—Pathology services

Group P3 – Microbiology

Column 1	Column 2	Column 3
Item	Pathology service	Fee (\$)
69421	Detection of respiratory pathogen nucleic acid from a nasal swab, throat swab, nasopharyngeal aspirate and/or lower respiratory tract sample; Testing of 4 pathogens	78.25
69422	Detection of respiratory pathogen nucleic acid from a nasal swab, throat swab, nasopharyngeal aspirate and/or lower respiratory tract sample, including a service described in item 69421; Testing of 5 or more pathogens	85.55
