



Health Insurance Amendment Regulations 2011 (No. 3)¹

Select Legislative Instrument 2011 No. 183

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Health Insurance Act 1973*.

Dated 19 October 2011

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

NICOLA ROXON
Minister for Health and Ageing

1 Name of Regulations

These Regulations are the *Health Insurance Amendment Regulations 2011 (No. 3)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Health Insurance Regulations 1975*

Schedule 1 amends the *Health Insurance Regulations 1975*.

Schedule 1 Amendments

(regulation 3)

[1] Subparagraphs 20A (b) (i) and (ii)

substitute

- (i) if the equipment is a type of equipment, prescribed in regulation 20C — the type of equipment, the age and quantity of equipment of that type; and

[2] Regulation 20C

omit everything before paragraph (c), insert

- (1) For subsection 23DZR (2) of the Act, the following types of diagnostic imaging equipment are prescribed:
 - (a) ultrasound equipment non-musculoskeletal K-type — that is, equipment that:
 - (i) is used in carrying out a diagnostic imaging procedure used in rendering a service that:
 - (A) is described in Group I1 of the diagnostic imaging services table (other than subgroup 6); and

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- (B) is not a service for which a description is inserted in Group II of the diagnostic imaging services table by the 2011 Determination; and
 - (ii) does not include a transducer capable of operating at a frequency of 7.5 megahertz or higher; and
 - (iii) is 10 years old or less;
- (aa) ultrasound equipment non-musculoskeletal K-type upgraded — that is, equipment that:
- (i) is used in carrying out a diagnostic imaging procedure used in rendering a service that:
 - (A) is described in Group II of the diagnostic imaging services table (other than subgroup 6); and
 - (B) is not a service for which a description is inserted in Group II of the diagnostic imaging services table by the 2011 Determination; and
 - (ii) does not include a transducer capable of operating at a frequency of 7.5 megahertz or higher; and
 - (iii) is more than 10 years old and no more than 15 years old and was upgraded on or before it was 10 years old;
- (ab) ultrasound equipment non-musculoskeletal NK-type — that is, equipment that:
- (i) is used in carrying out a diagnostic imaging procedure used in rendering a service for which a description is inserted in Group II of the diagnostic imaging services table by the 2011 Determination (other than subgroup 6); and
 - (ii) does not include a transducer capable of operating at a frequency of 7.5 megahertz of higher; and
 - (iii) either:
 - (A) is more than 10 years old and has not been upgraded; or
 - (B) was upgraded on or before it was 10 years old and is more than 15 years old;

- (b) ultrasound equipment musculoskeletal K-type — that is, equipment that:
 - (i) is used in carrying out a diagnostic imaging procedure used in rendering a service that:
 - (A) is described in subgroup 6 of Group II of the diagnostic imaging services table; and
 - (B) is not a service for which a description is inserted in subgroup 6 of Group II of the diagnostic imaging services table by the 2011 Determination; and
 - (ii) includes a transducer capable of operating at a frequency of 7.5 megahertz or higher; and
 - (iii) is 10 years old or less;
- (ba) ultrasound equipment musculoskeletal K-type upgraded — that is, equipment that:
 - (i) is used in carrying out a diagnostic imaging procedure used in rendering a service that:
 - (A) is described in subgroup 6 of Group II of the diagnostic imaging services table; and
 - (B) is not a service for which a description is inserted in subgroup 6 of Group II of the diagnostic imaging services table by the 2011 Determination; and
 - (ii) includes a transducer capable of operating at a frequency of 7.5 megahertz or higher; and
 - (iii) is more than 10 years old and no more than 15 years old and was upgraded on or before it was 10 years old;
- (bb) ultrasound equipment musculoskeletal NK-type — that is, equipment that:
 - (i) is used in carrying out a diagnostic imaging procedure in rendering a service for which a description is inserted in subgroup 6 of Group II of the diagnostic imaging services table by the 2011 Determination; and
 - (ii) includes a transducer capable of operating at a frequency of 7.5 megahertz or higher; and

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- (iii) either:
 - (A) is more than 10 years old and has not been upgraded; or
 - (B) was upgraded on or before it was 10 years old and is more than 15 years old;

[3] Paragraphs 20C (e) to (h)

substitute

- (e) magnetic resonance imaging equipment K-type — that is, equipment that:
 - (i) is used in carrying out a diagnostic imaging procedure used in rendering a service that:
 - (A) is described in Group I5 of the diagnostic imaging services table; and
 - (B) is not a service for which a description is inserted in Group I5 of the diagnostic imaging services table by the 2011 Determination; and
 - (ii) is 10 years old or less;
- (ea) magnetic resonance imaging equipment K-type upgraded — that is, equipment that:
 - (i) is used in carrying out a diagnostic imaging procedure used in rendering a service that:
 - (A) is described in Group I5 of the diagnostic imaging services table; and
 - (B) is not a service for which a description is inserted in Group I5 of the diagnostic imaging services table by the 2011 Determination; and
 - (iii) is more than 10 years old and no more than 15 years old and was upgraded on or before it was 10 years old;

- (eb) magnetic resonance imaging equipment NK-type — that is, equipment that:
 - (i) is used in carrying out a diagnostic imaging procedure used in rendering of a service for which a description is inserted in Group I5 of the diagnostic imaging services table by the 2011 Determination; and
 - (ii) either:
 - (A) is more than 10 years old and has not been upgraded; or
 - (B) was upgraded on or before it was 10 years old and is more than 15 years old;
- (f) nuclear medicine imaging equipment for positron emission tomography — that is, equipment used in carrying out a diagnostic imaging procedure used in rendering a service described in items 61523 to 61646 in Group I4 of the diagnostic imaging services table;
- (g) nuclear medicine imaging equipment K-type — that is, equipment that:
 - (i) is used in carrying out a diagnostic imaging procedure used in rendering a service that:
 - (A) is described in Group I4 (other than items 61523 to 61646) of the diagnostic imaging services table; and
 - (B) is not a service for which a description is inserted in Group I4 in the diagnostic imaging table by the 2011 Determination; and
 - (ii) is 10 years old or less;
- (ga) nuclear medicine imaging equipment K-type upgraded— that is, equipment that:
 - (i) is used in carrying out a diagnostic imaging procedure used in rendering a service that:
 - (A) is described in Group I4 (other than items 61523 to 61646) of the diagnostic imaging services table; and
 - (B) is not a service for which a description is inserted in Group I4 of the diagnostic

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- imaging services table by the 2011 Determination; and
- (ii) is more than 10 years old and no more than 15 years old and was upgraded on or before it was 10 years old;
- (gb) nuclear medicine imaging equipment NK-type — that is, equipment that:
- (i) is used in carrying out a diagnostic imaging procedure used in rendering a service that is a service for which a description is inserted in Group I4 of the diagnostic imaging services table by the 2011 Determination; and
 - (ii) either:
 - (A) is more than 10 years old and has not been upgraded; or
 - (B) was upgraded on or before it was 10 years old and is more than 15 years old;
- (h) diagnostic radiology equipment for mammography K-type — that is, equipment that:
- (i) is used in carrying out a diagnostic imaging procedure used in rendering a service that:
 - (A) is described in subgroup 10 of Group I3; and
 - (B) is not a service for which a description is inserted in subgroup 10 of Group I3 of the diagnostic imaging services table by the 2011 Determination; and
 - (ii) is 10 years old or less;
- (ha) diagnostic radiology equipment for mammography K-type upgraded — that is, equipment that:
- (i) is used in carrying out a diagnostic imaging procedure used in rendering a service that:
 - (A) is described in subgroup 10 of Group I3; and
 - (B) is not a service for which a description is inserted in subgroup 10 of Group I3 of the diagnostic imaging services table by the 2011 Determination; and

- (ii) is more than 10 years old and no more than 15 years old and was upgraded on or before it was 10 years old;
- (hb) diagnostic radiology equipment for mammography NK-type — that is, equipment that:
 - (i) is used in carrying out a diagnostic imaging procedure in rendering a service for which a description is inserted in subgroup 10 of Group 13 of the diagnostic imaging services table by the 2011 Determination; and
 - (ii) either:
 - (A) is more than 10 years old and has not been upgraded; or
 - (B) was upgraded on or before it was 10 years old and is more than 15 years old;

[4] Paragraphs 20C (k) to (m)

substitute

- (k) diagnostic radiology equipment for fluoroscopic examination K-type — that is, equipment that:
 - (i) is used in carrying out a diagnostic imaging procedure in rendering a service described in subgroup 15 or 17 of Group I3 of the diagnostic imaging services table; and
 - (ii) is 15 years old or less;
- (ka) diagnostic radiology equipment for fluoroscopic examination K-type upgraded — that is, equipment that:
 - (i) is used in carrying out a diagnostic imaging procedure in rendering a service described in subgroup 15 or 17 of Group I3 of the diagnostic imaging services table; and
 - (ii) is more than 15 years old and no more than 20 years old and was upgraded on or before it was 15 years old;

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- (kb) diagnostic radiology equipment for fluoroscopic examination NK-type — that is, equipment that:
- (i) is used in carrying out a diagnostic imaging procedure in rendering a service that:
 - (A) is described in subgroup 15 or 17 of Group I3 of the diagnostic imaging services table; or
 - (B) is inserted in subgroup 15 or 17 of Group I3 of the diagnostic imaging services table by the 2011 Determination; and
 - (ii) either:
 - (A) is more than 15 years old and has not been upgraded; or
 - (B) was upgraded on or before it was 15 years old and is more than 20 years old;
- (l) diagnostic radiology equipment for orthopantomography K-type — that is, equipment that:
- (i) is used in carrying out a diagnostic imaging procedure in rendering a service described in items 57960, 57963, 57966 and 579696 of subgroup 3 of Group I3 of the diagnostic imaging services table; and
 - (ii) is 15 years old or less;
- (la) diagnostic radiology equipment for orthopantomography K-type upgraded — that is, equipment that:
- (i) is used in carrying out a diagnostic imaging procedure in rendering a service described in items 57960, 57963, 57966 and 579696 of subgroup 3 of Group I3 of the diagnostic imaging services table; and
 - (ii) is more than 15 years old and no more than 20 years old and was upgraded on or before it was 15 years old;
- (lb) diagnostic radiology equipment for orthopantomography NK-type — that is, equipment that:
- (i) is used in carrying out a diagnostic imaging procedure in rendering a service that is inserted in subgroup 3 of Group I3 of the diagnostic imaging services table by the 2011 Determination; and

- (ii) either:
 - (A) is more than 15 years old and has not been upgraded; or
 - (B) was upgraded on or before it was 15 years old and is more than 20 years old;
- (m) diagnostic radiology equipment x-ray K-type — that is, equipment that:
 - (i) is used in carrying out a diagnostic imaging procedure in rendering a service described in the following subgroups of Group I3 of the diagnostic imaging services table:
 - (A) subgroups 1 and 2;
 - (B) subgroup 3 (other than items 57960, 57963, 57966 and 57969);
 - (C) subgroups 4 to 9;
 - (D) subgroups 11 and 12;
 - (E) subgroup 14; and
 - (ii) is 15 years old or less;
- (ma) diagnostic radiology equipment x-ray K-type upgraded — that is, equipment that:
 - (i) is used in carrying out a diagnostic imaging procedure in rendering a service described in the following subgroups of Group I3 of the diagnostic imaging services table:
 - (A) subgroups 1 and 2;
 - (B) subgroup 3 (other than items 57960, 57963, 57966 and 57969);
 - (C) subgroups 4 to 9;
 - (D) subgroups 11 and 12;
 - (E) subgroup 14; and
 - (ii) is more than 15 years old and no more than 20 years old and was upgraded on or before it was 15 years old;

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- (mb) diagnostic radiology equipment x-ray NK-type — that is, equipment that:
- (i) is used in carrying out a diagnostic imaging procedure in rendering a service described in the following subgroups of Group I3 inserted of the diagnostic imaging services table by the 2011 Determination:
 - (A) subgroups 1 and 2;
 - (B) subgroup 3 (other than items 57959, 57962, 57965 and 57968);
 - (C) subgroups 4 to 9;
 - (D) subgroups 11 and 12;
 - (E) subgroup 14; and
 - (ii) either:
 - (A) is more than 15 years old and has not been upgraded; or
 - (B) was upgraded on or before it was 15 years old and is more than 20 years old;

[5] After subregulation 20C (1)

insert

- (2) In this regulation:

2011 Determination means Schedule 1 to the *Health Insurance (Diagnostic Imaging Capital Sensitivity) Determination 2011* [F2011L00724].

upgraded, for equipment, means:

- (a) the equipment is currently accredited under the Royal Australian and New Zealand College of Radiologists' Mammography Quality Assurance Program; or
- (b) an additional reasonable investment has been made to the equipment:
 - (i) that improved the overall performance of the imaging system provided by the equipment; and
 - (ii) had the effect that the equipment was equivalent to new diagnostic imaging equipment supplied in Australia at the time of the improvement; and

- (3) In this regulation the day from which the age of diagnostic imaging equipment is worked out is:
- (a) the day the equipment was first installed in Australia; or
 - (b) if the equipment was imported as used equipment — the day of the oldest component of the equipment was manufactured.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.