

Regulations 1981 No. 16<sup>1</sup>

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**Health Commission (Charges) Regulations<sup>2</sup>  
(Amendment)**

I, MICHAEL JOHN RANDAL MACKELLAR, the Minister of State for Health, hereby make the following Regulations under the *Health Commission Ordinance 1975*.

Dated 28 August 1981.

MICHAEL MACKELLAR  
Minister of State for Health

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**Commencement**

1. These Regulations shall come into operation on 1 September 1981.

**Interpretation**

2. Regulation 2 of the Health Commission (Charges) Regulations is amended—

(a) by inserting after the definition of "Australian resident" in sub-regulation (1) the following definition:

“ ‘eligible pensioner’ has the same meaning as in the *Health Insurance Act 1973*;”;

(b) by omitting from sub-regulation (1) the definition of "hospital insured person";

(c) by omitting from sub-regulation (1) the definition of "private patient"; and

(d) by omitting sub-regulation (6) and substituting the following sub-regulation:

“(6) A person who is, in accordance with sub-section 3 (13) of the *Health Insurance Act 1973*, to be deemed to be, or to have been, a disadvantaged person for the purposes of that Act on every day

included in a period shall, for the purposes of these Regulations, be deemed to have been a disadvantaged person on every day that was—

- (a) a day on which he is to be deemed to have been a disadvantaged person for the purposes of that Act; and
- (b) a day that was part of a period during which the person was an in-patient at a hospital conducted by the Commission, being a period during which he did not receive professional services other than professional services provided by the Commission.”.

### **Hospital fees**

3. Regulation 3 of the Health Commission (Charges) Regulations is amended—

- (a) by omitting paragraphs (1) (a), (b) and (c) and substituting the following paragraphs:

- “(a) for the accommodation of a patient, not being a disadvantaged person or an eligible pensioner, in a multiple-bed room—\$80 per day;
- (b) for the accommodation of a patient, not being a disadvantaged person or an eligible pensioner, otherwise than at the patient’s request, in a single room—\$80 per day;
- (c) for the accommodation of a patient, at the patient’s request, in a single room—\$110 per day.”;

- (b) by omitting from sub-regulation (2) “\$165” and substituting “\$175”;
- (c) by omitting from sub-regulation (3A) “\$165” and substituting “\$175”;
- (d) by omitting sub-regulation (8) and substituting the following sub-regulation:

“(8) A patient at a hospital conducted by the Commission who is not a disadvantaged person or an eligible pensioner may, by notice in writing given to the Chief Medical Administrator of the hospital, elect to receive medical treatment exclusively from persons employed by the Commission or acting at the request of the Commission.”;

- (e) by omitting from sub-regulation (10) “sub-section 74 (2)” and substituting “sub-section 74 (2A)”;
- (f) by omitting from sub-regulation (10) “\$25” and substituting “\$45”.

4. Regulation 3AA of the Health Commission (Charges) Regulations is repealed and the following regulation substituted:

#### **Fees for nursing-home type patients in hospitals**

“3AA. (1) The following charges for the accommodation in hospitals conducted by the Commission of nursing-home type patients who have attained the age of 16 years are prescribed for the purpose of sub-section 74 (2) of the Ordinance:

- (a) for the accommodation in a multiple-bed room of a patient who is a disadvantaged person or an eligible pensioner—\$8.95 per day;

- (b) for the accommodation, otherwise than at the patient's request, in a single room, of a patient who is a disadvantaged person or an eligible pensioner—\$8.95 per day;
- (c) for the accommodation, at the patient's request, in a single room, of a patient who is a disadvantaged person or an eligible pensioner—\$10.38 per day;
- (d) for the accommodation in a multiple-bed room of an ordinary patient, not being a disadvantaged person or an eligible pensioner—\$27.05 per day;
- (e) for the accommodation, otherwise than at the patient's request, in a single room, of an ordinary patient, not being a disadvantaged person or an eligible pensioner—\$27.05 per day;
- (f) for the accommodation, at the patient's request, in a single room, of an ordinary patient, not being a disadvantaged person or an eligible pensioner—\$28.45 per day;
- (g) for the accommodation in a multiple-bed room of an extensive care patient, not being a disadvantaged person or an eligible pensioner—\$33.05 per day;
- (h) for the accommodation, otherwise than at the patient's request, in a single room, of an extensive care patient, not being a disadvantaged person or an eligible pensioner—\$33.05 per day;
- (j) for the accommodation, at the patient's request, in a single room, of an extensive care patient, not being a disadvantaged person or an eligible pensioner—\$34.48 per day.

“(2) The following charges for the accommodation in hospitals conducted by the Commission of nursing-home type patients who have not attained the age of 16 years are prescribed for the purpose of sub-section 74 (2) of the Ordinance:

- (a) for the accommodation in a multiple-bed room of a patient who is a disadvantaged person or an eligible pensioner—\$1.00 per day;
- (b) for the accommodation, otherwise than at the patient's request, in a single room, of an ordinary patient who is a disadvantaged person or an eligible pensioner—\$1.00 per day;
- (c) for the accommodation, at the patient's request, in a single room, of a patient who is a disadvantaged person or an eligible pensioner—\$2.43 per day;
- (d) for the accommodation in a multiple-bed room of an ordinary patient, not being a disadvantaged person or an eligible pensioner—\$19.10 per day;
- (e) for the accommodation, otherwise than at the patient's request, in a single room, of an ordinary patient, not being a disadvantaged person or an eligible pensioner—\$19.10 per day;

- (f) for the accommodation, at the patient's request, in a single room, of an ordinary patient, not being a disadvantaged person or an eligible pensioner—\$20.53 per day;
- (g) for the accommodation in a multiple-bed room of an extensive care patient, not being a disadvantaged person or an eligible pensioner—\$25.10 per day;
- (h) for the accommodation, otherwise than at the patient's request, in a single room, of an extensive care patient, not being a disadvantaged person or an eligible pensioner—\$25.10 per day;
- (j) for the accommodation, at the patient's request, in a single room, of an extensive care patient, not being a disadvantaged person or an eligible pensioner—\$26.53 per day.

“(3) For the purposes of this regulation, the day on which a person commences to be accommodated in a hospital as a patient for whose accommodation the fees are to be charged in accordance with this regulation and the day on which that person ceases to be so accommodated shall be counted together as 1 day.”.

5. Regulation 3A of the Health Commission (Charges) Regulations is repealed and the following regulation substituted:

**Out-patient fees**

“3A. (1) Where—

- (a) a professional service specified in Part 1 of the standard medical benefits table is provided by the Commission to a person (not being a non-eligible person) as an out-patient at a hospital conducted by the Commission; and
- (b) in the opinion of the Chief Medical Administrator of the hospital, the person has, or may have, a right to recover the cost of the service from another person by way of damages or compensation.

the prescribed charge for the purpose of sub-section 74 (2) of the Ordinance for that service is \$20.

“(2) Where a professional service specified in Part 1 of the standard medical benefits table is provided by the Commission to a non-eligible person as an out-patient at a hospital conducted by the Commission, the prescribed charge for the purpose of sub-section 74 (2) of the Ordinance for that service is \$20.

“(3) Where a professional service specified in Part 1 of the standard medical benefits table, other than a service to which sub-section (1) or (2) applies, is provided by the Commission to a person (not being a disadvantaged person or an eligible pensioner) as an out-patient at a hospital conducted by the Commission, the prescribed charge for the purpose of sub-section 74 (2) of the Ordinance for that service is \$15.

“(4) Where a pathology service which involves the taking of a specimen of body tissue, body fluid or body excrement is provided by the Commission to a person (not being a disadvantaged person or an eligible pensioner) as an out-patient at a hospital conducted by the Commission, the prescribed charge for the purpose of sub-section 74 (2) of the Ordinance

- (a) for the provision of that service; or
- (b) for the provision of any 2 or more such services so provided at the one time,

is \$15.

“(5) Where a professional service, not being a professional service specified in Part 1 of the standard medical benefits table or a pathology service to which sub-regulation (4) applies, is provided by the Commission to a person as an out-patient at a hospital conducted by the Commission, the prescribed charge for the purpose of sub-section 74 (2) of the Ordinance for that service is \$15.”.

#### **Fees for medical services, other than pathology services**

6. Regulation 6A of the Health Commission (Charges) Regulations is amended—

- (a) by omitting from paragraph (2) (b) all the words after “Commission”;
- (b) by omitting from paragraph (2) (c) “or”; and
- (c) by adding at the end of sub-regulation (2) the following word and paragraph:
  - “or (e) a professional service to which sub-regulation 3A (1), (2), (3) or (5) applies.”.

#### **Fees for pathology services**

7. Regulation 6B of the Health Commission (Charges) Regulations is amended—

- (a) by omitting sub-regulations (1) and (2) and substituting the following sub-regulation:
  - “(1) Subject to this regulation and regulation 6C, the prescribed charge for the purpose of sub-section 74 (2) of the Ordinance for a pathology service provided by the Commission is an amount equal to the fee specified in relation to that pathology service in the standard medical benefits table in relation to the State of New South Wales.”;
- (b) by omitting paragraph (3) (d) and substituting the following paragraph:
  - “(d) a pathology service provided to—
    - (i) a patient in a hospital who is a disadvantaged person or an eligible pensioner; or
    - (ii) a patient who has made an election under sub-regulation 3 (8);”;
- (c) by omitting paragraph (3) (f) and substituting the following paragraph:
  - “(f) a pathology service to which sub-regulation 3A (4) applies.”.

**Fees for pathology services for non-eligible persons, &c.**

8. Regulation 6c of the Health Commission (Charges) Regulations is amended—

(a) by omitting from paragraph (2) (c) “and”; and

(b) by adding at the end of sub-regulation (2) the following word and paragraph:

“or (c) a pathology service to which sub-regulation 3A (4) applies.”.

**Prescribed classes of persons for the purposes of sub-section 74 (3) of the Ordinance**

9. Regulation 9 of the Health Commission (Charges) Regulations is amended by inserting after paragraph (2) (a) the following paragraph:

“(ab) persons who are disadvantaged persons or dependants of such persons;”.

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 31 August 1981.
2. Regulations 1975 No. 13 as amended by 1976 No. 18; 1977 Nos. 11, 15, 24 and 28; 1978 Nos. 7, 8, 15, 17, 18 and 19; 1979 Nos. 5, 14, 17 and 23; 1980 Nos. 3, 8, 9, 13, 16 and 17; 1981 Nos. 10, 11 and 15.