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**HEALTH**

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Hospitals and Health Services Act 1927

## **Hospitals (Services Charges) Amendment Regulations 2012**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Hospitals (Services Charges) Amendment Regulations 2012*.

### **2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

### **3. Regulations amended**

These regulations amend the *Hospitals (Services Charges) Regulations 1984*.

### **4. Regulation 4 amended**

- (1) In regulation 4(1) delete the definition of ***participating hospital***.
- (2) In regulation 4(1) insert in alphabetical order:

***participating hospital*** means a public hospital in the State, if either or both of the following applies in relation to the hospital —

- (a) an approval under the National Health Act section 94 is in force in relation to the hospital authority for the hospital;
- (b) the hospital authority for the hospital is authorised to supply pharmaceutical benefits pursuant to a special arrangement in force under the National Health Act section 100;

***pensioner concession card*** means a currently valid card, known by that name, issued on behalf of the Commonwealth;

***private pathology out-patient*** has the meaning given by regulation 9(3);

- (3) In regulation 4(1) in the definition of ***compensable out-patient*** delete “9(a);” and insert:

9(1)(a);

- (4) In regulation 4(1) in the definition of ***concessional beneficiary*** delete “9(d);” and insert:

9(1)(d);

- (5) In regulation 4(1) in the definition of ***eligible out-patient*** delete “9(b);” and insert:

9(1)(b);

- (6) In regulation 4(1) in the definition of ***ineligible out-patient*** delete “9(c);” and insert:

9(1)(c);

- (7) In regulation 4(1) in the definition of ***pensioner*** delete “9(e);” and insert:

9(1)(e);

## 5. Regulation 5 amended

In regulation 5(2):

- (a) in paragraph (a) delete “(c), (d) or (e),” and insert:

(c), (d), (e) or (f),

- (b) in paragraph (e)(viii) delete “patient,” and insert:

patient;

- (c) after paragraph (e) insert:

and

- (f) any pathology service rendered to —

(i) a private in-patient; or

- (ii) a compensable in-patient; or
- (iii) a private nursing home type patient; or
- (iv) an ineligible in-patient; or
- (v) a compensable day patient; or
- (vi) an ineligible day patient; or
- (vii) a private pathology out-patient; or
- (viii) a compensable out-patient; or
- (ix) an ineligible out-patient; or
- (x) a private same day patient; or
- (xi) a compensable same day patient; or
- (xii) an ineligible same day patient,

## **6. Regulation 9 amended**

(1) In regulation 9 delete “An out-patient” and insert:

(1) An out-patient

(2) Delete regulation 9(e) and insert:

(e) a pensioner, namely, an out-patient who holds a pensioner concession card or a dependant (as defined by the National Health Act section 84) of such an out-patient.

(3) At the end of regulation 9 insert:

(2) At the time of —

- (a) attendance at a hospital for the purposes of receiving a pathology service provided by the hospital as an out-patient service; or
- (b) receiving a pathology service provided by a hospital elsewhere than at the hospital,

or as soon as practicable after that time, an eligible person (not being a compensable patient or a war service veteran), a concessional beneficiary or a pensioner may elect to be treated as a private pathology out-patient for the purpose of that pathology service.

(3) If a person makes an election under subregulation (2), then —

- (a) the person is classified as a private pathology out-patient for the purpose of the payment of any charge for that pathology service determined under regulation 5(2)(f); and

- (b) despite subregulation (1)(b), (d) and (e), the person is not classified as an eligible out-patient, concessional beneficiary or pensioner (as the case may be) for that purpose.

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

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