



Western Australia

Health Services (Fees and Charges) Order 2016

Compare between:

[24 May 2023, 00-ai0-00] and [01 Jul 2023, 00-aj0-01]

Health Services (Fees and Charges) Order 2016

Part 1 — Preliminary

1. Citation

This order is the *Health Services (Fees and Charges) Order 2016*.

2. Commencement

This order comes into operation on the day on which the *Health Services Act 2016* section 56 comes into operation.

3. Terms used

(1) In this order, unless the contrary intention appears —

asylum seeker means a person —

(a) who has applied for —

- (i) a permanent protection visa within the meaning of the *Migration Act 1958* (Commonwealth) section 35A(2); or
- (ii) a temporary protection visa within the meaning of the *Migration Act 1958* (Commonwealth) section 35A(3); or
- (iii) a safe haven enterprise visa within the meaning of the *Migration Act 1958* (Commonwealth) section 35A(3A);

and

(b) whose visa application referred to in paragraph (a) has not yet been decided;

cl. 3

compensable day patient has the meaning given in clause ~~13(2)~~[3A\(1\)](#);

compensable in-patient has the meaning given in clause ~~123A(2)~~[\(e\)](#);

compensable out-patient has the meaning given in clause ~~14(2)~~[3A\(3\)](#);

compensable patient means any of the following —

- (a) a compensable day patient;
- (b) a compensable in-patient;
- (c) a compensable out-patient;
- (d) a compensable same day patient;

compensable same day patient has the meaning given in clause ~~15(2)~~[3A\(4\)](#);

concessional beneficiary has the meaning given in clause 14(2)(e);

day hospital means a hospital at which health services which require full-time or part-time non-residential attendance at specific and regular intervals over a period of time are provided;

day patient has the meaning given in clause 11(1)(b);

DVA arrangement means a hospital services arrangement made from time to time between the State and the Commonwealth and others for health services provided to veterans;

eligible day patient has the meaning given in clause 13(2)(b);

eligible out-patient has the meaning given in clause 14(2)(c);

eligible person has the meaning given in the *Health Insurance Act 1973* (Commonwealth) section 3 and —

- (a) includes a person who is required by or under that Act to be treated as an eligible person for the purposes of that Act; but
- (b) does not include a person who is required by or under that Act not to be treated as an eligible person for the purposes of that Act;

eligible veteran in-patient has the meaning given in clause 12(2)(d);

eligible veteran out-patient has the meaning given in clause 14(2)(b);

eligible veteran same day patient has the meaning given in clause 15(2)(d);

entitlement card has the same meaning as it has in the National Health Act Part VII;

Gold Card means a currently valid health card, known by that name, issued by the Commonwealth Department of Veterans' Affairs;

hospital means a public hospital;

hospital bed means —

- (a) a bed used for accommodation, maintenance and nursing care of a patient in a hospital that is not a nursing home; and
- (b) a bed designated under subclause (2);

ineligible day patient has the meaning given in clause 13(2)(c);

ineligible in-patient has the meaning given in clause 12(2)(g);

ineligible out-patient has the meaning given in clause 14(2)(d);

ineligible same day patient has the meaning given in clause 15(2)(e);

in-patient means a patient who is admitted to a hospital for the purpose of receiving health services in a hospital bed;

internal Territory has the meaning given in the *Acts Interpretation Act 1901* (Commonwealth) section 2B;

involuntary patient has the meaning given in subclause (3);

Medicare Benefits Schedule means the Medicare Benefits Schedule published by the Commonwealth, as that Schedule is in force from time to time;

cl. 3

Medicare ineligible asylum seeker means a person who —

- (a) is an asylum seeker; and
- (b) is not an eligible person; and
- (c) is not a compensable patient;

Medicare ineligible involuntary patient means a person who —

- (a) is an involuntary patient; and
- (b) is not an eligible person; and
- (c) is not a compensable patient;

midwife means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the midwifery profession;

midwifery service means a midwifery service that is to be treated as both a professional service and a medical service in accordance with a determination made under the *Health Insurance Act 1973* (Commonwealth) section 3C(1);

National Health Act means the *National Health Act 1953* (Commonwealth);

nursing home bed means a bed used for the accommodation, maintenance and nursing care of a patient at a nursing home, but does not include a hospital bed in a nursing home;

nursing home type patient has the meaning given in clause 12(2)(e);

nursing home type private patient has the meaning given in clause 12(2)(f);

out-patient has the meaning given in clause 11(1)(c);

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 health service provider for the hospital;

- (b) the health service provider for the hospital is authorised to supply pharmaceutical benefits pursuant to a special arrangement in force under the National Health Act section 100;

PBS list means the list of medicines set out in the document “Schedule of Pharmaceutical Benefits” published from time to time, for the purposes of the National Health Act, by the Department of State of the Commonwealth that is administered by the Commonwealth Minister administering that Act;

PBS price means the price specified in the PBS list;

pensioner has the meaning given in clause 14(2)(f);

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

private in-patient has the meaning given in clause 12(2)(b);

private pathology out-patient means a person classified under clause 14(4)(a);

private same day patient has the meaning given in clause 15(2)(b);

professional service means a service referred to in paragraph (a), (b) or (ba) of the definition of **professional service** in the *Health Insurance Act 1973* (Commonwealth) section 3(1);

public in-patient has the meaning given in clause 12(2)(a);

public same day patient has the meaning given in clause 15(2)(a);

same day patient has the meaning given in clause 11(1)(d);

surgically implanted prosthesis means a prosthesis listed in the Private Health Insurance (Prostheses) Rules as in force from time to time under the *Private Health Insurance Act 2007* (Commonwealth) section 333-20;

veteran means a person who has received or is entitled to receive health services under the *Veterans' Entitlements Act 1986* (Commonwealth), the *Military Rehabilitation and*

cl. 3

Compensation Act 2004 (Commonwealth), the *Safety Rehabilitation and Compensation Act 1988* (Commonwealth) or the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* (Commonwealth);

White Card means a currently valid health card, known by that name, issued by the Commonwealth Department of Veterans' Affairs.

- (2) A bed in a nursing home may be designated as a "hospital bed" by the Minister.
- (3) A person is an **involuntary patient** if —
- (a) the person is under an inpatient treatment order as defined in the *Mental Health Act 2014* section 4; or
 - (b) the person is under a community treatment order as defined in the *Mental Health Act 2014* section 4; or
 - (c) the person is under another order under the *Mental Health Act 2014* under which they are, or may be, detained; or
 - (d) the person has been referred under the *Mental Health Act 2014* section 26(2) or (3)(a) and —
 - (i) the referral has not expired; and
 - (ii) the referral has not been revoked under the *Mental Health Act 2014* section 31; and
 - (iii) the examination referred to in the *Mental Health Act 2014* section 26(1) has not been conducted;or
 - (e) the person has been referred under the *Mental Health Act 2014* section 36(2) and —
 - (i) the referral has not expired; and
 - (ii) the referral has not been revoked under the *Mental Health Act 2014* section 37; and

- (iii) the examination referred to in the *Mental Health Act 2014* section 36(2) has not been conducted.

[Clause 3 amended: Gazette 2 Feb 2018 p. 315; 13 Nov 2018 p. 4432; SL 2023/34 cl. 4; SL 2023/87 cl. 4.]

3A. Classes of compensable patients

(1) A *compensable day patient* is a day patient —

(a) who —

(i) has received or established a right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services; or

(ii) when attending a hospital appears prima facie to have the right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services;

and

(b) in relation to whom a decision under subclause (5) has not been made in relation to the patient and the health services the patient is receiving.

(2) A *compensable in-patient* is an in-patient —

(a) who —

(i) has received or established a right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services; or

(ii) when attending a hospital appears prima facie to have the right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services;

and

cl. 3A

(b) in relation to whom a decision under subclause (5) has not been made in relation to the patient and the health services the patient is receiving.

(3) A *compensable out-patient* is an out-patient —

(a) who —

(i) has received or established a right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services; or

(ii) when attending a hospital appears prima facie to have the right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services;

and

(b) in relation to whom a decision under subclause (5) has not been made in relation to the patient and the health services the patient is receiving.

(4) A *compensable same day patient* is a same day patient —

(a) who is an eligible person and who —

(i) has received or established a right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services; or

(ii) when attending a hospital appears prima facie to have the right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services;

and

(b) in relation to whom a decision under subclause (5) has not been made in relation to the patient and the health services the patient is receiving.

(5) The chief executive of the health service provider that is providing a health service to a compensable day patient, compensable in-patient, compensable out-patient or compensable same day patient may decide that the patient is not a compensable patient in relation to those services if the chief executive is satisfied that —

(a) the compensation received in relation to the injury, illness or disease has been spent and the person is not entitled to further compensation in relation to the injury, illness or disease; or

(b) the patient no longer has a right to compensation in relation to the injury, illness or disease for which it was received (including, for example, that a statutory limit to compensation has been reached); or

(c) having regard to the circumstances of the patient, the patient would be unfairly disadvantaged by continuing to be a compensable patient; or

(d) it is not in the interest of the health service provider for the patient to be a compensable patient in relation to the health service.

[Clause 3A inserted: SL 2023/87 cl. 5.]

Part 2 — Fees and charges

[Heading amended: SL 2020/5 cl. 4.]

4. ~~Scale of fees~~**Fees** and charges

The ~~scale of~~ fees and charges fixed under section 56 of the Act ~~is~~**are** set out in Schedule 1.

[Clause 4 amended: SL 2023/87 cl. 6.]

5. General fees and charges

- (1) Except as provided in subclause (2), the fees and charges set out in Schedule 1 Division 1 apply in respect of —
 - (a) the services referred to in Schedule 1 Division 1 that are provided by, in or at a hospital by a health service provider to the classes of patients referred to in Schedule 1 Division 1; and
 - (b) any other services mentioned in Schedule 1 Division 1.
- (2) The fees and charges set out in Schedule 1 Division 1 do not apply in respect of —
 - (a) a service to which a fee or charge set out in Schedule 1 Division 2, 3 or 4 applies; or
 - (b) the supply of a specialised orthosis to which a charge under clause 9 applies; or
 - (c) the supply of a surgically implanted prosthesis to which a fee or charge set out in Schedule 1 Division 6 applies; or
 - (d) a service to which a charge under clause 10A applies.

[Clause 5 amended: SL 2020/5 cl. 5; SL 2020/58 cl. 4.]

6. Compensable patients

- (1) Except as provided in subclause (2), the fees and charges set out in Schedule 1 Division 2 apply in respect of —
 - (a) services provided by, in or at a hospital to compensable in-patients, ~~compensable day patients~~ and compensable out-patients; and
 - (b) services provided by, at or in a hospital to compensable same day patients (other than services rendered by, in or at a day hospital, nursing home or nursing post).
- (2) The fees and charges set out in Schedule 1 Division 2 do not apply in respect of —
 - (a) a service to which a fee or charge set out in Schedule 1 Division 1, 3 or 4 applies; or
 - (b) the supply of a specialised orthosis to which a charge under clause 9 applies; or
 - (c) the supply of surgically implanted prostheses to which a fee or charge set out in Schedule 1 Division 6 applies.

[Clause 6 amended: SL 2020/58 cl. ~~5~~; SL 2023/87 cl. 7.]

6A. Medicare ineligible patients

Despite any other provision of this Part, no fees or charges are payable in respect of a health service provided to —

- (a) a Medicare ineligible asylum seeker; or
- (b) a Medicare ineligible involuntary patient as part of their treatment under the *Mental Health Act 2014*.

[Clause 6A inserted: SL 2023/34 cl. 5.]

7. Magnetic resonance imaging services

- (1) In this clause —

provider hospital means a hospital that has magnetic resonance imaging equipment in respect of which a Medicare benefit is payable for magnetic resonance imaging services in accordance

cl. 8

with regulations made under the *Health Insurance Act 1973* (Commonwealth) section 4AA(1).

- (2) The fees and charges set out in Schedule 1 Division 3 apply in respect of a magnetic resonance imaging service that is provided by, in or at a provider hospital to —
- (a) a compensable in-patient; or
 - (b) an ineligible in-patient; or
 - (c) a compensable out-patient; or
 - (d) an ineligible out-patient; or
 - (e) a compensable same day patient; or
 - (f) an ineligible same day patient.

[Clause 7 amended: Gazette 9 Mar 2018 p. 797.]

8. Pathology services

The fees and charges set out in Schedule 1 Division 4 apply in respect of pathology services specified in the Medicare Benefits Schedule that are provided to patients mentioned in that Division.

9. Specialised orthoses

- (1) In this clause —

adult chargeable patient means a chargeable patient who has reached 18 years of age;

chargeable patient means —

- (a) a private in-patient; or
- (b) a compensable in-patient; or
- (c) an ineligible in-patient; or
- (d) a compensable out-patient; or
- (e) an eligible out-patient; or
- (f) an ineligible out-patient; or

- (g) a private same day patient; or
- (h) a compensable same day patient; or
- (i) an ineligible same day patient;

child chargeable patient means a chargeable patient who is under 18 years of age.

- (2) The charge for the supply of a specialised orthosis to an adult chargeable patient or a child chargeable patient is to be of an amount determined by the Department CEO according to the cost of supplying the specialised orthosis.
- (3) The Department CEO must ensure that a determination made under subclause (2) is publicly available.

[Clause 9 amended: Gazette 9 Mar 2018 p. 798; SL 2020/58 cl. 6.]

10. Surgically implanted prostheses

- (1) In this clause —
provider hospital means a hospital other than a day hospital, nursing home or nursing post.
- (2) The fees and charges set out in Schedule 1 Division 6 apply in respect of the supply in a provider hospital of a surgically implanted prosthesis set out in that Schedule to —
 - (a) a private in-patient; or
 - (b) a compensable in-patient; or
 - (c) an ineligible in-patient; or
 - (d) a private same day patient; or
 - (e) a compensable same day patient; or
 - (f) an ineligible same day patient.

10A. Provision of medicines

- (1) The charge for the provision of a medicine in a hospital to a patient of any of the following classes is to be of an amount

cl. 10A

determined by the Department CEO according to the cost of providing the medicine —

- (a) ineligible in-patient;
 - (b) ineligible out-patient;
 - (c) ineligible day patient;
 - (d) ineligible same day patient.
- (2) The Department CEO must ensure that a determination made under subclause (1) is publicly available.

[Clause 10A inserted: SL 2020/5 cl. 6.]

Part 3 — Classes of patients

11. Classes of patients

- (1) Subject to subclause (2), for the purpose of a service provided in respect of a patient by, in or at a hospital, the patient must be classified as —
- (a) an in-patient; or
 - (b) a day patient, namely, a person who receives health services at a day hospital; or
 - (c) an out-patient, namely, a person —
 - (i) who attends at a hospital and receives health services under an out-patient service provided at the hospital; or
 - (ii) in respect of whom a hospital provides a health service elsewhere than at the hospital;
- or
- (d) a same day patient, namely, a person who is admitted to and discharged from a hospital, not being a day hospital, nursing home or a nursing post, between midnight on one day and midnight on the next succeeding day for the purpose of receiving health services.
- (2) For the purpose of a service provided in respect of a patient by, in or at a hospital, the patient does not need to be classified under subclause (1) if the patient is —
- (a) a Medicare ineligible asylum seeker; or
 - (b) a Medicare ineligible involuntary patient and the service is provided as part of their treatment under the *Mental Health Act 2014*.

[Clause 11 amended: SL 2023/34 cl. 6.]

cl. 12

12. Classes of in-patients

- (1) An in-patient must be classified under this clause for the purpose of the payment of the fees and charges set out in Schedule 1 in respect of an in-patient.
- (2) Subject to subclause (4), an in-patient must be classified as —
 - (a) a public in-patient, namely, an in-patient —
 - (i) who is an eligible person (not being a compensable in-patient, nursing home type patient or nursing home type private patient, or an in-patient who elects to be treated as a private in-patient); and
 - (ii) who elects to be treated as a public in-patient; and
 - (iii) in respect of whom the hospital concerned provides, in a hospital bed, accommodation, maintenance, nursing care and appropriate professional services and such other necessary services as are available;
 - or
 - (b) a private in-patient, namely, an in-patient —
 - (i) who is an eligible person (not being a compensable in-patient, nursing home type patient or nursing home type private patient); and
 - (ii) who elects to be treated as a private in-patient; and
 - (iii) in respect of whom the hospital concerned provides, in a hospital bed, accommodation, maintenance, nursing care and such other necessary services as are available, other than professional and dental services provided by a practitioner acting in a private capacity or

midwifery services provided by a midwife acting in a private capacity;

or

(c) a compensable in-patient, ~~namely, an in-patient who~~ ;
or

~~(i) has received or established the patient's right to receive in respect of any injury, illness or disease for which the patient is receiving health services payment by way of compensation or damages (including payment in settlement of a claim for compensation or damages) under the law that is or was in force in a State or internal Territory; or~~

~~(ii) on attendance at a hospital appears prima facie to have the right to receive any such payment in respect of an injury, illness or disease for which the patient is receiving health services;~~

~~or~~

(d) an eligible veteran in-patient, namely, an in-patient —

(i) who is a veteran; and

(ii) who elects to be treated under the DVA arrangement;

or

(e) a nursing home type patient, namely, an in-patient (not being a compensable in-patient or an ineligible patient) —

(i) who is a nursing home type patient within the meaning of the *Health Insurance Act 1973* (Commonwealth); and

(ii) in respect of whom the hospital concerned provides, in a hospital bed, accommodation and nursing care and appropriate professional

cl. 12

services and such other necessary services as are available;

or

- (f) a nursing home type private patient, namely, an eligible person (not being a compensable in-patient) —
 - (i) who is a nursing home type patient within the meaning of the *Health Insurance Act 1973* (Commonwealth); and
 - (ii) who elects to be treated as a nursing home type private patient; and
 - (iii) in respect of whom the hospital concerned provides, in a hospital bed, accommodation, nursing care and such other necessary services as are available, other than professional and dental services provided by a practitioner acting in a private capacity;

or

- (g) an ineligible in-patient, namely, an in-patient —
 - (i) who is not an eligible person (other than a person or a member of a class of persons to whom or to which a declaration made under the *Health Insurance Act 1973* (Commonwealth) section 6(2) applies in the relevant circumstances); and
 - (ii) who is not a compensable in-patient; and
 - (iii) in respect of whom the hospital concerned provides, in a hospital bed, accommodation, nursing care and such other necessary services as are available, other than professional and dental services provided by a practitioner acting in a private capacity.

- (3) For the purposes of subclause (2)(c), a compensable in-patient includes a person in respect of the payment for whose health

services one or more of the following applies or appears prima facie to apply —

- (a) the *Workers' Compensation and Injury Management Act 1981*;
 - (ab) the *Motor Vehicle (Catastrophic Injuries) Act 2016*;
 - (b) the *Motor Vehicle (Third Party Insurance) Act 1943*;
 - (c) the law of Australia relating to the Defence Force within the meaning of the *Defence Act 1903* (Commonwealth).
- (4) At the time of admission to a hospital, or as soon as practicable after admission, an eligible person (not being a compensable in-patient or a veteran) must elect whether that person wishes to be classified as —
- (a) a public in-patient; or
 - (b) a private in-patient.
- (5) At the time of admission to a hospital, or as soon as practicable after admission, a veteran must elect whether the veteran wishes to be classified as —
- (a) an eligible veteran in-patient; or
 - (b) a public in-patient; or
 - (c) a private in-patient.

[Clause 12 amended: Gazette 9 Mar 2018 p. 798; [SL 2023/87 cl. 8.](#)]

13. Classes of day patients

- (1) A day patient must be classified under this clause for the purpose of the payment of the fees and charges set out in Schedule 1 in respect of a day patient.
- (2) A day patient must be classified as —
 - (a) a compensable day patient, ~~namely, a day patient who —~~; [or](#)

cl. 13

- ~~(i) has received or established the patient's right to receive in respect of any injury, illness or disease for which the patient is receiving health services payment by way of compensation or damages (including payment in settlement of a claim for compensation or damages) under the law that is or was in force in a State or internal Territory; or~~
- ~~(ii) on attendance at a hospital appears prima facie to have the right to receive any such payment in respect of an injury, illness or disease for which the patient is receiving health services;~~
- ~~or~~
- (b) an eligible day patient, namely, a day patient —
- (i) who is an eligible person; but
 - (ii) who is not a compensable day patient;
- or
- (c) an ineligible day patient, namely, a day patient —
- (i) who is not an eligible person; and
 - (ii) who is not a compensable day patient.
- (3) For the purposes of subclause (2)(a), a compensable day patient includes a person in respect of the payment for whose health services one or more of the following applies or appears prima facie to apply —
- (a) the *Workers' Compensation and Injury Management Act 1981*;
 - (ab) the *Motor Vehicle (Catastrophic Injuries) Act 2016*;
 - (b) the *Motor Vehicle (Third Party Insurance) Act 1943*;
 - (c) the law of Australia relating to the Defence Force within the meaning of the *Defence Act 1903* (Commonwealth).

[Clause 13 amended: Gazette 9 Mar 2018 p. 798; [SL 2023/87 cl. 9.](#)]

14. Classes of out-patients

- (1) An out-patient must be classified under this clause for the purpose of the payment of the fees and charges set out in Schedule 1 in respect of an out-patient.
- (2) An out-patient must be classified as —
- (a) a compensable out-patient, ~~namely, an out-patient who —; or~~
- ~~(i) has received or established the patient's right to receive in respect of any injury, illness or disease for which the patient is receiving health services payment by way of compensation or damages (including payment in settlement of a claim for compensation or damages) under the law that is or was in force in a State or internal Territory; or~~
- ~~(ii) who on attendance at a hospital appears prima facie to have the right to receive any such payment in respect of an injury, illness or disease for which the patient is receiving health services;~~
- ~~or~~
- (b) an eligible veteran out-patient, namely, an out-patient —
- (i) who is a veteran; and
- (ii) who elects to be treated under the DVA arrangement;
- or
- (c) an eligible out-patient, namely, an out-patient —
- (i) who is an eligible person; but
- (ii) who is not a compensable out-patient or eligible veteran out-patient;
- or
- (d) an ineligible out-patient, namely, an out-patient —
- (i) who is not an eligible person; and

cl. 14

- (ii) who is not a compensable out-patient or eligible veteran out-patient;
 - or
 - (e) a concessional beneficiary, namely, an out-patient —
 - (i) who is a concessional beneficiary (as defined in the National Health Act section 84); or
 - (ii) who is a dependant as defined by that section of such a concessional beneficiary;
 - or
 - (f) a pensioner, namely, an out-patient who holds a pensioner concession card or a dependant (as defined in the National Health Act section 84) of such an out-patient.
- (3) 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 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.
- (4) If a person makes an election under subclause (3), 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 fixed in Schedule 1 Division 4; and
 - (b) despite subclause (2)(c), (e) or (f), the person is not classified as an eligible out-patient, concessional beneficiary or pensioner (as the case may be) for that purpose.

- (5) For the purposes of subclause (2)(a), a compensable ~~day~~ out-patient includes a person in respect of the payment for whose health services one or more of the following applies or appears prima facie to apply —
- (a) the *Workers' Compensation and Injury Management Act 1981*;
 - (ab) the *Motor Vehicle (Catastrophic Injuries) Act 2016*;
 - (b) the *Motor Vehicle (Third Party Insurance) Act 1943*;
 - (c) the law of Australia relating to the Defence Force within the meaning of the *Defence Act 1903* (Commonwealth).

[Clause 14 amended: Gazette 9 Mar 2018 p. 798; [SL 2023/87 cl. 10.](#)]

15. Classes of same day patients

- (1) A same day patient must be classified under this clause for the purpose of the payment of the fees and charges set out in Schedule 1 in respect of a same day patient.
- (2) A same day patient must be classified as —
- (a) a public same day patient, namely, a same day patient who is an eligible person (not being a compensable same day patient, an eligible veteran same day patient or a same day patient who elects to be treated as a private same day patient); or
 - (b) a private same day patient, namely, a same day patient who is an eligible person (not being a compensable same day patient) and who elects to be treated as a private same day patient; or
 - ~~(c) a compensable same day patient, namely, a same day patient who is an eligible person and who has received or established the patient's right to receive in respect of any injury, illness or disease for which the patient is receiving health services payment by way of compensation or damages (including payment in~~

cl. 15

~~settlement of a claim for compensation or damages) under the law that is or was in force in a State or internal Territory or who on attendance at a hospital appears prima facie to have the right to receive any such payment in respect of an injury, illness or disease for which the patient is receiving health services; or~~

- (c) a compensable same day patient; or
- (d) an eligible veteran same day patient, namely, a same day patient —
- (i) who is a veteran; and
 - (ii) who elects to be treated under the DVA arrangement;
- or
- (e) an ineligible same day patient, namely, a same day patient —
- (i) who is not an eligible person; and
 - (ii) who is not a compensable same day patient.
- (3) At the time of admission to a hospital, or as soon as practicable after admission, an eligible person (not being a compensable same day patient or veteran) must elect whether the person wishes to be classified as a —
- (a) public same day patient; or
 - (b) private same day patient.
- (4) At the time of admission to a hospital, or as soon as practicable after admission, a veteran must elect whether the veteran wishes to be classified as —
- (a) an eligible veteran same day patient; or
 - (b) a public same day patient; or
 - (c) a private same day patient.
- (5) For the purposes of subclause (2)(c), a compensable same day patient includes a person in respect of the payment for whose

health services one or more of the following applies or appears prima facie to apply —

- (a) the *Workers' Compensation and Injury Management Act 1981*;
- (ab) the *Motor Vehicle (Catastrophic Injuries) Act 2016*;
- (b) the *Motor Vehicle (Third Party Insurance) Act 1943*;
- (c) the law of Australia relating to the Defence Force within the meaning of the *Defence Act 1903* (Commonwealth).

[Clause 15 amended: Gazette 9 Mar 2018 p. 798; SL 2023/34 cl. ~~7~~; [SL 2023/87 cl. 11.](#)]

Schedule 1 — ~~Scale of fees~~ Fees and charges

[cl. 4]

[\[Heading amended: SL 2023/87 cl. 12.\]](#)

Division 1 — General

[Heading inserted: SL ~~2021/134~~2023/86 cl. 4.]

Subdivision 1 — In-patients

[Heading inserted: SL ~~2021/134~~2023/86 cl. 4.]

1. Accommodation, maintenance, nursing care and other services —
 - (a) for public in-patients no charge
 - (b) for private in-patients —
 - (i) in single bed wards (if taken at patient's request) ~~\$698~~no more than \$717 per day
 - (ii) in other wards ~~\$393~~421 per day
 - (c) for nursing home type patients- \$70.55 per day
 - (d) for nursing home type private patients \$215.30 per day
 - (e) for ineligible in-patients \$2 ~~869~~865 per day
 - (f) for eligible veteran in-patients no charge
2. Home modifications service and supply or loan as appropriate, of such aids and appliances, orthotics and prostheses, oxygen, gas and equipment, wigs, surgical implants or devices as are approved by the Department CEO (including repair and replacement) no charge

Subdivision 2 — Day patients

[Heading inserted: SL ~~2021/134~~2023/86 cl. 4.]

- 3. Accommodation, maintenance and other services for eligible day patients no charge

Subdivision 3 — Out-patients

[Heading inserted: SL ~~2021/134~~2023/86 cl. 4.]

- 4. Out-patients service, except for medicines referred to in item 5 —
 - (a) for eligible out-patients and eligible veteran out-patients no charge
 - (b) for ineligible out-patients — for each individual service rendered ~~\$351~~381
- 5. Medicines, for each item —
 - (a) for holders of an entitlement card no charge
 - (b) for other people who are —
 - (i) veterans who hold a Gold Card or a White Card; or
 - (ii) pensioners; or
 - (iii) concessional beneficiaries no more than \$7.30
 - (c) for all other people (other than ineligible out-patients) —
 - (i) at a participating hospital for an item on the PBS list PBS price up to a maximum of \$30
 - (ii) at a participating hospital for an item not on the PBS list no more than \$24

Health Services (Fees and Charges) Order 2016

Schedule 1 Scale of fees Fees and charges

Division 2 Compensable patients

- (iii) at a hospital that is not a participating hospital no more than
\$24

Subdivision 4 — Same day patients

[Heading inserted: SL ~~2021/134~~2023/86 cl. 4.]

6. Same day health service, other than a service subject to a charge set out in this Schedule and associated with the provision of such service —
- (a) for public same day patients no charge
- (b) for private same day patients \$~~324~~347 per day
- (c) for eligible veteran same day patients no charge
- (d) for ineligible same day patients \$2 ~~682~~586 per day

Subdivision 5 — Other services

~~[Heading inserted: SL 2021/134 cl. 4.]~~

7. Accommodation for persons accompanying patients (except when parent accompanies sick child for medical wellbeing of sick child or breastfeeding, or when breastfed child accompanies sick mother) \$~~424~~43 per day

[Division 1 inserted: SL ~~2021/134~~2023/86 cl. 4; amended: SL ~~2021/194~~2023/87 cl. 4; SL 2022/9 cl. 4; SL 2022/55 cl. 4; SL 2022/110 r. 4; SL 2022/166 cl. 4; SL 2023/6 cl. 4; SL 2023/55 cl. 413.]

Division ~~2~~ — Compensable patients

[Heading inserted: SL ~~2021/134~~2023/86 cl. 4.]

Subdivision ~~1~~ — Compensable in-patients

[Heading inserted: SL ~~2021/134~~2023/86 cl. 4.]

Health Services (Fees and Charges) Order 2016

Scale of fees Fees and charges

Schedule 1

Compensable patients

Division 2

1. Accommodation, maintenance, nursing care and other services in a hospital bed, except services referred to in item 5 or 6 day \$3 ~~026~~109 per day
2. Accommodation, maintenance, nursing care and other services in a hospital bed for a patient, not being a patient mentioned in item 3, in respect of whose health services the *Motor Vehicle (Third Party Insurance) Act 1943* applies or prima facie appears to apply day \$2 ~~336~~400 per day
3. Accommodation, maintenance, nursing care and other services in a hospital bed for a patient in Perth Children’s Hospital in respect of whose health services the *Motor Vehicle (Third Party Insurance) Act 1943* applies or prima facie appears to apply day \$3 ~~244~~333 per day
4. Accommodation, maintenance, nursing care and other services in a nursing home bed day \$~~324~~347 per day
5. Accommodation, maintenance, nursing care and other services in a hospital bed for a ventilator dependent compensable in-patient with tracheostomy requiring 24 hour a day individual care_ day \$6 ~~574~~638 per day
6. Accommodation, maintenance, nursing care and other services in a hospital bed for a patient requiring 24 hour a day care for airway management, with or without tracheostomy_ day \$3 ~~931~~969 per day

Subdivision 2 — Compensable out-patients

[Heading inserted: SL ~~2021/134~~2023/86 cl. 4.]

7. For radiological service — for each item of service \$351381

Health Services (Fees and Charges) Order 2016

Schedule 1 Scale of feesFees and charges

Division 2 Compensable patients

8. For medicines, subject to item 9, for each item —
- (a) at a participating hospital for an item on the PBS list-..... PBS price up to a maximum of \$30
 - (b)— at a participating hospital for an item not on the PBS list- \$24
 - (c) at a hospital that is not a participating hospital \$24
9. For each other individual service (with any medicines supplied at the time of the initial service being treated as included in that service) ... ~~\$351~~\$381

Subdivision 3 — Compensable same day patients

[Heading inserted: SL ~~2021/134~~2023/86 cl. 4.]

10. Same day treatment in hospitals, other than day hospitals, nursing homes and nursing posts —
- (a) for a patient, not being a patient mentioned in paragraph (b), in respect of whose health services the *Motor Vehicle (Third Party Insurance) Act 1943* applies or prima facie appears to apply \$2 ~~640~~827 per day
 - (b) for a patient in Perth Children’s Hospital in respect of whose health services the *Motor Vehicle (Third Party Insurance) Act 1943* applies or prima facie appears to apply \$3 ~~597~~897 per day
 - (c) for any other patient \$3 ~~369~~649 per day

[Division 2 inserted: SL ~~2021/134~~ cl. 4; amended: SL ~~2022/9~~ cl. 4; ~~SL 2022/110~~ r. 4; SL ~~2022/166~~ cl. 4; SL ~~2023/686~~ cl. 4.]

Division 3 — Magnetic resonance imaging
Charges for magnetic resonance imaging services

Item	Service	Charge (per study)
1.	For a magnetic resonance study of —	
	(a) one region of the body	\$1 735
	(b) 2 contiguous regions of the body	\$1 735
	(c) 2 or more separate regions of the body	\$3 465
	(d) 3 or more contiguous regions of the body ..	\$3 465
2.	If Gadolinium used as a contrast medium an additional charge	\$205

[Division 3 amended: SL 2021/35 cl. 4.]

Division 4 — Pathology services

In the Table —

MBS amount, for a pathology service, means the amount of the fee specified in the item for that pathology service in the Medicare Benefits Schedule.

Table

Item	Charge
1.	The MBS amount for the service if the service is provided to —
	(a) a private in-patient; or
	(b) a compensable in-patient; or
	(c) a nursing home type private patient; or
	(d) an ineligible in-patient; or
	(e) a compensable day patient; or
	(f) an ineligible day patient; or
	(g) a compensable out-patient; or
	(h) an ineligible out-patient; or
	(i) a private same day patient; or

Health Services (Fees and Charges) Order 2016

Schedule 1 Scale of fees Fees and charges

Division 6 Surgically implanted prostheses

Item	Charge
	(j) a compensable same day patient; or (k) an ineligible same day patient.
2.	If the service is provided to a private pathology out-patient — 85% of the MBS amount for the service.

[Division 5 deleted: SL 2020/58 cl. 7.]

Division 6 — Surgically implanted prostheses

1. In the Table —

listed amount, in relation to a surgically implanted prosthesis, means the amount specified for that prosthesis in the Prostheses List in the column under the heading “Minimum Benefit”;

Prostheses List means the Schedule to the Private Health Insurance (Prostheses) Rules (Commonwealth) as in force from time to time.

Table

Item	Description	Charge
1.	The supply of a surgically implanted prosthesis specified in the Prostheses List under the heading “CARDIO THORACIC”	92.5% of the listed amount
2.	The supply of a surgically implanted prosthesis specified in the Prostheses List under the heading “OPHTHALMIC”	80% of the listed amount
3.	The supply of a surgically implanted prosthesis not mentioned in item 1 or 2 but otherwise specified in the Prostheses List	the listed amount

Notes

This is a compilation of the *Health Services (Fees and Charges) Order 2016* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
<i>Health Services (Fees and Charges) Order 2016</i>	1 Jul 2016 p. 2775-811	1 Jul 2016 (see cl. 2 and <i>Gazette</i> 24 Jun 2016 p. 2291)
<i>Health Services (Fees and Charges) Amendment Order 2016</i>	21 Oct 2016 p. 4783	cl. 1 and 2: 21 Oct 2016 (see cl. 2(a)); Order other than cl. 1 and 2: 22 Oct 2016 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 2) 2017</i>	3 Feb 2017 p. 1112-13	cl. 1 and 2: 3 Feb 2017 (see cl. 2(a)); Order other than cl. 1 and 2: 4 Feb 2017 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 3) 2017</i>	5 May 2017 p. 2369	cl. 1 and 2: 5 May 2017 (see cl. 2(a)); Order other than cl. 1 and 2: 6 May 2017 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 4) 2017</i>	30 Jun 2017 p. 3566-7	cl. 1 and 2: 30 Jun 2017 (see cl. 2(a)); Order other than cl. 1 and 2: 1 Jul 2017 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 5) 2017</i>	22 Sep 2017 p. 4933	cl. 1 and 2: 22 Sep 2017 (see cl. 2(a)); Order other than cl. 1 and 2: 23 Sep 2017 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order 2018</i>	2 Feb 2018 p. 315-16	cl. 1 and 2: 2 Feb 2018 (see cl. 2(a)); Order other than cl. 1 and 2: 3 Feb 2018 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 2) 2018</i>	9 Mar 2018 p. 797-9	cl. 1 and 2: 9 Mar 2018 (see cl. 2(a)); Order other than cl. 1 and 2: 10 Mar 2018 (see cl. 2(b))

Health Services (Fees and Charges) Order 2016
Notes Compilation table

Citation	Published	Commencement
<i>Health Services (Fees and Charges) Amendment Order (No. 4) 2018</i>	27 Apr 2018 p. 1392-3	cl. 1 and 2: 27 Apr 2018 (see cl. 2(a)); Order other than cl. 1 and 2: 28 Apr 2018 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 3) 2018</i>	11 May 2018 p. 1503	cl. 1 and 2: 11 May 2018 (see cl. 2(a)); Order other than cl. 1 and 2: 12 May 2018 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 6) 2018</i>	25 May 2018 p. 1631-2	cl. 1 and 2: 25 May 2018 (see cl. 2(a)); Order other than cl. 1 and 2: 1 Jul 2018 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 5) 2018</i>	12 Jun 2018 p. 1895	cl. 1 and 2: 12 Jun 2018 (see cl. 2(a)); Order other than cl. 1 and 2: 13 Jun 2018 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No.7) 2018</i>	13 Nov 2018 p. 4432	cl. 1 and 2: 13 Nov 2018 (see cl. 2(a)); Order other than cl. 1 and 2: 1 Dec 2018 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order 2019</i>	26 Feb 2019 p. 439-40	cl. 1 and 2: 26 Feb 2019 (see cl. 2(a)); Order other than cl. 1 and 2: 27 Feb 2019 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 2) 2019</i>	7 May 2019 p. 1351	cl. 1 and 2: 7 May 2019 (see cl. 2(a)); Order other than cl. 1 and 2: 8 May 2019 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 3) 2019</i>	7 Jun 2019 p. 1826-7	cl. 1 and 2: 7 Jun 2019 (see cl. 2(a)); Order other than cl. 1 and 2: 1 Jul 2019 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 5) 2019</i>	27 Sep 2019 p. 3419	cl. 1 and 2: 27 Sep 2019 (see cl. 2(a)); Order other than cl. 1 and 2: 28 Sep 2019 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order 2020</i>	SL 2020/5 7 Feb 2020	cl. 1 and 2: 7 Feb 2020 (see cl. 2(a)); Order other than cl. 1 and 2: 8 Feb 2020 (see cl. 2(b))

Citation	Published	Commencement
<i>Health Services (Fees and Charges) Amendment Order (No. 2) 2020</i>	SL 2020/19 24 Mar 2020	cl. 1 and 2: 24 Mar 2020 (see cl. 2(a)); Order other than cl. 1 and 2: 25 Mar 2020 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 3) 2020</i>	SL 2020/58 19 May 2020	cl. 1 and 2: 19 May 2020 (see cl. 2(a)); Order other than cl. 1 and 2: 20 May 2020 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 4) 2020</i>	SL 2020/102 30 Jun 2020	cl. 1 and 2: 30 Jun 2020 (see cl. 2(a)); Order other than cl. 1 and 2: 1 Jul 2020 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order 2021</i>	SL 2021/20 9 Feb 2021	cl. 1 and 2: 9 Feb 2021 (see cl. 2(a)); Order other than cl. 1 and 2: 10 Feb 2021 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 3) 2021</i>	SL 2021/35 9 Apr 2021	cl. 1 and 2: 9 Apr 2021 (see cl. 2(a)); Order other than cl. 1 and 2: 10 Apr 2021 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 4) 2021</i>	SL 2021/134 27 Jul 2021	cl. 1 and 2: 27 Jul 2021 (see cl. 2(a)); Order other than cl. 1 and 2: 28 Jul 2021 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 5) 2021</i>	SL 2021/194 26 Nov 2021	cl. 1 and 2: 26 Nov 2021 (see cl. 2(a)); Order other than cl. 1 and 2: 27 Nov 2021 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order 2022</i>	SL 2022/9 11 Feb 2022	cl. 1 and 2: 11 Feb 2022 (see cl. 2(a)); Order other than cl. 1 and 2: 12 Feb 2022 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 2) 2022</i>	SL 2022/55 20 May 2022	cl. 1 and 2: 20 May 2022 (see cl. 2(a)); Order other than cl. 1 and 2: 21 May 2022 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 3) 2022</i>	SL 2022/110 28 Jun 2022	cl. 1 and 2: 28 Jun 2022 (see cl. 2(a)); Order other than cl. 1 and 2: 1 Jul 2022 (see cl. 2(b))

Health Services (Fees and Charges) Order 2016
Notes Compilation table

Citation	Published	Commencement
<i>Health Services (Fees and Charges) Amendment Order (No. 4) 2022</i>	SL 2022/166 18 Oct 2022	cl. 1 and 2: 18 Oct 2022 (see cl. 2(a)); Order other than cl. 1 and 2: 19 Oct 2022 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order 2023</i>	SL 2023/6 3 Feb 2023	cl. 1 and 2: 3 Feb 2023 (see cl. 2(a)); Order other than cl. 1 and 2: 4 Feb 2023 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 2) 2023</i>	SL 2023/34 2 May 2023	cl. 1 and 2: 2 May 2023 (see cl. 2(a)); Order other than cl. 1 and 2: 3 May 2023 (see cl. 2(b))
<i>Health Services (Fees and Charges) Amendment Order (No. 3) 2023</i>	SL 2023/55 23 May 2023	cl. 1 and 2: 23 May 2023 (see cl. 2(a)); Order other than cl. 1 and 2: 24 May 2023 (see cl. 2(b))

<u>Health Services (Fees and Charges) Amendment Order (No. 5) 2023</u>	<u>SL 2023/86</u> <u>30 Jun 2023</u>	<u>cl. 1 and 2: 30 Jun 2023</u> <u>(see cl. 2(a));</u> <u>Order other than cl. 1 and 2:</u> <u>1 Jul 2023 (see cl. 2(b))</u>
<u>Health Services (Fees and Charges) Amendment Order (No. 4) 2023</u>	<u>SL 2023/87</u> <u>30 Jun 2023</u>	<u>cl. 1 and 2: 30 Jun 2023</u> <u>(see cl. 2(a));</u> <u>Order other than cl. 1 and 2:</u> <u>1 Jul 2023 (see cl. 2(b))</u>
