



Western Australia

Hospitals (Services Charges) Regulations 1984

Reprinted as at 26 November 1999

Western Australia

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Western Australia

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Hospitals and Health Services Act 1927

Hospitals (Services Charges) Regulations 1984

1. Citation

These regulations may be cited as the *Hospitals (Services Charges) Regulations 1984*¹.

2. Commencement

These regulations shall come into operation on 1 February 1984.

3. Application

These regulations apply to and in relation to every public hospital to which the Act applies except for the Perth Dental Hospital.

4. Interpretation

- (1) In these regulations, unless the contrary intention appears —
- “**concession card**” has the same meaning as it has in Part VII of the National Health Act;
 - “**concessional beneficiary**” has the meaning given by regulation 9(d);
 - “**compensable day patient**” has the meaning given by regulation 8(a);

“compensable in-patient” has the meaning given by regulation 7(1)(c);

“compensable out-patient” has the meaning given by regulation 9(a);

“day hospital” means an establishment which provides courses of treatment which require full-time or part-time non-residential attendance at specific, regular, intervals over a period of time;

“day patient” has the meaning given by regulation 6(b);

“eligible day patient” has the meaning given by regulation 8(b);

“eligible out-patient” has the meaning given by regulation 9(b);

“eligible person” has the meaning given by section 3 of the Commonwealth Act and —

- (a) includes a person who is required by or under the Commonwealth Act to be treated; but
- (b) does not include a person who is required by or under the Commonwealth Act not to be treated,

as an eligible person for the purposes of the Commonwealth Act;

“eligible war service veteran” means a war service veteran who elects to be treated under the Repatriation Private Patient Scheme being an agreement made between the Commissioner and the Deputy President of the Repatriation Commission;

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

“hospital” means public hospital to and in relation to which these regulations apply by virtue of regulation 3;

“hospital bed” means, subject to subregulation (2), a bed used for accommodation, maintenance and nursing care of a patient in a hospital that is not a nursing home;

- “ineligible day patient”** has the meaning given by regulation 8(c);
- “ineligible in-patient”** has the meaning given by regulation 7(1)(f);
- “ineligible out-patient”** has the meaning given by regulation 9(c);
- “in-patient”** means a patient as defined in section 3(1) of the Commonwealth Act who is admitted to a hospital for the purpose of receiving treatment in a hospital bed;
- “Internal Territory”** has the meaning given by section 17 of the *Acts Interpretation Act 1901*, as from time to time amended, of the Parliament of the Commonwealth;
- “nursing home bed”** means bed used for the accommodation, maintenance and nursing care of a patient at a nursing home, but does not include a hospital bed therein;
- “nursing home type patient”** has the meaning given by regulation 7(1)(d);
- “other services”** means any class of service, including the supply of goods, provided by a hospital other than a service rendered by, in, or at a hospital to any class of in-patient, day patient, out-patient or same day patient;
- “out-patient”** has the meaning given by regulation 6(c);
- “pensioner”** has the meaning given by regulation 9(e);
- “personal treatment entitlement card”** means a personal treatment entitlement card issued under section 90 of the *Veterans’ Entitlements Act 1986* of the Commonwealth;
- “private in-patient”** has the meaning given by regulation 7(1)(b);
- “private nursing home type patient”** has the meaning given by regulation 7(1)(e);
- “professional service”** means service referred to in paragraph (a), (b) or (ba) of the definition of **“professional service”** in section 3 of the Commonwealth Act;

“**public in-patient**” has the meaning given by regulation 7(1)(a);

“**same day patient**” has the meaning given by regulation 6(d);

“**specific treatment entitlement card**” means a specific treatment entitlement card issued under section 90 of the *Veterans’ Entitlements Act 1986* of the Commonwealth;

“**surgically implanted prostheses**” means the prostheses, other than a prosthesis supplied to an eligible war service veteran for the purposes of cardiothoracic surgical service specified in a determination made under section 37(3)(af) of the Act and regulation 5(2)(b), specified in the determination made under section 4(1)(dd) of the National Health Act;

“**the National Health Act**” means the *National Health Act 1953*, as amended from time to time, of the Parliament of the Commonwealth;

“**war service veteran**” means a person who has received or established a right to receive, in respect of any injury or disease, treatment under the *Veterans’ Entitlements Act 1986* of the Commonwealth.

- (2) A bed in a nursing home may be designated as a “hospital bed” by the Minister.

[Regulation 4 amended in Gazette 25 January 1985 p.290; 25 January 1991 p.280; 31 January 1992 p.489; 9 July 1993 p.3337; 24 June 1994 p.2871; 30 September 1994 p.4975; 27 June 1995 p.2552.]

[4A. *Repealed in Gazette 31 March 1995 p.1156.*]

5. Charges for services

- (1) The charges prescribed in the Schedule are payable in respect of —
- (a) the services referred to in the Schedule and rendered by, in or at a hospital to the classes of patients referred to in the Schedule; or
 - (b) any other services referred to in the Schedule.

- (2) Notwithstanding anything in the Schedule, the charge payable in respect of any service rendered by, in or at a hospital in respect of —
- (a) any service, other than a service referred to in paragraph (c), (d) or (e), rendered to a —
 - (i) compensable in-patient;
 - (ii) compensable day patient;
 - (iii) compensable out-patient; or
 - (iv) compensable same day patient;
 - (b) any specified cardiothoracic surgical service rendered to an eligible war service veteran;
 - (c) the supply of any specified surgically implanted prosthesis to a —
 - (i) private in-patient;
 - [(ii) deleted]*
 - (iii) compensable in-patient;
 - (iv) ineligible in-patient;
 - (v) private same day patient;
 - [(vi) deleted]*
 - (vii) compensable same day patient; or
 - (viii) ineligible same day patient;
 - (d) any magnetic resonance imaging service rendered to —
 - (i) a compensable in-patient;
 - (ii) an ineligible in-patient;
 - (iii) a compensable out-patient;
 - (iv) an ineligible out-patient;
 - (v) a compensable same day patient;
 - (vi) an ineligible same day patient; or
 - (vii) a person, for the purposes of research;
- and

- (e) the supply of any specialized orthoses or prostheses to —
 - (i) a compensable in-patient;
 - (ii) an ineligible in-patient;
 - (iii) a compensable out-patient;
 - (iv) an eligible out-patient;
 - (v) an ineligible out-patient;
 - (vi) a compensable same day patient;
 - (vii) an ineligible same day patient; or
 - (viii) a person who is not a patient,

shall be of an amount determined by the Minister according to the cost of the service.

- (3) A determination referred to in subregulation (2) —
 - (a) shall be published in the *Gazette*; and
 - (b) may be amended or revoked by the Minister by notice published in the *Gazette*.
- (4) For the purposes of subregulation (2) “**specified**” means as specified in the determination made by the Minister.

[Regulation 5 amended in Gazette 9 July 1993 p.3337; 24 June 1994 pp.2871-2; 30 September 1994 p.4974 and pp.4975-6.]

6. Classes of patients for purpose of services

For the purpose of a service provided in respect of him by, in or at a hospital, a patient shall be classified as —

- (a) an in-patient;
- (b) a day patient, namely, a person who receives treatment at a day hospital;
- (c) an out-patient, namely, a person —

- (i) who attends at a hospital and receives treatment or goods under an out-patient service provided by the hospital; or
- (ii) in respect of whom a hospital provides a 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 treatment.

[Regulation 6 amended in Gazette 9 July 1993 p.3337.]

7. Classes of in-patients for purpose of payment of charges

- (1) Subject to subregulation (2), an in-patient shall for the purpose of the payment of the charges prescribed in Part I of the Schedule and in any determination under regulation 5 in respect of him 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 private nursing home type patient, or an in-patient who elects to be treated as a private in-patient);
 - (ia) who elects to be treated as a public in-patient; and
 - (ii) 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;

- (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 private nursing home type patient);
 - (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;
- (c) a compensable in-patient, namely, an in-patient who has received or established his right to receive in respect of any injury, illness or disease for which he is receiving care and treatment 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 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 he is receiving care and treatment, including a person in respect of the payment for whose care and treatment —
 - (i) the *Workers' Compensation and Rehabilitation Act 1981*;
 - (ii) the *Motor Vehicle (Third Party Insurance) Act 1943*;
 - (iii) section 31A of the Act; or
 - (iv) the law of Australia relating to the Defence Force within the meaning of the *Defence Act 1903* of the Commonwealth,applies or appears *prima facie* to apply;

- (ca) an eligible war service veteran in-patient, namely, an in-patient who is a war service veteran who elects to be treated under the Repatriation Private Patient Scheme;
 - (d) 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 Commonwealth Act; and
 - (ii) in respect of whom the hospital concerned provides in a hospital bed accommodation and nursing care and appropriate professional services and such other necessary services as are available;
 - (e) a private nursing home type patient, namely, an eligible person (not being a compensable in-patient) —
 - (i) who is a nursing home type patient within the meaning of the Commonwealth Act;
 - (ii) who elects to be treated as a private nursing home type 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
- (f) 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 section 6(2) of the Commonwealth Act applies in the relevant circumstances);
 - (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.

- (2) 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 war service veteran) must elect whether he wishes to be classified as —
 - (a) a public in-patient; or
 - (b) a private in-patient.
- (3) At the time of admission to a hospital, or as soon as practicable after admission, a war service veteran must elect whether he wishes to be classified as —
 - (a) an eligible war service veteran in-patient;
 - (b) a public in-patient; or
 - (c) a private in-patient.

[Regulation 7 amended in Gazette 30 August 1985 p.3072-3; 26 September 1986 p.3686; 9 July 1993 p.3338; 24 June 1994 pp.2872-3.]

8. Classes of day patients for purpose of payment of charges

A day patient shall for the purpose of the payment of the charges prescribed in Part II of the Schedule and in any determination under regulation 5 in respect of him, be classified as —

- (a) a compensable day patient, namely, a day patient who has received or established his right to receive in respect of any injury, illness or disease for which he is receiving care and treatment 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 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 he is receiving care and

treatment, including a person in respect of the payment for whose care and treatment —

- (i) the *Workers' Compensation and Rehabilitation Act 1981*;
- (ii) the *Motor Vehicle (Third Party Insurance) Act 1943*;
- (iii) section 31A of the Act; or
- (iv) the law of Australia relating to the Defence Force within the meaning of the *Defence Act 1903* of the Commonwealth,

applies or appears *prima facie* to apply;

- (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.

[Regulation 8 amended in Gazette 26 September 1986 p.3686; 24 June 1994 p.2873.]

9. Classes of out-patients for purpose of payment of charges

An out-patient shall for the purpose of the payment of the charges prescribed in Part III of the Schedule and in any determination under regulation 5 in respect of him be classified as —

- (a) a compensable out-patient, namely, an out-patient who has received or established his right to receive in respect of any injury, illness or disease for which he is receiving care and treatment 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 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 he is receiving care and treatment, including a person in respect of the payment for whose care and treatment —

- (i) the *Workers' Compensation and Rehabilitation Act 1981*;
- (ii) the *Motor Vehicle (Third Party Insurance) Act 1943*;
- (iii) section 31A of the Act; or
- (iv) the law of Australia relating to the Defence Force within the meaning of the *Defence Act 1903* of the Commonwealth,

applies or appears *prima facie* to apply;

- (ab) a war service veteran out-patient, namely, an out-patient who is a war service veteran;
- (b) an eligible out-patient, namely, an out-patient —
 - (i) who is an eligible person; but
 - (ii) who is not a compensable out-patient or war service veteran out-patient;
- (c) an ineligible out-patient, namely, an out-patient —
 - (i) who is not an eligible person; and
 - (ii) who is not a compensable out-patient or war service veteran out-patient;
- (d) a concessional beneficiary, namely, an out patient who is a concessional beneficiary as defined by section 84 of the National Health Act or a dependant as defined by that section of such a concessional beneficiary; or
- (e) a pensioner, namely, an out-patient who is a pensioner as defined by section 4 of the National Health Act or a dependant as defined by that section of such a pensioner.

[Regulation 9 amended in Gazette 26 September 1986 p.3686; 24 June 1994 p.2873.]

9A. Classes of same day patients for purpose of payment of charges

- (1) A same day patient shall for the purpose of the payment of charges prescribed in Part IV of the Schedule and in any determination under regulation 5 in respect of him 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 war service veteran same day patient or a same day patient who elects to be treated as a private same day patient);
 - (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;
 - (c) a compensable same day patient, namely, a same day patient who is an eligible person and who has received or established his right to receive in respect of any injury, illness or disease for which he is receiving care and treatment 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 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 he is receiving care and treatment, including a person in respect of the payment for whose care and treatment —
 - (i) the *Workers' Compensation and Rehabilitation Act 1981*;
 - (ii) the *Motor Vehicle (Third Party Insurance) Act 1943*;
 - (iii) section 31A of the Act; or
 - (iv) the law of Australia relating to the Defence Force within the meaning of the *Defence Act 1903* of the Commonwealth,

- applies or appears *prima facie* to apply;
- (d) an eligible war service veteran same day patient, namely, a same day patient who is a war service veteran who elects to be treated under the Repatriation Private Patient Scheme; or
 - (e) an ineligible same day patient, namely, a same day patient who is not an eligible person.
- (2) 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 war service veteran) must elect whether he wishes to be classified as a —
- (a) public same day patient; or
 - (b) private same day patient.
- (3) At the time of admission to a hospital, or as soon as practicable after admission, a war service veteran must elect whether he wishes to be classified as —
- (a) an eligible war service veteran same day patient;
 - (b) a public same day patient; or
 - (c) a private same day patient.

[Regulation 9A inserted in Gazette 9 July 1993 p.3338; amended in Gazette 24 June 1994 pp.2873-4.]

10. Repeal

The *Hospitals (Services Charges) Regulations 1981* * are repealed.

*[*Published in Gazette 28 August 1981 pp.3556-9.]*

Schedule — Charges for services

[Regulations 5, 7, 8, 9 and 9A]

Part I — In-patients

1. Accommodation, maintenance, nursing care and other services other than in hospital beds subject to a determination made under regulation 5(2) —
 - (a) for public in-patients..... no charge
 - (b) for private in-patients —
 - (i) in single bed wards (if taken at request of patient) \$376.00 per day
 - (ii) in other wards..... \$216.00 per day
 - (c) for nursing home type patients..... \$27.65 per day
 - (d) for private nursing home type patients —
 - (i) receiving extensive nursing care..... \$92.75 per day
 - (ii) not receiving extensive nursing care..... \$86.75 per day
 - (e) for ineligible in-patients..... \$669.00 per day
 - (f) for eligible war service 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 Executive Director (including repair and replacement) other than —
 - (a) surgically implanted prostheses subject to a determination made under regulation 5(2)(c); and
 - (b) specialized orthoses or prostheses subject to a determination made under regulation 5(2)(e) no charge

Part II — Day-patients

- Accommodation, maintenance and other services —
- (a) for eligible day patients no charge
 - (b) for ineligible day patients..... \$90.00 per day

Part III — Out-patients

1. Out-patients service, except for drugs and medication and goods and services referred to respectively in items 2 and 3 of the Part and any service subject to a determination made under regulation 5(2) —
 - (a) for eligible out-patients and war service veteran out-patients..... no charge

Schedule **Charges for services**

- (b) for ineligible out-patients..... \$90.00 for each individual service rendered

- 2. Drugs and medication — per calendar year —
 - (a) for pensioners and concessional beneficiaries —
 - (i) for holders of an entitlement card no charge
 - (ii) for others..... \$3.20 per item
 - (b) for war service veteran out-patients —
 - (i) for holders of an entitlement card..... no charge
 - (ii) for holders of a personal treatment entitlement card or specific treatment entitlement card \$3.20 per item
 - (c) for all other out-patients —
 - (i) for holders of a concession card..... \$3.20 per item
 - (ii) for other persons..... \$15.00 per item

Part IV — Same day patients

Same day treatment, other than a service subject to any determination made under regulation 5 associated with the rendering of such treatment —

- (a) for public same day patients..... no charge
- (b) for private same day patients..... \$160.00 per day
- (c) for eligible war service veteran same day patients no charge
- (d) for ineligible same day patients..... \$560.00 per day

Part V — Other services

Accommodation for persons accompanying patients (except when mother accompanies sick child for breast feeding or for medical well-being of sick child or when breast fed child accompanies sick mother)..... \$17.00 per day

[Schedule inserted in Gazette 28 June 1996 pp.3030-2; amended in Gazette 15 October 1996 p.5447; 4 February 1997 p.695; 27 February 1998 p.1033; 30 June 1998 pp.3532-3; 22 January 1999 p.215; 28 May 1999 p.2148; 25 June 1999 pp.2739-40; 9 November 1999 p.5685.]



Notes

- ^{1.} This reprint is a compilation as at 26 November 1999 of the *Hospitals (Services Charges) Regulations 1984* and includes the amendments included in the reprint of 14 February 1995 and amendments effected by the other regulations referred to in the following Table.

Table of Regulations

Citation	Gazettal	Commencement	Miscellaneous
<i>Hospitals (Services Charges) Regulations 1984</i>	27 January 1984 p.231	1 February 1984 (see regulation 2)	
Regulations effecting amendments in the previous reprint are <u>not</u> referred to in this table.			Previous reprint as at 14 February 1995
<i>Hospitals (Services Charges) Amendment Regulations 1995</i>	31 March 1995 p.1156	31 March 1995	
<i>Hospitals (Services Charges) Amendment Regulations (No. 2) 1995</i>	27 June 1995 p.2552	1 July 1995 (see regulation 2)	
<i>Hospitals (Services Charges) Amendment Regulations (No. 3) 1995</i>	17 October 1995 p.4842	17 October 1995	
<i>Hospitals (Services Charges) Amendment Regulations 1996</i>	2 April 1996 pp.1580-81	4 April 1996 (see regulation 2)	
<i>Hospitals (Services Charges) Amendment Regulations (No. 2) 1996</i>	17 May 1996 pp.2050-51	17 May 1996	
<i>Hospitals (Services Charges) Amendment Regulations (No. 3) 1996</i>	28 June 1996 pp.3030-32	1 July 1996 (see regulation 2)	

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Citation	Gazettal	Commencement	Miscellaneous
<i>Hospitals (Services Charges) Amendment Regulations (No. 4) 1996</i>	15 October 1996 pp.5446-7	17 October 1996 (see regulation 2)	
<i>Hospitals (Services Charges) Amendment Regulations 1997</i>	4 February 1997 p.695	4 February 1997	
<i>Corrigendum</i>	7 February 1997 p.727	7 February 1997	
<i>Hospitals (Services Charges) Amendment Regulations (No. 2) 1997</i>	27 February 1998 p.1033	27 February 1998	
<i>Hospitals (Services Charges) Amendment Regulations 1998</i>	30 June 1998 pp.3532-3	30 June 1998	
<i>Hospitals (Services Charges) Amendment Regulations (No. 2) 1998</i>	22 January 1999 p.215	22 January 1999	
<i>Hospitals (Services Charges) Amendment Regulations 1999</i>	28 May 1999 p.2148	28 May 1999	
<i>Hospital (Services Charges) Amendment Regulations (No. 2) 1999</i>	25 June 1999 pp.2739-40	1 July 1999 (see regulation 2)	
<i>Hospitals (Services Charges) Amendment Regulations (No. 3) 1999</i>	9 November 1999 p.5685	9 November 1999	

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