

AUSTRALIAN CAPITAL TERRITORY

Regulations 1980 No. 8

Regulations under the *Health Commission Ordinance 1975*¹

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

Dated this thirteenth day of May 1980.

MICHAEL MACKELLAR
Minister of State for Health

AMENDMENTS OF THE HEALTH COMMISSION (CHARGES) REGULATIONS²

Interpretation

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

- (a) by inserting, before the definition of “hospital insured person”, the following definitions:

“‘extensive care patient’ means a patient who requires extensive nursing care;

‘extensive nursing care’ means care of the type given in a nursing-home to a person—

- (a) who, by reason of infirmity, or any illness, disease, incapacity or disability, is bedridden or virtually bedridden and is wholly or substantially dependent on nursing care; or
- (b) who is undergoing treatment for any illness, disease, incapacity or disability and, for the purposes of that treatment, is wholly or substantially dependent on nursing care;

‘health services hostel’ means a hostel conducted by the Commission as a health services hostel;

‘hospital’ means premises approved as a hospital by the Minister under section 24 of the *Health Insurance Act 1973*;”;

- (b) by omitting the definitions of “intensive nursing-home care” and “intensive-care patient”;
- (c) by inserting, after the definition of “medically insured person”, the following definition:

“‘medical practitioner’ means a person registered or licensed as a medical practitioner under a law of a State or Territory that provides for the registration or licensing of medical practitioners;”;

- (d) by inserting, after the definition of “multiple-bed room”, the following definition:

“‘nursing-home type patient’, in relation to a hospital, means an in-patient of a hospital who has been such an in-patient for a continuous period exceeding 60 days, but does not include an in-patient in respect of whom there is in force a certificate given under regulation 2B;”;

- (e) by omitting “intensive-care patient” from the definition of “ordinary patient” and substituting “extensive care patient”; and
(f) by adding at the end thereof the following sub-regulations:

“(2) For the purpose of ascertaining, for the purposes of the definition of ‘nursing-home type patient’ in sub-regulation (1), whether an in-patient in a hospital has been such an in-patient for a continuous period exceeding 60 days, there shall be taken into account—

- (a) any earlier period during which that patient was an in-patient in that hospital, in another hospital, in a nursing-home or in a health services hostel that forms one continuous period with the current period of hospitalisation of that patient; or
(b) if there are 2 or more earlier periods during which that patient was an in-patient in that hospital, in any other hospital, in a nursing-home or in a health services hostel, that form one continuous period with one another and with the current period of hospitalisation of that patient—those earlier periods.

“(3) For the purposes of sub-regulation (2), 2 periods, being periods during which a patient has been an in-patient in a hospital, nursing-home or health services hostel (whether or not the same institution) that are separated from each other by a period of not more than 7 days during which the patient was not an in-patient in any hospital, nursing-home or health services hostel shall be deemed to form one continuous period with one another.

“(4) A reference in paragraph (2) (a) or (b) or in sub-regulation (3) to a nursing-home shall be read as a reference to a nursing-home conducted by the Commission.

“(5) A reference in these Regulations to a request by a patient shall, in relation to a patient who has not attained the age of 18 years, be read as including a request by a parent or guardian of the patient.”.

2. After regulation 2 of the Health Commission (Charges) Regulations the following regulation is inserted:

Certification of hospital patient as needing acute care, &c.

“2B. (1) For the purposes of the definition of ‘nursing-home type patient’ in regulation 2, a medical practitioner may, at any time, certify that, in his opinion, a person who is an in-patient in a hospital is, and will continue to be for at least the period that the certificate is in force, in need of—

- (a) acute care;
- (b) professional attention for an acute phase of the patient’s condition;
- (c) active rehabilitation; or
- (d) continued management, for medical reasons, as an in-patient.

“(2) A certificate given under sub-regulation (1) ceases to be in force on—

- (a) the expiration of a period of 30 days commencing on the day on which it is given; or
- (b) such date before that expiration as is specified in the certificate.”.

Hospital fees

3. Regulation 3 of the Health Commission (Charges) Regulations is amended by omitting from sub-regulation (1) “the accommodation of patients (other than patients to whom sub-regulation (2) applies) in hospitals conducted by the Commission” and substituting “the accommodation in hospitals conducted by the Commission of patients (not being nursing-home type patients or patients to whom sub-regulation (2) applies)”.

4. After regulation 3 of the Health Commission (Charges) Regulations the following regulation is inserted:

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 an ordinary patient, not being a private patient—\$7.85 per day;
- (b) for the accommodation, otherwise than at the patient’s request, in a single room, of an ordinary patient, not being a private patient—\$7.85 per day;
- (c) for the accommodation, at the patient’s request, in a single room, of an ordinary patient, not being a private patient \$9.28 per day;
- (d) for the accommodation in a multiple-bed room of an ordinary patient, being a private patient—\$23.15 per day;
- (e) for the accommodation, otherwise than at the patient’s request, in a single room, of an ordinary patient, being a private patient—\$23.15 per day;
- (f) for the accommodation, at the patient’s request, in a single room, of an ordinary patient, being a private patient—\$24.58 per day;

- (g) for the accommodation in a multiple-bed room of an extensive care patient, not being a private patient—\$7.85 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 private patient—\$7.85 per day;
- (j) for the accommodation, at the patient's request, in a single room, of an extensive care patient, not being a private patient—\$9.28 per day;
- (k) for the accommodation in a multiple-bed room of an extensive care patient, being a private patient—\$29.15 per day;
- (l) for the accommodation, otherwise than at the patient's request, in a single room, of an extensive care patient, being a private patient—\$29.15 per day;
- (m) for the accommodation, at the patient's request, in a single room, of an extensive care patient, being a private patient—\$30.58 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, at the patient's request, in a single room, of an ordinary patient, not being a private patient—\$2.43 per day;
- (b) for the accommodation in a multiple-bed room of an ordinary patient, being a private patient—\$16.30 per day;
- (c) for the accommodation, otherwise than at the patient's request, in a single room, of an ordinary patient, being a private patient—\$16.30 per day;
- (d) for the accommodation, at the patient's request, in a single room, of an ordinary patient, being a private patient—\$17.73 per day;
- (e) for the accommodation, at the patient's request, in a single room, of an extensive care patient, not being a private patient—\$2.43 per day;
- (f) for the accommodation in a multiple-bed room of an extensive care patient, being a private patient—\$22.30 per day;
- (g) for the accommodation, otherwise than at the patient's request, in a single room, of an extensive care patient, being a private patient—\$22.30 per day;
- (h) for the accommodation, at the patient's request, in a single room, of an extensive care patient, being a private patient—\$23.73.”.

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

Nursing-home fees

“4. (1) The following charges for the accommodation in nursing-homes conducted by the Commission of 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 of an ordinary patient in a multiple-bed room—\$23.15 per day;
- (b) for the accommodation of an ordinary patient, otherwise than at the patient's request, in a single room— \$23.15 per day;
- (c) for the accommodation of an ordinary patient, at the patient's request, in a single room, not being a room referred to in paragraph (d)—\$24.58 per day;
- (d) for the accommodation of an ordinary patient, at the patient's request, in a single room equipped with bath, shower or toilet facilities—\$26.01 per day;
- (e) for the accommodation of an extensive care patient in a multiple-bed room—\$29.15 per day;
- (f) for the accommodation of an extensive care patient, otherwise than at the patient's request, in a single room—\$29.15 per day;
- (g) for the accommodation of an extensive care patient, at the patient's request, in a single room, not being a room referred to in paragraph (h)—\$30.58 per day;
- (h) for the accommodation of an extensive care patient, at the patient's request, in a single room equipped with bath, shower or toilet facilities—\$32.01 per day.

“(2) The following charges for the accommodation in nursing-homes conducted by the Commission of 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 of an ordinary patient in a multiple-bed room—\$16.30 per day;
- (b) for the accommodation of an ordinary patient, otherwise than at the patient's request, in a single room—\$16.30 per day;
- (c) for the accommodation of an ordinary patient, at the patient's request, in a single room, not being a room referred to in paragraph (d)—\$17.73 per day;
- (d) for the accommodation of an ordinary patient, at the patient's request, in a single room equipped with bath, shower or toilet facilities - \$19.16 per day;
- (e) for the accommodation of an extensive care patient in a multiple-bed room—\$22.30 per day;
- (f) for the accommodation of an extensive care patient, otherwise than at the patient's request, in a single room—\$22.30 per day;
- (g) for the accommodation of an extensive care patient, at the patient's request, in a single room, not being a room referred to in paragraph (h)—\$23.73 per day;
- (h) for the accommodation of an extensive care patient, at the patient's request, in a single room equipped with bath, shower or toilet facilities —\$25.16 per day.”.

Repeal of regulation 5

6. Regulation 5 of the Health Commission (Charges) Regulations is repealed.

Fees for health services hostels

7. Regulation 5A of the Health Commission (Charges) Regulations is amended by omitting from sub-section (1) the definition of "health services hostel".

Ambulance fees

8. Regulation 7 of the Health Commission (Charges) Regulations is amended by omitting sub-regulation (2) and substituting the following sub-regulation:

"(2) Where, at the request of a person or organization conducting a sporting event or other public function, an ambulance vehicle is made available at the event or function, the prescribed charge, for the purpose of sub-section 72 (2) of the Ordinance is—

- (a) where the vehicle is so made available for 4 hours or less—\$150; or
- (b) where the vehicle is so made available for more than 4 hours—the aggregate of \$150 and an amount calculated at the rate of \$37.50 for each hour or part of an hour by which the period during which the vehicle is so made available exceeds 4 hours."

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 omitting paragraph (a) of sub-regulation (2) and substituting the following paragraph:

- "(a) persons who are in receipt of an age pension, an invalid pension, a widow's pension or a supporting parent's benefit under the *Social Services Act* 1947, or dependants of such persons;"

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 22 May 1980.
2. Regulations 1975 No. 13 as amended by Regulations 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 No. 3.