

As in force at 1 July 2002.

South Australia

**RECOGNIZED HOSPITAL AND INCORPORATED HEALTH CENTRE
(MEDICARE PATIENTS) FEES REGULATIONS 1987**

**REGULATIONS UNDER THE SOUTH AUSTRALIAN HEALTH COMMISSION
ACT 1976**

*Recognized Hospital and Incorporated Health Centre (Medicare
Patients) Fees Regulations 1987*

being

No. 176 of 1987: *Gaz.* 30 July 1987, p. 334¹

as varied by

- No. 287 of 1987: *Gaz.* 23 December 1987, p. 1949²
- No. 7 of 1988: *Gaz.* 21 January 1988, p. 130³
- No. 47 of 1988: *Gaz.* 31 March 1988, p. 821
- No. 12 of 1989: *Gaz.* 26 January 1989, p. 195⁴
- No. 112 of 1989: *Gaz.* 29 June 1989, p. 1778⁵
- No. 116 of 1990: *Gaz.* 28 June 1990, p. 1742⁶
- No. 218 of 1990: *Gaz.* 1 November 1990, p. 1413⁷
- No. 220 of 1990: *Gaz.* 1 November 1990, p. 1421⁸
- No. 260 of 1990: *Gaz.* 20 December 1990, p. 1903⁹
- No. 69 of 1991: *Gaz.* 6 June 1991, p. 1821
- No. 80 of 1991: *Gaz.* 20 June 1991, p. 1950¹⁰
- No. 195 of 1991: *Gaz.* 19 September 1991, p. 850
- No. 216 of 1991: *Gaz.* 10 October 1991, p. 1052¹¹
- No. 7 of 1992: *Gaz.* 30 January 1992, p. 278¹²
- No. 29 of 1992: *Gaz.* 19 March 1992, p. 889
- No. 103 of 1992: *Gaz.* 25 June 1992, p. 1923¹³
- No. 186 of 1992: *Gaz.* 17 September 1992, p. 1113¹⁴
- No. 6 of 1993: *Gaz.* 28 January 1993, p. 421¹⁵
- No. 151 of 1993: *Gaz.* 1 July 1993, p. 271¹⁶
- No. 230 of 1993: *Gaz.* 21 October 1993, p. 1802¹⁷
- No. 104 of 1994: *Gaz.* 30 June 1994, p. 1946¹⁸
- No. 136 of 1994: *Gaz.* 11 August 1994, p. 445¹⁹
- No. 190 of 1994: *Gaz.* 10 November 1994, p. 1484²⁰
- No. 38 of 1995: *Gaz.* 27 April 1995, p. 1645²¹
- No. 126 of 1995: *Gaz.* 22 June 1995, p. 2951²²
- No. 1 of 1996: *Gaz.* 4 January 1996, p. 26²³
- No. 27 of 1996: *Gaz.* 22 February 1996, p. 1248²⁴
- No. 117 of 1996: *Gaz.* 30 May 1996, p. 2727²⁵
- No. 159 of 1996: *Gaz.* 27 June 1996, p. 3161²⁶
- No. 166 of 1996: *Gaz.* 4 July 1996, p. 42²⁷
- No. 182 of 1996: *Gaz.* 8 August 1996, p. 506²⁸
- No. 99 of 1997: *Gaz.* 13 May 1997, p. 1905²⁹
- No. 163 of 1997: *Gaz.* 26 June 1997, p. 3215³⁰
- No. 80 of 1999: *Gaz.* 27 May 1999, p. 2854³¹
- No. 144 of 1999: *Gaz.* 1 July 1999, p. 64³¹
- No. 189 of 1999: *Gaz.* 23 September 1999, p. 1242³²
- No. 130 of 2000: *Gaz.* 22 June 2000, p. 3348³³
- No. 146 of 2000: *Gaz.* 29 June 2000, p. 3493³⁴
- No. 147 of 2001: *Gaz.* 28 June 2001, p. 2477³⁵
- No. 136 of 2002: *Gaz.* 27 June 2002, p. 2750³⁶**

1	Came into operation 1 August 1987: reg. 2.
2	Came into operation 1 January 1988: reg. 2.
3	Came into operation 1 February 1988: reg. 2.
4	Came into operation 1 March 1989: reg. 2.
5	Came into operation 1 July 1989: reg. 2.
6	Came into operation 1 July 1990: reg. 2.
7	Came into operation 1 November 1990: reg. 2.
8	Came into operation 1 November 1990: reg. 2.
9	Came into operation 1 January 1991: reg. 2.
10	Came into operation 1 July 1991: reg. 2.
11	Came into operation 10 October 1991: reg. 2.
12	Came into operation 1 February 1992: reg. 2.
13	Came into operation 1 July 1992: reg. 2.
14	Came into operation 17 September 1992: reg. 2.
15	Came into operation 1 February 1993: reg. 2.
16	Came into operation 1 July 1993: reg. 2.
17	Came into operation 21 October 1993: reg. 2.
18	Came into operation 1 July 1994: reg. 2.
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22	Came into operation 1 July 1995: reg. 2.
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24	Came into operation 22 February 1996: reg. 2.
25	Came into operation 1 July 1996: reg. 2.
26	Came into operation 27 June 1996: reg. 2.
27	Came into operation 4 July 1996: reg. 2.
28	Came into operation 8 August 1996: reg. 2.
29	Came into operation 1 July 1997: reg. 2.
30	Came into operation 1 July 1997: reg. 2.
31	Came into operation 1 July 1999: reg. 2.
32	Came into operation 1 October 1999: reg. 2.
33	Came into operation 1 July 2000: reg. 2.
34	Came into operation 1 July 2000: reg. 2.
35	Came into operation 1 July 2001: reg. 2.
36	Came into operation 1 July 2002: reg. 2.

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last consolidation.*
- *For the legislative history of the regulations see Appendix.*

3.

1. These regulations may be cited as the *Recognized Hospital and Incorporated Health Centre (Medicare Patients) Fees Regulations 1987*.

2. These regulations will come into operation on 1 August, 1987.

3. The following regulations are revoked:

Recognized Hospital Charges Regulations 1984 (No. 7 of 1984, see *Gazette*, 19 January, 1984, at p. 154) as varied.

Intellectually Disabled Services Council Inc. (Fees) Regulations 1986 (No. 230 of 1986, see *Gazette*, 27 November, 1986, at p. 1749).

4. (1) In these regulation, unless the contrary intention appears—

"admitted patient" means a patient of a recognized hospital who has undergone the formal admission process of the hospital:

"benefit entitlement card" means any of the following cards issued by the Commonwealth:

- (a) a Health Care Card;
- (b) a Pensioner Concession Card;
- (c) a Department of Veterans' Affairs Treatment Entitlement Card (Gold or White);

"the Commonwealth benefit", in relation to a patient, means the aggregate of the following amounts:

- (a) the maximum amount (expressed on a daily basis) payable as an age pension under the *Social Security Act 1991* of the Commonwealth to a person who is not a member of a couple within the meaning of that Act, excluding the amount of any pharmaceutical allowance payable under that Act; and
- (b) —
 - (i) if the patient receives rent assistance under that Act—the amount (expressed on a daily basis) received; or
 - (ii) if the patient is not entitled to an age pension or disability support pension under that Act—the maximum amount (expressed on a daily basis) payable as rent assistance under that Act;

"long stay patient" means a patient who has been an admitted patient in a recognized hospital for a continuous period exceeding 35 days;

"Medicare patient" means a patient who is an eligible person for the purpose of receiving medical benefits under the *Health Insurance Act 1973* of the Commonwealth:

4.

"overnight stay patient" means an admitted patient of a recognized hospital who remains an admitted patient of the hospital until a day subsequent to the day of his or her admission:

"patient" means a person to whom a recognized hospital or incorporated health centre provides medical or diagnostic services or other treatment or care:

"prescription item" means—

(a) a pharmaceutical or other item supplied on the prescription of a medical practitioner, dentist or other person authorized to prescribe the item;

or

(b) an ancillary item required for the administration of such pharmaceutical or other item:

"private" in relation to a patient connotes that the patient receives medical or diagnostic services from a medical practitioner selected by the patient:

"public" in relation to a patient connotes that the patient receives medical or diagnostic services from a medical practitioner selected by the hospital or health centre:

"same day patient" means an admitted patient of a recognized hospital who, on the same day, is both admitted to and leaves the care of the hospital (whether on formal discharge by the hospital or voluntary discharge by the patient).

(2) For the purposes of these regulations a patient will be regarded as being acutely ill during a particular period if a medical practitioner has certified that the patient will require extensive medical treatment and supervision during that period.

(3) A certificate referred to in subregulation (2) remains in force for the period specified in the certificate (not exceeding 30 days) or if no period is specified, for a period of 30 days.

5. (1) The fee to be charged by a recognized hospital or incorporated health centre for a service of a kind set out in the schedule provided to a Medicare patient who is not a compensable patient to whom the *South Australian Health Commission (Recognised Hospital and Incorporated Health Centre—Compensable and Non-Medicare Patients Fees) Regulations 1995* apply is as set out in the schedule.

(2) A person who is—

(a) a resident of a State or Territory of the Commonwealth other than South Australia;

(b) a member of the Armed Forces;

or

(c) a person to whom the *Repatriation Act 1920* of the Commonwealth applies,

may, with the approval of the Minister, be released from liability to pay fees under these regulations.

5.

(3) A recognized hospital or incorporated health centre may remit the whole or part of a fee payable to it under these regulations in order to alleviate financial hardship.

SCHEDULE

1. Fees for services provided to Medicare patients at recognized hospitals

	Fee per day
(a) For the accommodation, maintenance, care and treatment of a public overnight stay patient	no fee
(b) For the accommodation, maintenance and care of a private overnight stay patient	\$242.00
(c) For the accommodation, maintenance, care and treatment of a public patient who is a same day patient	no fee
(d) For the accommodation, maintenance and care of a private patient who is a same day patient—	
(i) for gastro-intestinal endoscopy or other minor surgical and non-surgical procedures that do not normally require an anaesthetic (Band 1)	\$175.00
(ii) for procedures (other than Band 1 procedures) carried out under local anaesthetic with no sedation given where the actual time in the theatre is less than one hour (Band 2)	\$200.00
(iii) for procedures (other than Band 1 procedures) carried out under general or regional anaesthesia or intravenous sedation where the actual time in the theatre is less than one hour (Band 3)	\$219.00
(iv) for any procedures carried out under general or regional anaesthesia or intravenous sedation where the actual time in the theatre is one hour or more (Band 4)	\$242.00
(e) For the accommodation, maintenance, care and treatment of a public long stay patient who is acutely ill	no fee
(f) For the accommodation, maintenance, care and treatment of a public long stay patient who is not acutely ill	87.5 per cent of the Commonwealth benefit
(g) For the accommodation, maintenance and care of a private long stay patient who is not acutely ill	\$82.50 plus 87.5 per cent of the Commonwealth benefit

* * * * *

APPENDIX

LEGISLATIVE HISTORY

(entries in bold type indicate amendments incorporated since the last consolidation)

Regulation 1:	varied by 287, 1987, reg. 3; 182, 1996, reg. 3
Regulation 4(1):	definition of "admitted patient" inserted by 182, 1996, reg. 4(a) definition of "benefit entitlement card" substituted by 260, 1990, reg. 3(a); 7, 1992, reg. 3(a); 103, 1992, reg. 3; 103, 1992, reg. 3; paragraph (e) revoked by 182, 1996, reg. 4(b); substituted by 189, 1999, reg. 3 definition of "the Commonwealth benefit" varied by 220, 1990, reg. 3; substituted by 189, 1999, reg. 3 definition of "compensable patient" revoked by 182, 1996, reg. 4(c) definition of "the Council" varied by 182, 1996, reg. 4(d); revoked by 189, 1999, reg. 3 definition of "family" inserted by 69, 1991, reg. 2(a); revoked by 7, 1992, reg. 3(b) definition of "health benefit card" revoked by 260, 1990, reg. 3(b) definition of "health care card" revoked by 260, 1990, reg. 3(b) definition of "inpatient" varied by 287, 1987, reg. 4(a); revoked by 182, 1996, reg. 4(e) definition of "long stay patient" varied by 287, 1987, reg. 4(a); substituted by 80, 1991, reg. 3; substituted by 189, 1999, reg. 3 definition of "non-medicare patient" revoked by 12, 1989, reg. 3 definition of "non-teaching hospital" varied by 287, 1987, reg. 4(a); revoked by 12, 1989, reg. 3 definition of "outpatient" revoked and definition of "overnight stay patient" inserted in its place by 182, 1996, reg. 4(f) definition of "patient" varied by 287, 1987, reg. 4(b); substituted by 182, 1996, reg. 4(g) definition of "pensioner health benefit card" revoked by 260, 1990, reg. 3(b) definition of "pharmaceutical benefit card" revoked by 260, 1990, reg. 3(b) definition of "prescription item" inserted by 69, 1991, reg. 2(b) definition of "public" varied by 182, 1996, reg. 4(h) definition of "Safety Net Concession Card" inserted by 7, 1992, reg. 3(c); revoked by 182, 1996, reg. 4(i) definition of "Safety Net Entitlement Card" inserted by 7, 1992, reg. 3(c); revoked by 182, 1996, reg. 4(i) definition of "same day patient" varied by 287, 1987, reg. 4(a); substituted by 182, 1996, reg. 4(j) definition of "teaching hospital" revoked by 12, 1989, reg. 3; inserted by 69, 1991, reg. 2(c); revoked by 182, 1996, reg. 4(k)
Regulation 5(1):	varied by 287, 1987, reg. 5(a); substituted by 12, 1989, reg. 4; 182, 1996, reg. 5
Regulation 5(3):	varied by 287, 1987, reg. 5(b)

8.

Schedule:

varied by 287, 1987, reg. 6; 7, 1988, reg. 3; 47, 1988, reg. 2; 12, 1989, reg. 5; 112, 1989, reg. 3; 116, 1990, reg. 3; 218, 1990, reg. 3; 220, 1990, reg. 4; 260, 1990, reg. 4; 69, 1991, reg. 3; 80, 1991, reg. 4; 195, 1991, reg. 2; 216, 1991, reg. 3; 7, 1992, reg. 4; 29, 1992, reg. 2; 103, 1992, reg. 4; 186, 1992, reg. 3; 6, 1993, reg. 3; 151, 1993, reg. 3; 230, 1993, reg. 3; 104, 1994, reg. 3; 136, 1994, reg. 3; 190, 1994, reg. 3; 38, 1995, reg. 3; 126, 1995, reg. 3; 1, 1996, reg. 3; 117, 1996, reg. 3; 159, 1996, reg. 3; 166, 1996, reg. 3; 182, 1996, reg. 6; 99, 1997, reg. 3; 163, 1997, reg. 3; 80, 1999, reg. 3; 144, 1999, reg. 3; substituted by 189, 1999, reg. 4; **varied by** 146, 2000, reg. 3; 147, 2001, reg. 3; **136, 2002, reg. 3**

Clause 2:

revoked by 130, 2000, reg. 3