

South Australia

## South Australian Health Commission (Recognised Hospital—Medicare Patients Fees) Regulations 2002

under the *South Australian Health Commission Act 1976*

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### 1—Short title

These regulations may be cited as the *South Australian Health Commission (Recognised Hospital—Medicare Patients Fees) Regulations 2002*.

### 4—Interpretation

- (1) In these regulations, unless the contrary intention appears—

**admitted patient** means a patient of a recognised hospital who has undergone the formal admission process of the hospital;

**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 recognised 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;

**outreach service** means a service that is taken to be hospital treatment for the purposes of the *Private Health Insurance Act 2007* of the Commonwealth under section 16 of the *Private Health Insurance (Transitional Provisions and Consequential Amendments) Act 2007* of the Commonwealth;

**overnight stay patient** means an admitted patient of a recognised 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 recognised hospital provides medical or diagnostic services or other treatment or care and includes a person to whom a recognised hospital provides outreach services;

**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;

**same day patient** means an admitted patient of a recognised 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);

**single room**, in relation to the accommodation of a patient, means the accommodation of the patient in a room in which he or she is the only 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—Fees for services provided to Medicare patients

- (1) The fee to be charged by a recognised hospital 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 (Compensable and Non-Medicare Patients Fees) Regulations 2004* 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; or
  - (b) a member of the armed forces of the Commonwealth; or
  - (c) entitled to a benefit under the *Veterans' Entitlements Act 1986* of the Commonwealth,

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

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

## Schedule—Fees for services provided to Medicare patients by recognised hospitals

	Fee (per day)
1 For the accommodation, maintenance, care and treatment at a recognised hospital of a public overnight stay patient	no fee
2 For the accommodation, maintenance and care at a recognised hospital of a private overnight stay patient—	
(a) where the patient requests and subsequently receives single room accommodation	\$474.00
(b) in any other case	\$275.00
3 For the accommodation, maintenance, care and treatment at a recognised hospital of a public patient who is a same day patient	no fee
4 For the accommodation, maintenance and care at a recognised hospital of a private patient who is a same day patient—	
(a) for gastro-intestinal endoscopy or other minor surgical and non-surgical procedures that do not normally require an anaesthetic (Band 1)	\$200.00
(b) 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)	\$227.00
(c) 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)	\$250.00
(d) 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)	\$275.00
5 For the accommodation, maintenance, care and treatment at a recognised hospital of a public long stay patient who is acutely ill	no fee
6 For the accommodation, maintenance, care and treatment at a recognised hospital of a public long stay patient who is not acutely ill	87.5 per cent of the Commonwealth benefit
7 For the accommodation, maintenance and care at a recognised hospital of a private long stay patient who is not acutely ill	\$93.50 plus 87.5 per cent of the Commonwealth benefit
8 For outreach services provided by a recognised hospital to a private patient	\$166.00

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Formerly

*Recognised Hospital (Medicare Patients) Fees Regulations 2002*

### Revocation of regulations

The *South Australian Health Commission (Recognised Hospital—Medicare Patients Fees) Regulations 2002* were revoked by Sch 3 cl 1(m) of the *Health Care Regulations 2008* on 1.7.2008.

### Legislation revoked by principal regulations

The *South Australian Health Commission (Recognised Hospital—Medicare Patients Fees) Regulations 2002* revoked the following:

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

### Principal regulations and variations

Year	No	Reference	Commencement
2002	168	<i>Gazette 29.8.2002 p3256</i>	1.9.2002: r 2
2003	152	<i>Gazette 19.6.2003 p2618</i>	1.7.2003: r 2
2003	217	<i>Gazette 30.10.2003 p3938</i>	1.11.2003: r 2
2004	141	<i>Gazette 1.7.2004 p2413</i>	1.7.2004: r 2
2005	142	<i>Gazette 23.6.2005 p1909</i>	1.7.2005: r 2
2006	90	<i>Gazette 15.6.2006 p1726</i>	1.7.2006: r 2
2007	10	<i>Gazette 15.2.2007 p519</i>	1.3.2007: r 2
2007	168	<i>Gazette 14.6.2007 p2616</i>	1.7.2007: r 2
2008	169	<i>Gazette 19.6.2008 p2401</i>	1.7.2008: r 2

## Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
r 1	substituted by 152/2003 r 4	1.9.2002
<i>rr 2 and 3</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.11.2003</i>
r 4		
r 4(1)		
outreach service	inserted by 217/2003 r 4(1)	1.11.2003
	substituted by 168/2007 r 4	1.7.2007
patient	varied by 217/2003 r 4(2)	1.11.2003
public	varied by 142/2005 r 4	1.7.2005
single room	inserted by 10/2007 r 4	1.3.2007
r 5		
r 5(1)	varied by 90/2006 r 4	1.7.2006
<i>Sch before substitution by 141/2004</i>		
<i>item 1</i>	<i>varied by 217/2003 r 5(1)</i>	<i>1.11.2003</i>
<i>item 2</i>	<i>varied by 152/2003 r 5(1)</i>	<i>1.7.2003</i>
	<i>varied by 217/2003 r 5(2)</i>	<i>1.11.2003</i>
<i>item 3</i>	<i>varied by 217/2003 r 5(3)</i>	<i>1.11.2003</i>
<i>item 4</i>	<i>varied by 152/2003 r 5(2)—(5)</i>	<i>1.7.2003</i>
	<i>varied by 217/2003 r 5(4)</i>	<i>1.11.2003</i>
<i>item 5</i>	<i>varied by 217/2003 r 5(5)</i>	<i>1.11.2003</i>
<i>item 6</i>	<i>varied by 217/2003 r 5(6)</i>	<i>1.11.2003</i>
<i>item 7</i>	<i>varied by 152/2003 r 5(6)</i>	<i>1.7.2003</i>
	<i>varied by 217/2003 r 5(7)</i>	<i>1.11.2003</i>
<i>item 8</i>	<i>inserted by 217/2003 r 5(8)</i>	<i>1.11.2003</i>
<i>Sch before substitution by 168/07</i>	<i>substituted by 141/2004 r 4</i>	<i>1.7.2004</i>
	<i>substituted by 142/2005 r 5</i>	<i>1.7.2005</i>
	<i>substituted by 90/2006 r 5</i>	<i>1.7.2006</i>
<i>item 2</i>	<i>substituted by 10/2007 r 5</i>	<i>1.3.2007</i>
Sch	substituted by 168/2007 r 5	1.7.2007

## Historical versions

1.11.2003  
 1.7.2004  
 1.7.2005  
 1.7.2006  
 1.3.2007