



Common form of undertaking Participating Optometrists

Sections 23A and 23B
Health Insurance Act 1973

For the purposes of section 23A of the *Health Insurance Act 1973* (the Act)

I,
*(full name in **block** letters)*

of
(address for correspondence)

being

- an optometrist registered to practise optometry in a State or Territory of Australia; or
- a person/s who employs optometrists to provide services in the course of the practice of their profession; or
- both of the above

(Choose one of the above options by marking a cross in the appropriate box)

who wishes to become a Participating Optometrist, hereby give the following undertaking to the Minister for Health and Ageing for and on behalf of the Commonwealth of Australia.

(Where this undertaking is made on behalf of a company or partnership which employs optometrists, it should be signed by a person who has the authority to make such undertakings on behalf of the company or, in the case of a partnership, by one of the partners on behalf of the partnership)

Introduction

1 The Minister has, pursuant to subsection 23A(1) of the Act, after consultation with Optometrists Association Australia, drawn up a common form of Undertaking to be given by an optometrist who wishes to become a Participating Optometrist. Definitions, interpretation and other formalities relating to this Undertaking are at Schedule 1.

2 Date on which an Undertaking comes into force

2.1 An Undertaking comes into force on the day on which it is accepted by the Minister.

3 Services to which this Undertaking relates

3.1 This Undertaking relates to any clinically relevant service ordinarily rendered by an optometrist in relation to consultation on ocular or vision problems, but does not include:

- (a) an attendance for the sole purpose of delivering a prescribed visual aid or appliance or adjusting or repairing such an aid or appliance;
- (b) an attendance for the purpose of filling a prescription written by another practitioner;
- (c) an attendance on behalf of teaching institutions on patients of supervised students of optometry;
- (d) an attendance by an optometrist on:
 - (i) any dependant of the Optometrist;
 - (ii) a practice partner of the Optometrist or any dependants of that partner;
 - (iii) an employer of the Optometrist or any dependants of that employer;
- (e) anything done or service provided at any premises other than those specified in this Undertaking.

4 Premises to which this Undertaking relates

4.1 Where this Undertaking is signed by a person/s who employs optometrists to provide services in the course of the practice of optometry, the premises to which this Undertaking relates are those:

- (a) specified in Schedule 2; and
- (b) any other premises at which a domiciliary visit is made.

5 Termination of Undertaking

5.1 This Undertaking shall continue to be in force until it is:

- (i) terminated by the Optometrist under subsection 23B(6) of the Act; or
- (ii) revoked by the Minister following a determination of fraudulent or inappropriate practice.

5.2 A Participating Optometrist may, at any time, terminate an Undertaking, either wholly or in so far as it covers particular premises, by serving, as prescribed, a notice of termination to the CEO, Medicare Australia, specifying a date of termination not earlier than 30 days after the day on which the notice is served.

Undertaking

6 Fees

- 6.1 I undertake to charge fees which do not exceed the Medicare Schedule fee for any service to which this Undertaking and a Medicare item apply, except in the case of:
- (i) a domiciliary visit where an additional fee per patient may apply, not exceeding the Medicare Schedule fee for Item 10900 less the domiciliary loading, so that the maximum total fee that may be charged is twice the fee for Item 10900 where a comprehensive consultation is provided and 1.5 times the fee for Item 10900 where a subsequent consultation is provided; and
 - (ii) a patient being billed an item 10907 attendance where an additional fee not exceeding an amount equal to the difference between the Medicare Schedule fee for item 10900 and item 10907 may apply. The appropriate fee for patient billing purposes in such cases should not exceed the Medicare Schedule fee for item 10900.
- 6.2 I undertake that when I charge an additional fee as specified in subclause 6.1(ii), I will inform the patient of the Medicare benefit payable for item 10907, at the time of the consultation, and that the additional fee will not attract benefits.
- 6.3 I undertake that I will obtain the patient's informed consent to the release of information to me if it is necessary for me to seek patient information from Medicare Australia in order to determine appropriate itemisation of accounts, receipts or bulk-billed claims.
- 6.4 I undertake that I will not include an amount that relates to a service to which this Undertaking and a Medicare item apply in any charge made for appliances.
- 6.5 I undertake that I will not include a fee for a visit made or a service provided which is not a service to which this Undertaking applies in any charge made in respect of a Medicare item.

7 Billing procedures

- 7.1 I undertake to issue a receipt, or an account and a receipt, as the case may require, for all attendances made by myself, or on my behalf, to which a Medicare item applies, except where an assignment of benefit is made in accordance with section 20A of the Act.
- 7.2 I undertake that any receipt or account issued as provided in subclause 7.1 will contain the details of:
- (a) any additional fee for a domiciliary visit where applicable (subclause 6.1(i));
 - (b) any additional fee in respect of Item 10907 (subclause 6.1(ii)); and
 - (c) the particulars prescribed in regulations made from time to time pursuant to subsection 19(6) of the Act.
- 7.3 I undertake that I will ensure that no fee is charged, nor an assignment of benefit made under section 20A of the Act for an attendance to which one of Items 10921-10930 inclusive relates before the date on which the patient takes delivery of the contact lenses.
- 7.4 I undertake that I will ensure that in respect of each service:
- (a) only one original of the receipt or account is issued; and
 - (b) where a duplicate receipt or account is issued it is clearly marked "duplicate".
- 7.5 I undertake that I will take all reasonable steps to ensure that all items are billed in accordance with this Undertaking and the appropriate Medicare items.
- 7.6 I undertake to accept the relevant Medicare benefit as full payment for the consultation where an assignment of benefit is made in accordance with section 20A of the Act. I accept that additional charges for that service (irrespective of the purpose or title of the charge) **cannot** be raised against the patient, including the special circumstances relating to domiciliary visits and consultations covered under Item 10907.

8 Referral

- 8.1 I undertake that I will ensure that a patient is referred to a medical practitioner when it becomes apparent to the Attending Optometrist that the condition of the patient is such that it would be more appropriate for treatment to be undertaken by a medical practitioner.
- 8.2 I undertake that I will refer patients to other optometrists solely on the basis of the clinical needs of the patient.

9 Prescriptions

- 9.1 I undertake that I will ensure that patients are informed that they are entitled to a copy of their spectacle prescription, and that they are free to have the prescribed spectacles dispensed by any person of their choice.
- 9.2 I undertake that I will ensure that where a contact lens prescription is prepared for the patient, the contact lens prescription is available to the patient at the completion of the prescription and fitting process.

10 Recalls

- 10.1 I undertake that any notice sent to a patient by me or on my behalf suggesting re-examination will be sent solely on the basis of the clinical needs of the patient.

11 Advertising

- 11.1 I undertake that I will not advertise or allow any person to advertise on my behalf in a manner that would lead to claims for Medicare benefits for services that are not Clinically Relevant Services as defined in the Act.

12 Notification of changes in practice details

- 12.1 I/we, as an employer of optometrists, undertake that in the event of a change in, or addition to, the details of the practice, as set out in Schedule 2, I/we will provide Medicare Australia with details of the change or addition within 28 days of the change or addition.

13 Supply of Information

- 13.1 I undertake to furnish to the Minister such information relating to the rendering of services by, or on behalf of, the Optometrist as is from time to time reasonably requested by the Minister.

Signature

Date

Name of Witness

(please use block letters)

Witness Signature

Schedule 1

Definitions, Interpretation and Other Formalities

1 Definitions

In this Undertaking:

- (a) “**Act**” means the *Health Insurance Act 1973*;
- (b) “**Attending Optometrist**” means an optometrist as defined in subsection 3(1) of the Act, who renders the service;
- (c) “**Clinically Relevant Service**” means a service rendered by an optometrist that is generally accepted in the optometrical profession as being necessary for the appropriate treatment of the patient to whom it is rendered;
- (d) “**Commonwealth**” means the Commonwealth of Australia;
- (e) “**Department of Health and Ageing**” means the Australian Government Department of Health and Ageing or, where the subject matter of the Undertaking is transferred to another Australian Government Department or Agency, that other Department or Agency;
- (f) “**Domiciliary Visit**” means a professional attendance to which an item in the General Medical Services Table relates, given at the request of patients, either at their place of residence or at a nursing home, hospital or other temporary place of residence of the patient;
- (g) “**General Medical Services Table**” means a table of medical services prescribed under section 4 of the Act in the Regulations, as varied from time to time;
- (h) “**Medicare benefit**” means a benefit payable by the Commonwealth in relation to a professional service to which Medicare item applies;
- (i) “**Medicare item**” means an item specified in the General Medical Services Table;
- (j) “**Medicare Schedule fee**” means a fee specified for a Medicare item;
- (k) “**Minister**” means the Minister responsible for administering the Department of Health and Ageing and includes:
 - (i) any other Minister of the Commonwealth of Australia who is for the time being acting for that Minister;
 - (ii) a person to whom the relevant powers or functions of the Minister are for the time being delegated;
- (l) “**Optometrist**” for the purposes of sections 23A and 23B of the Act, includes a person who employs optometrists to provide services in the course of the practice of their profession;
- (m) “**Participating Optometrist**” means an optometrist or other person in respect of whom there is in force an Undertaking given by that person and accepted by the Minister under section 23B of the Act;
- (n) “**Person**” includes a body politic or corporation as well as an individual;
- (o) “**Service**” means a professional service specified in a Medicare item that relates to an attendance by a Participating Optometrist;
- (p) “**Undertaking**” means this Common Form of Undertaking and any Schedules hereto as each may be amended from time to time.

2 Interpretation

In this Undertaking, unless contrary intention appears:

- (a) a reference to a clause refers to the relevant clause to this Undertaking;
- (b) a reference to a Schedule is to the relevant Schedule of this Undertaking and if a Schedule is at any time varied extends to the Schedule as so varied;
- (c) words in the singular include the plural and words in the plural include the singular;
- (d) the terms I and me refer to the company or the body corporate where a company or a body corporate is making an undertaking; and
- (e) words and expressions used in the Undertaking have the meaning given to them in Schedule 1 of the Undertaking and the Act.

3 Operation of Undertaking

If the Act or the Regulations are amended this Undertaking will be read as amended to comply with the then current form of the Act or Regulations.

Any amendments to the Undertaking will be notified in writing to the Optometrist within 28 days of their coming into force or on such earlier day specified by the Minister not being a day earlier than the day on which the amendment was received by Medicare Australia.

4 Variation of Undertaking

This Undertaking is subject to variation as provided in subsections 23A(3) and 23B(5) of the Act.

5 Notices

Any notice or other communication to the Optometrist under, or for the purpose of, this Undertaking by the Minister shall be deemed to have been duly given or made if it is in writing signed by or on behalf of the Minister or in the case of a delegate signed by that delegate and is sent by prepaid post addressed to the Optometrist at the address shown in Schedule 3 for the forwarding of notices or at such other address as is notified in writing, from time to time, by the Optometrist to the Minister or his delegate for that purpose.

Any notice, or other communication to the Minister under, or for the purpose of, this Undertaking by the Optometrist shall be deemed to have been duly given or made if it is in writing, signed by or on behalf of the Optometrist, addressed to the Minister and is served personally or by being sent by prepaid post, addressed to the Manager, Provider and Equipment Eligibility Section, Medicare Australia, PO Box 1001, Tuggeranong DC ACT 2901.

A notice, or other communication sent by post shall be deemed to have been received by the Optometrist or the Minister as the case may be, when it would have been delivered in the ordinary course of mail delivery.

Schedule 2

Premises to which this Undertaking relates

The premises specified for the purposes of this Undertaking are located at:

Address 1

Address 2

Address 3

Address 4

Please attach list of any additional premises to which this undertaking relates.

Schedule 3

Address for correspondence

Notices or other communications to the Optometrist relating to this Undertaking should be directed to:

Name & Address

Privacy Note: Information provided by you on this form will be used to assess your eligibility as a Participating Optometrist for the purpose of the Medicare program. The collection of this information is authorised by the *Health Insurance Act 1973* and may be disclosed to the Department of Health and Ageing, Department of Veterans' Affairs, Department of Human Services, private health funds and other approved organisations or as authorised or required by law.

Lodgement details

When completed your application may be posted to:

The Manager,
Provider & Equipment Eligibility Section
Medicare Australia
PO Box 1001
Tuggeranong DC ACT 2901

or

Your application can be sent by facsimile to: (02) 6124 7600

Where applications are faxed, you must fax it in its entirety (7 pages) and retain the original documents for auditing purposes.

Additional copies of this application can be obtained by downloading from the Medicare Australia web site

www.medicareaustralia.gov.au

or telephoning Provider Enquiries on 132 150.

In order for you to claim Medicare benefits, you must have completed an "Application for a provider number for an Optometrist" which is available from the Provider Liaison Section of any State office of Medicare Australia or can be downloaded from the Medicare Australia web site.

Provider Enquiries: Telephone 132 150 (9.00 am to 4.30 pm) or e-mail

medicare.prov@medicareaustralia.gov.au