



Australian Government

**Department of Health
and Aged Care**

ASKMBS ADVISORY

Updated May 2023

MBS telehealth ‘established clinical relationship’ requirement—clarification of exemptions

This information is accurate as of May 2023 and may change in response to circumstances.



MBS telehealth ‘Established clinical relationship’ requirement – Clarification of exemptions

As of **20 July 2020**, GPs, as well as other medical practitioners (OMPs) working in general practice, must only perform a Medicare Benefits Schedule (MBS) telehealth service where they have an established clinical relationship with the patient (see definition below). As outlined in this advisory, there are exemptions from this requirement for specific patient groups and MBS items.

The purpose of this advisory update is to note an extension to a temporary exemption category for telehealth (video) and phone consultations for patients who:

- do not meet the established clinical relationship requirement; and
- are eligible for Pharmaceutical Benefits Schedule (PBS) criteria for antiviral therapy; and
- who are experiencing acute respiratory symptoms; and
- are seeking a request to a private pathologist for Polymerase Chain Reaction (PCR) testing in relation to COVID-19.

This exemption was initially in place for the period **24 December 2022 to 31 March 2023**. It has now been extended until **31 December 2023**. The exemption will allow patients who meet these criteria to receive a telehealth or phone consultation for the purpose of seeking a request for an MBS PCR test. Where a treating practitioner considers a test for COVID-19 to be necessary for the clinical management of their patient, it should be explicitly stated in the request, including where testing for COVID-19 is requested alongside testing for other respiratory pathogens (e.g. "Respiratory virus PCR including COVID-19").

Definition of ‘established clinical relationship’

An ‘established clinical relationship’ is defined as:

- the medical practitioner who performs the service has provided a face-to-face service (that was billed to Medicare) to the patient in the last 12 months; or
- the medical practitioner who performs the service is located at a medical practice, and the patient has a face-to-face service arranged by that practice in the last 12 months. This can be a service performed by another doctor located at the practice, or a service performed by another health professional located at the practice (such as a practice nurse or Aboriginal and Torres Strait Islander health worker); or
- the medical practitioner who performs the service is a participant in the Approved Medical Deputising Service program, and the Approved Medical Deputising Service provider that employs the medical practitioner has a formal agreement with a medical practice that has provided at least one face-to-face service to the patient in the last 12 months.

Exemption status under specific scenarios

To assist practitioners in assessing a patient's exemption eligibility, the following examples are provided. Providers of Medicare services should www.mbsonline.gov.au for further developments. For further assistance, please contact askmbs@health.gov.au.

Scenario	Would this person be exempt?
Patient who has received a positive COVID-19 test result within the last 7 days, confirmed by either: <ul style="list-style-type: none"> laboratory testing (PCR); or a COVID-19 rapid antigen self-test (RAT) approved for supply in Australia by the Therapeutic Goods Administration. 	Yes (from 13 October 2022 to 31 December 2023)
Patient who is: <ul style="list-style-type: none"> eligible for Pharmaceutical Benefits Schedule (PBS) criteria for antiviral therapy; and experiencing acute respiratory symptoms; and seeking a request to a private pathologist for Polymerase Chain Reaction (PCR) testing in relation to COVID-19.	Yes (from 24 December 2022 until 31 December 2023)
Patient who has been tested for COVID-19 and is awaiting their result	No
Patient who has a chronic health condition/is immunocompromised	No
GP who has a chronic health condition/is immunocompromised i.e. exempt as a provider?	No

Specific Exemption Categories

Under legislation, the established clinical relationship requirement does not apply to:

- children under the age of 12 months;
- patients who are homeless;
- patients receiving an urgent after-hours (unsociable hours) service (under Subgroup 29 of MBS Group A40);
- patients who are seeking assistance with smoking cessation (under Subgroups 1, 2 and 3 of MBS Group A45); or
- patients of medical practitioners at an Aboriginal Medical Service or an Aboriginal Community Controlled Health Service; or
- people isolating because of a COVID-related State or Territory public health order, or in COVID-19 quarantine because of a State or Territory public health order (NB: This provision is retained in the regulation but is idle until activated by jurisdictions implementing relevant public health orders).

From **22 February 2022**, in response to catastrophic flooding, patients living in affected regions that have been identified by States and Territories will have unrestricted access to GP telehealth services. This will help patients maintain access to regular care if services

from their usual practice are not possible. As of **11 April 2022**, this definition was broadened, changing the specification of flood to 'natural disaster'.

From **1 July 2021**, an exemption applies to patients accessing specific MBS items for:

- blood borne viruses, sexual or reproductive health consultations (under Subgroups 39 and 40 of MBS Group A40); or
- pregnancy counselling services (under Subgroups 15 and 16 of MBS Group A40).

From **21 July 2021**, an exemption applies to patients accessing specific MBS items for:

- mental health planning and treatment services (focussed psychological strategies services under Subgroups 3, 10, 19 and 20 of Group A40);
- eating disorder planning and treatment services (under Subgroups 21, 25, 26, 27 and 28 of MBS Group A40); or
- items 93301, 93302, 93304, 93305, 93307, 93308, 93310, 93311, 93404 to 93411 and 93435 to 93442 (under MBS Groups A41 and A42).

From **13 October 2022 to 31 December 2023**, an exemption applies to patients who have received a positive COVID-19 test result within the last 7 days, confirmed by either:

- polymerase chain reaction (PCR) test; or
- a rapid antigen test (RAT) which has been approved for supply in Australia by the Therapeutic Goods Administration, including by self-test.

From **24 December 2022 until 31 December 2023**, an exemption applies to telehealth (video) and phone consultations for patients who:

- do not meet the established clinical relationship requirement; and
- are eligible for Pharmaceutical Benefits Schedule (PBS) criteria for antiviral therapy; and
- who are experiencing acute respiratory symptoms; and
- are seeking a request to a private pathologist for Polymerase Chain Reaction (PCR) testing in relation to COVID-19.

This exemption will allow patients who meet these criteria to receive a telehealth or phone consultation for the purpose of seeking a request for an MBS PCR test. Where a treating practitioner considers a test for COVID-19 to be necessary for the clinical management of their patient, it should be explicitly stated in the request, including where testing for COVID-19 is requested alongside testing for other respiratory pathogens (e.g. "Respiratory virus PCR including COVID-19").

Notes

Patients' exemption from normal established clinical relationship requirements for GP and OMP telehealth services in relation to natural disasters will be permanent. Critically, however, determination of eligibility rests a State or Territory's declaration of an affected local government area. Confirming and documenting that this declaration applies to the region the patient is in at the time of the service/s is a suggested requirement for a valid claim of the exemption.

A person who is experiencing homelessness means a person who does not have suitable accommodation alternatives. They are considered homeless if their current living arrangement:

- is in a dwelling that is inadequate; or
- has no tenure, or if their initial tenure is short and not extendable; or
- does not allow them to have control of, and access to, space for social relations.

Even if an established clinical relationship or exemption applies to a patient, MBS telehealth services are not available to admitted hospital patients.

A complete list of exempt items is in Attachment A.

There are no exemptions for specific providers or new practices. Patients seeking to maintain their access to telehealth services who have not received a face-to-face service in the past 12 months are encouraged to do so. The established clinical relationship requirement is to ensure patients continue to receive quality, ongoing care from a GP or OMP who knows their medical history and needs. The requirement responds to advice from medical experts, such as the Australian Medical Association and the Royal Australian College of General Practitioners.

Making a claim using an exemption to the established clinical relationship requirement

Note that record-keeping requirements for services claimed under an exemption from the established clinical relationship requirement must be consistent with long-standing Medicare rules requiring practitioners to maintain adequate and contemporaneous records, helping to ensure the integrity of Medicare payments. Practitioners using exemptions to claim Medicare telehealth services for patients who are not eligible based on the 'established clinical relationship' requirements, must record appropriate justifications.

For some criteria and services, the reason/s for an exemption will be straightforward and may already be in patient information held at the practice—for example, for patients aged under 12 months at the time of the service. In other cases, relevant information may be recorded in notes—for example, a record of a patient's positive pathology result for COVID-19 test, or their logging of their positive result from self-test with relevant authorities, would support an exemption on the basis that the patient has been diagnosed with COVID-19 recently.

Attachment A – MBS telehealth (video) and telephone items exempt from the ‘established clinical relationship’ requirement

Subject to specific item requirements, these items can be provided to any Medicare-eligible patient in any location in Australia. The corresponding face-to-face items have been included, where applicable, for reference. Some item descriptors have been truncated. Full item descriptors, Schedule fees, Medicare benefits and explanatory notes can be viewed by searching MBS Online for the item number at www.mbsonline.gov.au.

Group A40 – Telehealth and phone attendance services

Subgroup 3 (telehealth) & 10 (phone) – Focussed psychological strategies services

Service	Face-to-face items	Telehealth items via video conference	Telephone items
Focussed psychological strategies (FPS) treatment, lasting at least 30 minutes, but less than 40 minutes–GP	2721 & 2729	91818	91842
FPS treatment, at least 40 minutes–GP	2725 & 2731	91819	91843
Focussed psychological strategies (FPS) treatment, lasting at least 30 minutes, but less than 40 minutes–OMP	283 & 371	91820	91844
FPS treatment, at least 40 minutes–OMP	286 & 372	91821	91845

Subgroup 15 (telehealth) & 16 (phone) – GP pregnancy support counselling

Service	Face-to-face items	Telehealth items via video conference	Telephone items
Non-directive pregnancy support counselling, at least 20 minutes–GP	4001	92136	92138
Non-directive pregnancy support counselling of at least 20 minutes–OMP	792	92137	92139

Subgroup 19 (telehealth) & 20 (phone) – GP mental health treatment plans

Service	Face-to-face items	Telehealth items via video conference	Telephone items
GP without mental health skills training, preparation of a GP mental health treatment plan, lasting at least 20 minutes, but less than 40 minutes	2700	92112	
GP without mental health skills training, preparation of a GP mental health treatment plan, at least 40 minutes	2701	92113	
Review of a GP mental health treatment plan or psychiatrist assessment and management plan	2712	92114	92126
Mental health treatment consultation, at least 20 minutes	2713	92115	92127
GP with mental health skills training, preparation of a GP mental health treatment plan, lasting at least 20 minutes, but less than 40 minutes	2715	92116	
GP with mental health skills training, preparation of a GP mental health treatment plan, at least 40 minutes	2717	92117	
Medical practitioner without mental health skills training, preparation of a GP mental health treatment plan, lasting at least 20 minutes, but less than 40 minutes	276	92119	
Review of a GP mental health treatment plan or Psychiatrist Assessment and Management Plan	277	92120	92132
Medical practitioner mental health treatment consultation, at least 20 minutes	279	92121	92133
Medical practitioner with mental health skills training, preparation of a GP mental health treatment plan, lasting at least 20 minutes, but less than 40 minutes	281	92122	
Medical practitioner with mental health skills training, preparation of a GP mental health treatment plan, at least 40 minutes	282	92123	

Subgroup 21 – GP eating disorder treatment and management plan – Telehealth service

Service	Face-to-face items	Telehealth items via video conference	Telephone items
GP without mental health skills training, preparation of an eating disorder treatment and management plan, lasting at least 20 minutes, but less than 40 minutes	90250	92146	
GP without mental health skills training, preparation of an eating disorder treatment and management plan, at least 40 minutes	90251	92147	
GP with mental health skills training, preparation of an eating disorder treatment and management plan, lasting at least 20 minutes, but less than 40 minutes	90252	92148	
GP with mental health skills training, preparation of an eating disorder treatment and management plan, at least 40 minutes	90253	92149	
Medical practitioner without mental health skills training, preparation of an eating disorder treatment and management plan, lasting at least 20 minutes, but less than 40 minutes	90254	92150	
Medical practitioner without mental health skills training, preparation of an eating disorder treatment and management plan, at least 40 minutes	90255	92151	
Medical practitioner with mental health skills training, preparation of an eating disorder treatment and management plan, lasting at least 20 minutes, but less than 40 minutes	90256	92152	
Medical practitioner with mental health skills training, preparation of an eating disorder treatment and management plan, at least 40 minutes	90257	92152	
Medical practitioner with mental health skills training, preparation of a GP mental health treatment plan, at least 40 minutes	282	92123	

Subgroups 25 (telehealth) & 26 (phone) – Review of an eating disorder plan

Service	Face-to-face items	Telehealth items via video conference	Telephone items
Review of an eating disorder treatment and management plan	90264	92170	92176
Review of an eating disorder treatment and management plan	90265	92171	92177

Subgroups 27 (telehealth) & 28 (phone) – GP eating disorder focussed psychological strategies

Service	Face-to-face items	Telehealth items via video conference	Telephone items
Eating disorder psychological treatment (EDPT) service, lasting at least 30 minutes, but less than 40 minutes–GP	90271	92182	92194
EDPT service, at least 40 minutes–GP	90273	92184	92196
Eating disorders psychological treatment (EDPT) service, lasting at least 30 minutes, but less than 40 minutes–OMP	90275	92186	92198
EDPT service, at least 40 minutes–OMP	90277	92188	92200

Subgroup 29 – GP and other medical practitioner – Urgent after-hours service in unsociable hours – Telehealth service

Service	Face-to-face items	Telehealth items via video conference	Telephone items
Urgent attendance, unsociable after-hours–GP	599	92210	
Urgent attendance, unsociable after-hours–OMP	600	92211	

Subgroups 39 (telehealth) & 40 (phone) – GP sexual and reproductive health consultation

Service	Face-to-face items	Telehealth items via video conference	Telephone items
Professional attendance for the provision of services related to blood borne viruses, sexual or reproductive health by a general practitioner of not more than 5 minutes		92715	92731
Professional attendance for the provision of services related to blood borne viruses, sexual or reproductive health by a general practitioner of not more than 5 minutes		92716	92732
Professional attendance for the provision of services related to blood borne viruses, sexual or reproductive health by a general practitioner of not more than 5 minutes–Modified Monash 2-7 area		92717	92733
Professional attendance for the provision of services related to blood borne viruses, sexual or reproductive health by a general practitioner of more than 5 minutes in duration but not more than 20 minutes–GP		92718	92734
Professional attendance for the provision of services related to blood borne viruses, sexual or reproductive health by a general practitioner of more than 5 minutes in duration but not more than 20 minutes–OMP		92719	92735
Professional attendance for the provision of services related to blood borne viruses, sexual or reproductive health by a general practitioner of more than 5 minutes in duration but not more than 20 minutes. Modified Monash 2-7 area–OMP		92720	92736
Professional attendance for the provision of services related to blood borne viruses, sexual or reproductive health by a general practitioner of more than 20 minutes in duration but not more than 40 minutes–GP		92721	92737
Professional attendance for the provision of services related to blood borne viruses, sexual or reproductive health by a general practitioner of more than 20 minutes in duration but not more than 40 minutes–OMP		92722	92738
Professional attendance for the provision of services related to blood borne viruses, sexual or reproductive health by a general practitioner		92723	92739

Service	Face-to-face items	Telehealth items via video conference	Telephone items
of more than 20 minutes in duration but not more than 40 minutes. Modified Monash 2-7 area–OMP			
Professional attendance for the provision of services related to blood borne viruses, sexual or reproductive health by a general practitioner lasting at least 40 minutes in duration–GP		92724	92740
Professional attendance for the provision of services related to blood borne viruses, sexual or reproductive health by a general practitioner lasting at least 40 minutes in duration–OMP		92725	92741
Professional attendance for the provision of services related to blood borne viruses, sexual or reproductive health by a general practitioner lasting at least 40 minutes in duration. Modified Monash 2-7 area–OMP		92726	92742

Group A45 – Nicotine and smoking cessation counselling

Subgroups 1, 2 &3 – GP and OMP smoking cessation services

Service	Face-to-face items	Telehealth items via video-conference	Telephone items
Professional attendance for nicotine and smoking cessation counselling, care and advice by a general practitioner at consulting rooms lasting less than 20 minutes	93680	93690	93700
Professional attendance for nicotine and smoking cessation counselling, care and advice by a medical practitioner (not including a general practitioner, specialist or consultant physician) at consulting rooms lasting less than 20 minutes	93681	93691	93701
Professional attendance for nicotine and smoking cessation counselling, care and advice by a medical practitioner (not including a general practitioner, specialist or consultant physician) at consulting rooms, in an eligible area, lasting less than 20 minutes	93682	93692	93702

Service	Face-to-face items	Telehealth items via video-conference	Telephone items
Professional attendance for nicotine and smoking cessation counselling, care and advice by a general practitioner at consulting rooms lasting at least 20 minutes	93683	93693	93703
Professional attendance for nicotine and smoking cessation counselling, care and advice by a medical practitioner (not including a general practitioner, specialist or consultant physician) at consulting rooms lasting at least 20 minutes	93684	93694	93704
Professional attendance for nicotine and smoking cessation counselling, care and advice by a medical practitioner (not including a general practitioner, specialist or consultant physician) at consulting rooms, in an eligible area, lasting at least 20 minutes	93685	93695	93705