

**Claiming and Compliance under the Medicare  
Benefits Schedule: A Critical Examination of Medical  
Practitioner Experiences, Perceptions, Attitudes and  
Knowledge**

**by Margaret Annette Faux**

Thesis submitted in fulfilment of the requirements for  
the degree of

**Doctor of Philosophy**

under the supervision of Professor Jon Wardle and  
Professor Jon Adams

University of Technology Sydney  
Faculty of Health

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## **Certificate of original authorship**

I, Margaret Annette Faux declare that this thesis, is submitted in fulfilment of the requirements for the award of Doctor of Philosophy, in the Faculty of Health at the University of Technology Sydney.

This thesis is wholly my own work unless otherwise reference or acknowledged. In addition, I certify that all information sources and literature used are indicated in the thesis.

This document has not been submitted for qualifications at any other academic institution.

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Production Note:

Signature removed prior to publication.

**Margaret Faux**

July 2021

## **Abstract**

Medicare is Australia's taxpayer-funded universal health coverage system and the fourth-largest expenditure item in the federal budget. Leakage from Medicare caused by non-compliant medical billing is currently estimated at 5–15% of the scheme's total cost (\$1.2–\$3.6 billion annually). Despite the absence of evidence, this phenomenon is typically attributed to deliberate abuse by medical practitioners.

This unconscious bias may have its origins in a significant knowledge gap which this research investigates by examining the experiences, perceptions, attitudes, and knowledge of medical practitioners in relation to Medicare billing. The study is the first to examine the phenomenon of non-compliance from a legal, administrative and system perspective. Through a combination of quantitative and qualitative methods and a detailed doctrinal analysis of the regulatory layers of Medicare, a detailed understanding of compliance issues is presented as well as recommendations for reform.

The application of the Medicare Benefits Schedule was comprehensively examined, starting with its constitutional foundations and the Federal Government's overarching responsibility to account for public money. It was apparent that successive governments have continually tinkered with Medicare, often making misguided attempts at policy reform that have made the health payments system a morass of labyrinthine law that has become largely inaccessible and incomprehensible. This has led to rule of law problems, most notably in the areas of natural justice and the principle of legality. The research revealed a dearth of education on Medicare billing, and medical practitioners demonstrated low levels of legal literacy. Further, while legally liable for Medicare billing, medical practitioners were uninterested, preferring to delegate billing to third parties, many of whom may be significant contributors to non-compliance.

The research found that a principal cause of non-compliant Medicare billing in Australia is system issues, rather than deliberate abuse by medical practitioners. Medical practitioners have no choice but to try and comply with a complex system they cannot avoid, do not

understand, and feel powerless to change. Without reform, the government can expect no improvement in leakage, increased litigation and out-of-pocket costs for patients, and continued decreases in private health insurance uptake. Regulatory, educational, and digital reform are required urgently.

Findings from this research can assist policymakers to ensure the efficient delivery of health care services under the Australian Medicare scheme, as well as offering important learnings for other countries as they build the legal infrastructure for the health payment arrangements that will underpin their Universal Health Coverage systems.

## **Acknowledgments**

Eight years of work have drawn to a close and there are many people to thank. Firstly, my supervisors, the two Jons – Professors Jon Wardle and Jon Adams – whose sage advice, humour, support, and guidance throughout this long journey was immeasurable. Medical billing probably wasn't where they imagined their academic careers would take them!

Gratitude also to my academic colleagues in the UTS Faculty of Health for their support throughout my Doctoral research studies and to the wonderful Priya and Jules in the HDR office, both endlessly patient administrators, who were my (and everyone's) 'go to' people to keep on track with administrative requirements throughout this journey.

I would also like to acknowledge and thank Angelica Thompson-Butel and Simran Dahiya, who appreciated the importance of this topic and helped complete the two scientific sections, both as researchers and co-authors. Digital health expert, health informatician and clinical coder, Heather Grain, deserves special mention because without her insights I would not have obtained the clarity I needed about Australian hospital coding, all of the codes, clinical terminologies, and classifications in use around the world, and which code set should be used when and why. Heather also confirmed the accuracy of the ICD, ACHI, and SNOMED codes in Table 17. Thanks also to Lisa McPherson, who bounced reform ideas around with me for years and helped formulate the central health payment post office concept. I also wish to thank consumer law expert and legal colleague Delia Rickard, who let me steal her valuable time to discuss some of the consumer law aspects of this work, Stream Design for their brilliant work on the framework figures, and Harry Bruce, who delivered above the brief with his amazing cartoons, one of which encapsulates this thesis in a single image. My work colleagues live and breathe medical billing, and not only kept me updated on the unending barrage of MBS item number changes they were constantly grappling with, but also listened to ideas, helped with design, and quickly resolved IT issues.

To the many doctors and other professionals who gave of their valuable time to participate in the two scientific phases of this research, I cannot thank you enough. It was a great privilege

to have permission to record and report your actual lived experiences, which ensured this thesis would be robustly populated with evidence and facts. I have endeavoured to honour your stories and insights, and as one participant put it, 'do good' with this work. Our many 'off the record' conversations could fill another thesis.

To the silent army of colleagues who work in this niche space and know the realities on the ground, sincere thanks to those of you who reached out to me during this journey to share details of your actual experiences (such as the hospital versus home chemotherapy example), or ask whether I would be addressing this problem or that problem in my thesis. While the methodology and design of the project ultimately determined the scope and inclusions, I hope I have nonetheless given voice to at least some of your daily struggles navigating the Medicare maze. I know the stories presented here are just the tip of the iceberg.

I also acknowledge and thank professional thesis editor, Campbell Aitken who tightened and polished the text and was invaluable in drawing my attention to areas requiring clarification before submission. His work was performed in accordance with the Institute of Professional Editors' *Guidelines for editing research theses*.

Love and thanks to my adult children Claudette and Josef, who have proudly observed their mother work towards a PhD in her second half century, Joe even helping with searches and formatting here and there. Four-legged Chelsea deserves a mention because she never once left my side during the timespan of this project and had become an arthritic senior citizen by its end. And finally, my deepest love, thanks, and gratitude to my husband Steven, who read and re-read this work over and over, listened patiently, debated respectfully, shared thoughtful insights and helpful suggestions, while never letting the chocolate supplies dwindle. It's fair to say he is looking forward to a break from discussing Medicare 24/7 and is frankly deserving of a doctorate of his own as a #MedicarePhDsurviver!

## Publications and Presentations

### Publications forming part of this thesis

#### **Published**

1. *No payments, copayments and faux payments: are medical practitioners adequately equipped to manage Medicare claiming and compliance?* Margaret Faux, Jonathan Wardle and Jon Adams. Internal Medicine Journal 2015  
<https://doi.org/10.1111/imj.12665>
2. *Educational needs of medical practitioners about medical billing: a scoping review of the literature.* Faux, M., Adams, J. & Wardle, J. Educational needs of medical practitioners about medical billing: a scoping review of the literature. *Hum Resour Health* 19, 84 (2021). <https://doi.org/10.1186/s12960-021-00631-x>
3. *Who teaches medical billing? A national cross-sectional survey of Australian medical educational stakeholders.* Margaret Faux, Jonathan Wardle, Angelica G Thompson-Butel, Jon Adams. BMJ Open 2018 <https://bmjopen.bmj.com/content/8/7/e020712.abstract>
4. *Medicare billing, law and practice: complex, incomprehensible and beginning to unravel.* Margaret Faux, Jonathan Wardle and Jon Adams, Journal of Law and Medicine 2019  
<https://opus.lib.uts.edu.au/handle/10453/136958>
5. *Frenetic law making during the COVID-19 pandemic: the impact on doctors, patients and the Medicare system.* Margaret Faux. AUSPUBLAW (24 April 2020)  
<https://auspublaw.org/2020/04/frenetic-law-making-during-the-covid-19-pandemic-the-impact-on-doctors-patients-and-the-medicare-system>

#### **Submitted for publication and currently under review**

6. *Wading through molasses: a qualitative examination of the experiences, perceptions, attitudes and knowledge of Australian medical practitioners regarding medical billing.* Margaret Faux, Jon Adams, Simran Dahiya, Jon Wardle. Submitted to *PLoS One* in October 2020 and currently under review. Also available on medRxiv at this link  
<https://www.medrxiv.org/content/10.1101/2020.05.26.20113324v3>

[Production Note: Citation updates – This article has been accepted and published in *PLoS One* in January 2022]

View/Download: [Publisher's site](#)

## **Presentations arising from this work**

1. Australasian Institute of Digital Health, Digital Health Institute Summit, 6 November 2020. Presentation titled: *Integrated and automated billing and coding: How close are we to this health financing system utopia?*
2. The Law Society of New South Wales, Government Solicitors Week 2020, 7 September 2020. Panel member in a session titled: *Law-Making During COVID-19: The Impact on the Medicare System.*
3. Australian Hospitals and Healthcare Association. 10 Year Health Agreement Blueprint Roundtable held on 4 October 2017. Presentation titled: *The Constitutional Framework of the Australian Health System. Reform: What's possible and realistic?*
4. 15<sup>th</sup> World Congress of Public Health, 2017, Melbourne. Two separate presentations.
  - 1) *Educate or incarcerate? An Australian case study of a global problem, and*
  - 2) *Medicare and the Chamber of Secrets. Analyzing the legal and administrative complexities of Australian medical billing under Medicare*

## **Industry contributions associated with this thesis**

1. *Medicare365: Punting on Compliance.* Written by Margaret Faux. Published in the Medical Republic on 2 November 2021 and available at this link:  
<https://medicalrepublic.com.au/medicare365-punting-on-compliance/57177>
2. *When it comes to billing, doctors eat their young.* Written by Margaret Faux. Published in the Medical Republic on 20 October 2021 and available at this link:  
<https://medicalrepublic.com.au/when-it-comes-to-billing-doctors-eat-their-young/56178>
3. *Medical billing is full of reasonable doubts.* Written by Margaret Faux. Published in the Medical Republic on 5 October 2021 and available at this link:  
<https://medicalrepublic.com.au/medical-billing-is-full-of-reasonable-doubts/>
4. *Medicare: how it started, how it's going.* Written by Margaret Faux. Published in the Medical Republic on 21 September 2021 and available at this link:  
<https://medicalrepublic.com.au/medicare-how-it-started-how-its-going/54258>



5. *Why I did a PhD on Medicare claiming and compliance.* Written by Margaret Faux. Published in the Medical Republic on 7 September 2021 and available at this link: <https://medicalrepublic.com.au/why-i-did-a-phd-on-medicare-claiming-and-compliance/52891>
6. *Criminalising split medical bills? We are in la la land!* Written by Margaret Faux. Published on the Croakey health Blog on 18 August 2021 and available at this link: <https://www.croakey.org/criminalising-split-medical-bills-we-are-in-la-la-land>
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8. *Greg Hunt says nearly 90 per cent of people receive their GP services for free. Is he correct?* RMIT ABC Fact Check article posted on 22 July 2021. Principal researchers, David Campbell and Sonam Thomas, who sought opinion from and quoted Margaret Faux. Available at this link: <https://www.abc.net.au/news/2021-07-22/fact-check-greg-hunt-on-free-gp-services-medicare/100285282>
9. *GPs can charge anti-vaxxers private fees for fake consults, says health dept.* Australian Doctor News article published on 21 July 2021. The author, Geir O'Rourke sought opinion from and quoted Margaret Faux. Available at this link: <https://www.ausdoc.com.au/news/gps-can-charge-antivaxxers-private-fees-fake-consults-says-health-dept>
10. *Fatal wound for Medicare? New fees for dressings "herald the end of bulk-billing".* Written by Margaret Faux and Heather Grain. Published on the Croakey health Blog on 27 January 2021 and available at this link: <https://www.croakey.org/fatal-wound-for-medicare-new-fees-for-dressings-herald-the-end-of-bulk-billing/>
11. *Opinion: telehealth is not quite the colt from old Regret but it sure as hell has got away.* Written by Margaret Faux and Heather Grain. Published in Pulse+IT Magazine on 18 May 2020 and available at this link: <https://www.pulseitmagazine.com.au/australian->

[ehealth/5509-opinion-telehealth-is-not-quite-the-colt-from-old-regret-but-it-sure-as-hell-has-got-away](#)

12. *Hunt for the Man from SNOMED River* Written by Kate McDonald. Published in Pulse+IT Magazine on 22 May 2020 referencing the above opinion article and available at this link: <https://www.pulseitmagazine.com.au/blog/5518-hunt-for-the-man-from-snomed-river>
13. *Is forcing GPs to bulk-bill the Covid items legal?* Written by Margaret Faux. Published in Australian Doctor on 5 March 2020 and available at this link: <https://www.ausdoc.com.au/news/forcing-gps-bulkbill-mbs-telehealth-items-legal>
14. *Podcast: Ep56: Billing in Byzantium*. Pomegranate Health; the podcast from the Royal Australasian College of Physicians, 11 March 2020 and available at this link: <https://www.racp.edu.au/pomegranate/view/ep56-billing-in-byzantium>
15. *Government refuses to explain bulk-billing double standard for co-ops* Written by Geir O'Rourke for Australian Doctor on 9 September 2019. Margaret Faux quoted in the article explaining the legal issues. Available at this link: <https://synapsemedical.com.au/news/2019/09/11/racgp-takes-aim-at-co-op-membership-fees-in-return-for-bulk-billed-services/>
16. *Who's a Medicare expert? Anyone by law, no one in reality*. Written by Margaret Faux. Published in Australian Doctor on 16 July 2019 and available at this link: <https://www.ausdoc.com.au/opinion/whos-medicare-expert-anyone-law-no-one-reality>
17. *Medicare asking one million patients to hand-deliver cheques to pay doctors* Written by Geir O'Rourke. Margaret Faux is quoted in the article. Published in Australian Doctor on 1 July 2019 and available at this link: <https://www.ausdoc.com.au/news/medicare-asking-one-million-patients-handdeliver-cheques-pay-doctors>
18. *Health Minister Greg Hunt said the bulk-billing rate is up and fewer patients have costs when they see a GP. Is he correct?* RMIT ABC Fact Check article posted on 9 April 2019. Principal researcher, Ellen McCutchan, who sought opinion from and quoted Margaret Faux. Available at this link: <https://www.abc.net.au/news/2019-04-09/fact-check-greg-hunt-health-costs-half-baked/10980718>

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20. *“Unnecessary risk”: GPs dumped in Medicare muddle.* Written by Geir O’Rourke for Australian Doctor on 26 July 2018. The article referenced one of the publications included in this thesis - *Who teaches medical billing? A national cross-sectional survey of Australian medical educational stakeholders.* Available at this link:  
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22. *Healthcare’s out-of-pocket crisis* Written by Jennifer Doggett. Published in Inside Story (Current affairs & culture from Australia and Beyond) on 1 November 2018. Numerous quotations from Margaret Faux. Available at this link:  
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24. *As new study highlights financial burden on cancer patients, some ways forward on excessive healthcare costs?* Written by Margaret Faux. Published on the Croakey health Blog on 11 June 2018 and available at this link: <https://www.croakey.org/as-new-study-highlights-financial-burden-on-cancer-patients-some-ways-forward-on-excessive-healthcare-costs/>
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<https://www.croakey.org/lifting-the-lid-on-a-media-scandal-about-doctors-fees/>

26. *Shining some light on bulk billing and #OutOfPocket costs* Written by Margaret Faux. Published on the Croakey health Blog on 22 March 2018 and available at this link: <https://www.croakey.org/shining-some-light-on-bulk-billing-and-outofpocket-costs/>
27. *It's enough to make you swear: the complexities of medical billing and out of pocket costs* Written by Margaret Faux. Published on the Croakey health Blog on 20 February 2018 and available at this link: <https://www.croakey.org/its-enough-to-make-you-swear-the-complexities-of-medical-billing-and-out-of-pocket-costs/>
28. *'No-gap' does not guarantee there will be no gap* Written by Margaret Faux. Published on the Croakey health Blog on 31 January 2018 and available at this link: <https://www.croakey.org/no-gap-does-not-guarantee-there-will-be-no-gap/>
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30. *Private health Insurance: A look under the bonnet* Written by Margaret Faux. Published in The Health Advocate ( the official magazine of the Australian Healthcare and Hospitals Association) on 17 December 2017 and available at this link: [https://www.synapsemedical.com.au/wp-content/uploads/2017/12/Private Health Insurance A look under the bonnet.pdf](https://www.synapsemedical.com.au/wp-content/uploads/2017/12/Private_Health_Insurance_A_look_under_the_bonnet.pdf)
31. *Private health insurance policy: a dog's breakfast?* Written by Margaret Faux. Published on the Croakey health Blog on 21 September 2017 and available at this link: <https://www.croakey.org/private-health-insurance-policy-a-dogs-breakfast/>
32. *Behind the headlines on hospital waiting times lies a murky story about lack of structural accountability* Written by Margaret Faux. Published on the Croakey health Blog on 20 June 2017 and available at this link: <https://www.croakey.org/behind-the-headlines-on-hospital-waiting-times-lies-a-murky-story-about-lack-of-structural-accountability/>
33. *Increasing Medicare rebates in the bush will not reduce patient out of pocket costs. Here's why.* Written by Margaret Faux. Published on the Croakey health Blog on 20 January 2017 and available at this link: <https://www.croakey.org/increasing-medicare-rebates-in-the-bush-will-not-reduce-patient-out-of-pocket-costs-heres-why/>

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<https://www.abc.net.au/radionational/programs/latenightlive/tap-and-gone:outsourcing-medicare/7199578>
40. *Does Medicare Need Modernising?* ABC Overnights, radio interview aired on 27 January 2016 and available at this link:  
<https://www.abc.net.au/radio/programs/overnights/does-medicare-need-modernising/7724696>
41. *Let us break it down for you: How changes to Medicare could mean your pap smear costs more.* Written by Sarah-Jane Collins who sought opinion from and quoted Margaret Faux. Published in MamaMia on 21 January 2016 and available at this link:  
<https://www.mamamia.com.au/pap-smears-medicare>

42. *Take a look at the health professional behind your Medicare transaction. How knowledgeable are they about rebates?* 2SER 107.3 FM radio interview on 26 June 2015 and available at this link: <https://2ser.com/category/healthscienceandtech>
43. *Outsourcing Medicare: Will a ‘tap and go’ approach lead to Medicare being tapped and gone?* Written by Margaret Faux. Published on the Croakey health Blog on 17 February 2016 and available at this link: <https://www.croakey.org/outsourcing-medicare-will-a-tap-and-go-approach-lead-to-medicare-being-tapped-and-gone/>
44. *Outsourcing Medicare payments to private sector “beggars belief”:* expert Written by Kate McDonald. Published in Pulse+IT Magazine on 10 February 2016. Margaret Faux quoted throughout the article, which is available at this link: <https://www.pulseitmagazine.com.au/australian-ehealth/2900-outsourcing-medicare-payments-to-private-sector-beggars-belief-expert>
45. *Sussan Ley under fire over pathology comments* Written by Jane Lee. Published in the Sydney Morning Herald on 17 January 2017. Margaret Faux quoted throughout the article, which is available at this link: <https://www.smh.com.au/politics/federal/sussan-ley-under-fire-over-pathology-comments-20160117-gm7q4r.html>
46. *Pap smears and political amnesia* Written by Margaret Faux. Published on the Croakey health Blog on 12 January 2016 and available at this link: <https://www.croakey.org/pap-smears-and-political-amnesia/>
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[http://blogs.crikey.com.au/croakey/2014/09/09/outsourcing-medicare-is-it-as-easy-as-%CF%80/?wpmp\\_switcher=mobile](http://blogs.crikey.com.au/croakey/2014/09/09/outsourcing-medicare-is-it-as-easy-as-%CF%80/?wpmp_switcher=mobile)

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<http://blogs.crikey.com.au/croakey/2014/07/20/abbotts%E2%80%99-medicare-reforms-%E2%80%93-todays-crime-is-tomorrow%E2%80%99s-co-payment/>

52. *GP co-payments: Deregulation of the bulk billing market*. Written by Margaret Faux.

Published on Crikey on 10 July 2014 and available at this link:

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53. *Medicare co-payments: Has Tony Abbott closed Australia for (private health insurance) business?* Written by Margaret Faux. Published on Crikey on 3 July 2014 and available at this link:

<http://blogs.crikey.com.au/croakey/2014/06/24/medicare-co-payments-%E2%80%93-has-tony-abbott-closed-australia-for-business/>

54. *Seeking a Cure* Written by Margaret Faux. Published in The Private Practice Magazine on 3 April 2014 and available at this link:

<https://synapsemedical.com.au/news/2014/04/03/seeking-a-cure-the-private-practice-magazine/>

55. *Number Crunch* Written by Margaret Faux. Published in The Private Practice Magazine on 12 December 2013 and available at this link:

<https://synapsemedical.com.au/news/2013/12/12/number-crunch-the-private-practice-magazine/>

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<https://synapsemedical.com.au/news/2013/07/21/the-rules-on-referrals-the-private-practice-magazine/>
58. *Contract, Claiming and the Colon* Written by Margaret Faux. Published in The Private Practice Magazine on 21 July 2013 and available at this link:  
<https://synapsemedical.com.au/news/2013/04/05/contracts-claiming-and-the-colon-the-private-practice-magazine/>
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<https://synapsemedical.com.au/news/2012/12/09/claiming-on-consumables-the-private-practice-magazine/>
60. *Noteworthy* Written by Margaret Faux. Published in The Private Practice Magazine on 24 September 2012 and available at this link:  
<https://synapsemedical.com.au/news/2012/09/24/note-worthy-the-private-practice-magazine/>
61. *The cheque's in the mail: managing arrears and bad debt in private practice* Written by Margaret Faux. Published in The Private Practice Magazine on 24 September 2012 and available at this link: <https://synapsemedical.com.au/news/2012/08/31/the-cheques-in-the-mail-managing-arrears-and-bad-debt-in-private-practice/>
62. *Claiming Control* Written by Margaret Faux. Published in The Private Practice Magazine on 22 June 2012 and available at this link:  
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66. *Mind the gap, Medical Billing* Written by Margaret Faux. Published in The Private Practice Magazine on 6 September 2011 and available at this link:

<https://synapsemedical.com.au/news/2011/09/06/mind-the-gap-medical-billing-the-private-practice-magazine/>

67. *Myth Busting, Medical Billing* Written by Margaret Faux. Published in The Private Practice Magazine on 30 September 2010 and available at this link:

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## Statement from co-authors for jointly authored works forming part of this thesis

1. The co-authors of the paper ***No payments, copayments and faux payments: are medical practitioners adequately equipped to manage Medicare claiming and compliance?*** located in chapter 1, confirm that Margaret Faux made the following contribution:
  - Conception and design of the research
  - Analysis and interpretation of the findings
  - Writing of the manuscript and critical appraisal of the content
  
2. The co-authors of the paper ***Educational needs of medical practitioners about medical billing: a scoping review of the literature***, located in chapter 2, confirm that Margaret Faux made the following contribution:
  - Conception and design of the research
  - Conducted the searches and collected the data
  - Analysis and interpretation of the findings
  - Writing of the manuscript and critical appraisal of the content
  
3. The co-authors of the paper ***Medicare billing, law and practice: complex, incomprehensible and beginning to unravel***, located in chapter 4, confirm that Margaret Faux made the following contribution:
  - Conception and design of the research
  - Analysis and interpretation of the findings
  - Writing of the manuscript and critical appraisal of the content
  
4. The co-authors of the paper ***Who teaches medical billing? A national cross-sectional survey of Australian medical educational stakeholders***, located in chapter 5, confirm that Margaret Faux made the following contribution:
  - Conception and design of the research
  - Participated in collecting the data
  - Analysis and interpretation of the findings

- Writing of the manuscript and critical appraisal of the content
5. The co-authors of the paper ***Wading through molasses: a qualitative examination of the experiences, perceptions, attitudes and knowledge of Australian medical practitioners regarding medical billing***, located in chapter 6, confirm that Margaret Faux made the following contribution:
- Conception and design of the research
  - Collected the data
  - Analysis and interpretation of the findings
  - Writing of the manuscript and critical appraisal of the content

In addition to the statements above, Margaret Faux was the first author who led the development of all of the above works, and the corresponding author on all publications.

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Date:                        6 July 2021

As supervisor for the candidature upon which this thesis is based, I can confirm that the authorship attribution statements above are correct.

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   prior to publication.

Principal Supervisor

Date:                        6 July 2021

## Abbreviations and Acronyms

ABF	Activity-Based Funding
ACSQHC	Australian Commission on Safety and Quality in Health Care
ACCC	Australian Competition and Consumer Commission
ACHI	Australian Classification of Health Interventions
ACL	Australian Consumer Law ( <i>Competition and Consumer Act (Cwth) 2010</i> )
ADHA	Australian Digital Health Agency
AHPRA	Australian Health Practitioner Regulation Agency
ALJ	Administrative Law Judge
ALRC	Australian Law Reform Commission
AMA	Australian Medical Association
ANAO	Australian National Audit Office
ART	Assisted Reproductive Technology
ATO	Australian Taxation Office
BMA	British Medical Association
BRD	Beyond a Reasonable Doubt (the criminal law burden of proof)
CCAM	Classification Commune des Actes Médicaux (French medical billing codes)
CCC	Civil Conscription Caveat
CMS	Centre for Medicare and Medicaid Services
CPD	Continuing professional development
CPT	Current Procedural Terminology (U.S billing codes used for outpatients)
CTP	Compulsory Third Party (Insurance)
DIMSR	Diagnostic Imaging Multiple Service Rules
DOH	Department of Health
DPP	Department of Public Prosecutions
DVA	Department of Veterans Affairs
ECG	Electrocardiogram
ECLIPSE	Electronic Claim Lodgement and Information Processing Service Environment
ED	Emergency Department

ENT	Ear, Nose and Throat
FFS	Fee-For-Service
FTE	Full Time Equivalent (referring to salaried employees)
GDLP	Graduate Diploma of Legal Practice
GP	General Practitioner/s
HCPCS	The Healthcare Common Procedure Coding System (more U.S. billing codes)
HFLP	Health Financing Law and Practice
HIA	<i>Health Insurance Act (Cwth) 1973</i>
HIC	Health Insurance Commission
HIMAA	Health Information Management Association of Australia
HIPPO	Health Industry Payment Post Office
HITH	Hospital in the Home
HHBG	Honeysuckle Health Buying Group
HST	Hospital Substitute Treatment
ICD	International Classification of Disease Codes
IFC	Informed Financial Consent
IHPA	Independent Hospitals Pricing Authority
JCPAA	Joint Committee of Public Accounts and Audit
MBAC	Medicare Benefits Advisory Committee
MBS	Medicare Benefits Schedule
MBSRT	MBS Review Taskforce
MDO	Medical Defence Organisation/s
MP	Medical Practitioner/s
MPPA	Medical Purchaser Provider Agreement
MRCA	<i>Military Rehabilitation and Compensation Act (Cwth) 2004</i>
MSAC	Medicare Services Advisory Committee
MSCI	Medical Services Committees of Inquiry
NCA	National Commission of Audit
NHRA	National Health Reform Agreement
NSW	New South Wales

OECD	The Organisation for Economic Co-operation and Development
OHIP	Ontario Health Insurance Plan (Canadian medical billing codes)
OOP	Out-of-Pocket (medical expense/s)
OPD	Outpatient Department/s
PBA	<i>Pharmaceutical Benefits Act 1944</i>
PBS	Pharmaceutical Benefits Scheme
PGPA	<i>Public Governance, Performance and Accountability Act (Cwth) 2013</i>
PHI	Private Health Insur/er/ers/ance
PSR	Professional Services Review Agency
PUR	Person Under Review
RACGP	Royal Australian College of General Practitioners
RACP	Royal Australasian College of Physicians
RMBA	Registered Medical Billing Agent/s
RN	Registered Nurse
ROPP	Right of Private Practice
RVG	Relative Value Guide
SIRA	State Insurance Regulatory Authority (NSW)
SMO	Salaried Medical Officer/s
SNOMED-CT	Systematized Nomenclature of Medicine Clinical Terms
SSCSDL	Senate Standing Committee for the Scrutiny of Delegated Legislation
UHC	Universal Health Coverage
UN	United Nations
VBC	Value-Based Care
VEA	<i>Veterans Entitlements Act (Cwth) 1986</i>
VMO	Visiting Medical Officer
VR	Vocationally Registered (referring to GPs with specialist qualifications)
WC	Workers Compensation
WHO	World Health Organization

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## Dedication

*“Walking on Eyre”*

This PhD is dedicated to geologist, pioneer, educator, and writer Terry Krieg, who was only satisfied once he had looked under every rock, and inspired in me the same spirit of exploration.

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## Preface

On 16 January 2012, the *Medical Journal of Australia* published an opinion piece by the former Director of the Medicare watchdog, the Professional Services Review Agency, titled '**What is wrong with Medicare?**' (Webber 2012) The article alleged doctors rorting Medicare was costing taxpayers \$2–3 billion per annum. It attracted intense media coverage and was the catalyst for what became this, my PhD.

For many years, I had perceived there was a growing problem with Medicare that no one was talking about, which was the antithesis of rorting and more complex and nuanced than the media could understand. I had been administering Australian medical billing since Medicare began, had worked in the system as a registered nurse, and by 2012 had had one too many conversations seeking clarity on some important aspect of Medicare billing that no one could answer, including Medicare.

Medicare is a system of laws. If as a lawyer, I was finding it difficult to navigate and understand, how on earth were doctors meant to manage? Yet everyone seemed to believe the problem of Medicare leakage lay squarely at the feet of dishonest doctors. It was beginning to feel like a rusted-on Medicare version of *The Emperor's New Clothes*, with collective denial about the facts in front of us. So, I embarked on a journey to find out whether doctors were really all out there deliberately rorting Medicare, or whether something else was going on.

I administer health financing transactions, in many countries, for a living. I therefore occupy a unique position of not having to imagine what might go wrong if the regulatory structure of a health payment system becomes byzantine. Consequently, *all* examples in this thesis are real, having been drawn from actual cases, but anonymised to protect the innocent. Therefore, where I have suggested something *may* happen, it *has* happened during my lived experiences of processing Australian medical bills for over 30 years.

I hope policymakers will therefore read the detail in this work, because it may assist them to completely rethink Medicare compliance and understand that Australian doctors actually want to comply.

Medicare is loved by Australians, and I believe it is a masterpiece worth preserving.