

## **Section 19AB of the *Health Insurance Act 1973***

### ***Purpose***

The purpose of this fact sheet is to provide a simplistic overview of detailed information that may relate to your restrictions under section 19AB of the *Health Insurance Act 1973* (the Act). Should you have a specific issue for discussion, please submit your enquiry to the Workforce Regulation Section's email at: 19AB@health.gov.au.

### ***What is section 19AB of the Act?***

Section 19AB of the Act restricts access to Medicare provider numbers and requires overseas trained doctors to work in a district of workforce shortage (DWS) for a minimum period of ten years in order to access the Medicare benefits arrangements.

***Overseas trained doctor:*** means a person whose primary medical qualification was not obtained from a medical school located in Australia.

***Former overseas medical student*** means a person:

- (a) whose primary medical qualification was obtained from a medical school located in Australia; and
- (b) who was not a permanent resident or an Australian citizen when he or she first enrolled at a medical school located in Australia.

***New Zealand permanent resident and/or citizen*** means you are considered to be a temporary resident of Australia under the *Migration Act 1958*. A medical practitioner whose primary medical qualification is from a medical school located in New Zealand is also considered to be an overseas trained doctor under the Act.

This is an issue that can be very confusing for New Zealanders as the *Citizenship Act 1948* gives New Zealanders access to many of the same rights as Australian citizens and permanent residents.

***How do I know if I am an overseas trained doctor or former overseas medical student to which section 19AB of the Act applies?***

**If you are:**

- (a) an overseas trained doctor; or
- (b) a New Zealand citizen or permanent resident; or
- (c) a former overseas medical student (a temporary resident when you first enrolled in medical school in Australia); and
- (d) were first registered with an Australian State or Territory medical board on or after 1 January 1997

then you are considered restricted by section 19AB of the Act.

### ***How is section 19AB of the Act assessed?***

The Act sets out the basic tests to determine whether a doctor is restricted by section 19AB of the Act.

**1. If you are:**

- (a) an overseas trained doctor; or
- (b) a former overseas medical student who gained their first medical registration before 1 January 1997; and
- (c) you applied to the Australian Medical Council (AMC) before 1 January 1997 and you were eligible to sit the AMC exam

then you **may not** be subject to the restrictions associated with section 19AB of the Act. However, for a formal assessment, you must supply Medicare Australia with a copy of the AMC letter acknowledging receipt of your application and eligibility to sit the exam.

**2. If you are:**

- (a) an overseas trained doctor; or
- (b) a former overseas medical student who gained their first medical registration on or after 1 January 1997

then you are considered restricted by section 19AB of the Act for a minimum period of ten years from the date of your first medical registration or the date you became a permanent resident/citizen of Australia, whichever date is the later.

**3. If you are:**

- (a) an overseas trained doctor; or
- (b) a former overseas medical student who gained their first medical registration on or after 18 October 2001

then you are considered restricted by section 19AB of the Act for a minimum period of ten years from the date you achieved **both** medical registration and permanent residency/citizenship of Australia.

### ***What is the “ten year moratorium”?***

This is the short hand name that is frequently applied to the restrictions under section 19AB of the Act.

### ***If section 19AB of the Act applies to me, how do I gain access to the Medicare benefits arrangements?***

You will need to apply for a section 19AB exemption which is approved by the Department of Health and Ageing. To do this, you will need to apply for a Medicare provider number from Medicare Australia who will apply to the Department for a section 19AB exemption on your behalf.

Application forms for Medicare provider numbers (for medical practitioners) are available online at the following website:

[www.medicareaustralia.gov.au/provider/pubs/medicare-forms/index.shtml](http://www.medicareaustralia.gov.au/provider/pubs/medicare-forms/index.shtml)

***Contact information***

**Department of Health and Ageing**

Workforce Regulation Section

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or

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