

EXPLANATORY STATEMENT

INSTRUMENT NUMBER PB 13 OF 2011

NATIONAL HEALTH ACT 1953

SUBSECTION 99AAA(8)

Amendment Rules under subsection 99AAA(8) 2011 (No.1)

Purpose

These Amendment Rules are made pursuant to subsection 99AAA(8) of the *National Health Act 1953* (the Act) and amend the *Rules under subsection 99AAA(8)* (PB 49 of 2008) (“the Rules”) concerning claims for payment in relation to supply of pharmaceutical benefits.

Background

Subsection 99AAA(8) of the Act provides that the Minister must make Rules:

- defining the procedures to be followed by approved suppliers in making claims for payment in relation to the supply of pharmaceutical benefits;
- specifying the information to be given to the Secretary by approved suppliers in relation to the supply by them of pharmaceutical benefits;
- defining the procedures to be followed by approved suppliers in providing information by electronic means to the Secretary in relation to the supply by them of pharmaceutical benefits; and
- defining the procedures to be followed by the Secretary in processing and determining claims by approved suppliers relating to supply of pharmaceutical benefits and making payments.

Details of this Instrument

The Amendment Rules update a cross-reference appearing in the Rules to the determination made under paragraph 98B(1)(a) of the Act (Commonwealth price for pharmaceutical benefits supplied by approved pharmacists). The amendments ensure that all cross-references in the Rules to certain topics dealt with in the 98B(1)(a) determination work correctly by replacing an out of date reference to a paragraph number in the previous 98B(1)(a) determination with the reference to the correct section number in the current 98B(1)(a) determination.

The Amendment Rules also replace a reference to ‘doctor’s bag order forms’ with a reference to ‘emergency drug supply forms’. It is not necessary for the medicines supplied in this manner to be placed in a ‘bag’ and this form of supply is no longer limited to doctors – hence the replacement phrase ‘emergency drug supply form’.

The phrases ‘doctor’s bag form’ and ‘emergency drug supply form’ relate to the capacity in the Act for medical practitioners, and since 1 November 2010, authorised

nurse practitioners and authorised midwives, to supply certain determined pharmaceutical benefits to patients for treatment, pursuant to section 93 (medical practitioners) and section 93AA (authorised nurse practitioners and authorised midwives). On 1 November 2010, authorised nurse practitioners had pharmaceutical benefits determined for the purpose of section 93AA.

The Amendment Rules also replace one reference to ‘prescriber’ with ‘PBS prescriber’ as this is the correct term that is defined in the Act.

The amendments in this instrument were contained in the previous amendment to the Rules (the *Amendment Rules under subsection 99AAA(8) 2010 (No.1)* (“PB 113 of 2010”)) which commenced on 1 December 2010. However, due to typographical errors in that instrument, these particular amendments had no legal effect and were required to be remade. All other amendments made by PB 113 of 2010 took effect on 1 December 2010.

Consultation

The amendments contained in this legislative instrument are minor and machinery in nature and do not substantially alter existing arrangements.

General

This legislative instrument commences on the day after registration on the Federal Register of Legislative Instruments.

This determination is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.