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Statutory Rules 1983 No. 1

102/

National Health (Pharmaceutical Benefits) Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and in pursuance of section 4 of the *Acts Interpretation Act 1901*, hereby make the following Regulations under the *National Health Act 1953*.

Dated 13 July 1983.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

(Sgd) Neal Blewett

Minister of State for Health

Principal Regulations

1. In these Regulations, "Principal Regulations" means the National Health (Pharmaceutical Benefits) Regulations.

Interpretation

2. Regulation 5 of the Principal Regulations is amended —

- (a) by inserting after the definition of "approved pharmaceutical chemist" in sub-regulation (1) the following definitions:
 - "'concessional beneficiary' has the same meaning as in Part VII of the Act;
 - 'dependant', in relation to a concessional beneficiary, has the same meaning as in Part VII of the Act;"; and
- (b) by omitting from sub-regulation (1) the definition of "declaration".

3. After regulation 19 of the Principal Regulations the following regulation is inserted:

Information, &c., prescribed for the purposes of sub-section 84AA (1) and (2) of the Act

“19A. (1) For the purposes of sub-section 84AA (1) and (2) of the Act, the following information is prescribed:

- (a) in relation to a person who is a concessional beneficiary—
 - (i) information that the person is the holder of a card known as a Health Care Card, or of a card known as a Pharmaceutical Benefits Concession Card, issued to the person by the Commonwealth; and
 - (ii) the number specified on the card so held by the person as being an entitlement number (however described) in relation to the person;
- (b) in relation to a person who is a pensioner—
 - (i) information that the person is the holder of a card known as a Health Benefits Card, or of a card known as a Pensioner Health Benefits Card, issued to the person by the Commonwealth; and
 - (ii) the number specified on the card so held by the person as being an entitlement number (however described) in relation to the person;
- (c) in relation to a person who is a dependant of a concessional beneficiary or of a pensioner—
 - (i) information that the person is named as a dependant of the concessional beneficiary or pensioner, or is the child or one of the children referred to in relation to the concessional beneficiary or pensioner, on a card held by the concessional beneficiary or pensioner, being a card referred to in sub-paragraph (a) (i) or (b) (i) (as the case may be); and
 - (ii) the number specified on that card as being an entitlement number (however described) in relation to the person.

“(2) For the purposes of sub-section 84AA (1) of the Act, prescribed information shall be written or marked on a prescription by making—

- (a) in accordance with the Form in Schedule 7, provision on the face of the prescription for the supply of that information; or
- (b) where the Minister has, by notice in writing published in the *Gazette*, given his consent to that effect—an endorsement on the prescription in a form that, immediately before the commencement of this regulation, was a prescribed form for the purposes of section 84AA of the Act as then in force,

and inserting—

- (c) in the case of information that the person to whom the prescription relates—
 - (i) is the holder of a card of a kind referred to in sub-paragraph (1) (a) (i); or
 - (ii) is named as a dependant of a concessional beneficiary, or is the child or one of the children referred to in relation to the

- concessional beneficiary, on a card of a kind referred to in that sub-paragraph that is held by the concessional beneficiary,
a tick or a cross in the square provided on the prescription for the supply of such information in relation to a card of that kind;
- (d) in the case of information that the person to whom the prescription relates—
- (i) is the holder of a card of a kind referred to in sub-paragraph (1) (b) (i); or
 - (ii) is named as a dependant of a pensioner, or is the child or one of the children referred to in relation to the pensioner, on a card of a kind referred to in that sub-paragraph that is held by the pensioner,
a tick or a cross in the square provided on the prescription for the supply of such information in relation to a card of that kind; or
- (e) in a case where the information is the entitlement number referred to in sub-paragraph (1) (a) (ii), (1) (b) (ii) or (1) (c) (ii) (as the case may be) in relation to the person to whom the prescription relates—the letters and digits forming that number, in the appropriate sequence, in the squares provided on the prescription for the supply of such information.

“(3) For the purposes of sub-section 84AA (2) of the Act, prescribed information shall be communicated to a pharmaceutical chemist orally or in writing.”.

Repeat authorizations

4. Regulation 26 of the Principal Regulations is amended by omitting from paragraph (1) (d) “in the declaration”.

Deferred supply authorization

5. Regulation 26A of the Principal Regulations is amended by omitting from paragraph (2) (c) “in the declaration”.

Receipts

6. Regulation 31 of the Principal Regulations is amended by inserting after sub-regulation (1A) the following sub-regulation:

“(1B) Where, in accordance with sub-regulation (1A), a person signs a receipt for a pharmaceutical benefit on an appropriate document that is a concessional benefit prescription or a pensioner benefit prescription, the person shall, under the same signature, give a certificate to the effect that the document does not contain any information relating to the status of the person to whom the document relates as a concessional beneficiary, a dependant of a concessional beneficiary, a pensioner or a dependant of a pensioner that is, to his knowledge, false or misleading in a material particular.”.

Schedule 7

7. The Principal Regulations are amended by adding at the end thereof the following Schedule:

SCHEDULE 7

Sub-regulation 19A (2)

FORM FOR THE SUPPLY ON PRESCRIPTIONS OF INFORMATION REGARDING
THE STATUS OF PATIENTS AS PENSIONERS, &C.

Entitlement Number for Free or Concessional Pharmaceutical Benefits

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C ☐ Health Care Card
Pharmaceutical Benefits
Concession Card

P ☐ Health Benefits Card
Pensioner Health
Benefits Card

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 1 1983.
2. Statutory Rules 1960 No. 17 as amended to date. For previous amendments *see* Note 2 to Statutory Rules 1983 No. 28 and *see also* Statutory Rules 1983 No. 28.

15 July