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Statutory Rules 1988 No. 1

56/

National Health (Pharmaceutical Benefits) Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting
with the advice of the Federal Executive Council, hereby make the following
Regulations under the *National Health Act 1953*.

Dated 21 April 1988.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

Peter Staples
Minister of State for Housing
and Aged Care

Commencement

1. These Regulations commence on 1 May 1988.

Principal Regulations

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

Interpretation

3. Regulation 5 of the Principal Regulations is amended by inserting in
subregulation (1) after the definition of "approved pharmacist" the following
definition:

"'authorised prescription' means a prescription that prescribes a
pharmaceutical benefit and:

(a) is signed under subregulation 13 (3) or written under that
subregulation; or

- (b) is written in circumstances specified by the Minister under subsection 85 (2A) of the Act as the circumstances in which the writing of a prescription for the supply of a pharmaceutical benefit is to be authorised under Part VII of the Act.”.

4. Regulation 13 of the Principal Regulations is repealed and the following regulation substituted:

Variation of application of determination of maximum number of repeats or maximum number or quantity of units

“13. (1) For the purposes of subsection 85A (3) of the Act, the Minister is authorised to vary, in accordance with subregulation (3), in relation to a person included in the class of persons to whom this regulation applies, the application of the determinations in force under paragraph 85A (2) (a) or (b) of the Act.

“(2) This regulation applies to persons in respect of whom a medical practitioner submits to the Secretary on an authorisation request form approved by the Secretary a prescription that is not in accordance with the determinations in force under paragraph 85A (2) (a) or (b) of the Act.

“(3) A variation under subregulation (1) in relation to a person may be made by the Minister signing his or her authorisation of a prescription in respect of that person referred to in subregulation (2) on that prescription or by the Minister signing a form of authority to prescribe, setting out:

- (a) the quantity or number of units of a pharmaceutical benefit that may be directed to be supplied; and
- (b) the number of occasions on which the supply of that pharmaceutical benefit may be directed to be repeated;

by the medical practitioner referred to in subregulation (2) in a prescription written on that form in respect of that person.

Writing of prescriptions

5. Regulation 19 of the Principal Regulations is amended:

- (a) by omitting from paragraph (1) (a) “at the top of” and substituting “on”; and
- (b) by omitting from subregulation (1A) “A prescription that is written upon an authority issued in pursuance of regulation 13 or by the Secretary” and substituting “An authorised prescription”.

6. After regulation 19A of the Principal Regulations, the following regulation is inserted:

Restriction on using NHS forms

“19B. A person shall not write a prescription on a form bearing the letters “NHS” or “N.H.S.” unless:

- (a) the prescription is written in accordance with, or for a purpose authorised by, these Regulations; or

- (b) the letters “NHS” or “N.H.S.” (as the case may be) have been clearly struck out, or obliterated.

Penalty: \$40.”.

Supply of pharmaceutical benefits before surrender of written prescription

7. Regulation 22 of the Principal Regulations is amended:

- (a) by omitting paragraphs (2) (b) and (c) and substituting the following word and paragraph:

“and (b) the medical practitioner informs an approved pharmacist or approved medical practitioner that the first-named medical practitioner has been notified by the Secretary, by oral or other means, that the written authority will be given;” and

- (b) by omitting from subregulation (4) “numbered” and substituting “written”.

Repeat authorisations

8. Regulation 26 of the Principal Regulations is amended:

- (a) by omitting from paragraph (1) (e) “upon an authority issued in respect of the pharmaceutical benefit under regulation 13 or by the Secretary—mark the number of that authority” and substituting “on an authorised prescription—mark the number of that prescription”;
- (b) by omitting from paragraph (1) (f) “, together with any numbered authority referred to in paragraph (e),”; and
- (c) by omitting paragraph (2) (c).

Consequential and minor amendments

9. The Principal Regulations are further amended as set out in the Schedule.

SCHEDULE

Regulation 9

FURTHER AMENDMENTS OF NATIONAL HEALTH (PHARMACEUTICAL BENEFITS) REGULATIONS

1. The Principal Regulations are amended by omitting from each of the following provisions “a prescription written upon an authority issued in pursuance of regulation 13 or by the Secretary” (wherever occurring) and substituting “an authorised prescription”:

Subregulations 19 (1), 21 (1), (2) and (3) and 23 (1) and (2); paragraphs 31 (1) (a) and (b).

2. The Principal Regulations are amended by omitting from each of the following provisions “Permanent Head” (wherever occurring) and substituting “Secretary”:

Regulation 8; subregulation 8A (1); regulation 16; subregulations 18A (2) and (4); paragraph 19 (1) (a); subregulation 22 (4); paragraphs 26 (1) (a) and 26A (2) (a); subregulation 27 (1); regulation 34; subregulation 37 (1).

SCHEDULE—continued

3. The Principal Regulations are amended by omitting from each of the following provisions “the authority” (wherever occurring) and substituting “the authorised prescription”:

Paragraphs 21 (2) (a), (b) and (c) and (3) (a), (b) and (c).

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 1 1988. 29 April
2. Statutory Rules 1960 No. 17 as amended by 1960 Nos. 90 and 102; 1961 Nos. 59 and 137; 1962 Nos. 34, 101 and 114; 1963 Nos. 34, 69 and 107; 1964 Nos. 12, 57 and 135; 1965 Nos. 51, 151 and 152; 1966 Nos. 80 and 144; 1967 Nos. 67, 116 and 158; 1968 Nos. 44, 76, 88 and 146; 1969 Nos. 44, 107 and 185; 1970 Nos. 39, 94, 119 and 186; 1971 Nos. 44, 101, 136 and 154; 1972 Nos. 32, 121 and 205; 1973 Nos. 15, 57, 139 and 229; 1974 Nos. 37, 126 and 222; 1975 Nos. 50, 148 and 209; 1976 Nos. 84, 150, 195 and 255; 1977 Nos. 39, 125 and 221; 1978 Nos. 47, 142, 153 and 245; 1979 Nos. 51, 55, 144 and 250; 1980 Nos. 69, 213 and 338; 1981 Nos. 52, 212, 218 and 345; 1982 Nos. 69, 76, 179, 334 and 372; 1983 Nos. 28, 102, 116 and 292; 1984 Nos. 50, 148, 169 and 342; 1985 Nos. 32, 184 and 320; 1986 Nos. 38, 194, 319, 320 and 391; 1987 Nos. 47, 262 and 279.