

National Health (Commonwealth Price) (Pharmaceutical Benefits Supplied by Approved Pharmacists) Consequential Amendments Determination 2020

We, the members constituting the Pharmaceutical Benefits Remuneration Tribunal, make the following determination.

Dated 22 January 2020

|  |  |  |
| --- | --- | --- |
| Deputy PresidentAbbeygail Beaumont | Dr Shaun Larkin | Ms Wendy Phillips |
| Chairperson | Member | Member |

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

Schedule 1—Amendments 2

Commonwealth price (Pharmaceutical benefits supplied by approved pharmacists) Determination 2015 2

1 Name

 This instrument is the *National Health (Commonwealth Price) (Pharmaceutical Benefits Supplied by Approved Pharmacists) Consequential Amendments Determination 2020*.

2 Commencement

 (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | 1 February 2020. | 1 February 2020 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

 (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

 This instrument is made under paragraph 98B(1)(a) of the *National Health Act 1953*.

4 Schedules

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Commonwealth price (Pharmaceutical benefits supplied by approved pharmacists) Determination 2015

1 Subsection 6(1) (paragraph (a) of the definition of *dangerous drug*)

Omit “*Determination under paragraph 98C(1)(b) of the Act*”, substitute “*National Health (Commonwealth Price and Conditions for Commonwealth Payments for Supply of Pharmaceutical Benefits) Determination 2019*”.

2 Subsection 6(1) (definition of *standard formula preparation*)

Omit “*Determination under paragraph 98C(1)(b) of the National Health Act 1953*”, substitute “*National Health (Commonwealth Price and Conditions for Commonwealth Payments for Supply of Pharmaceutical Benefits) Determination 2019*”.

3 Section 10

Repeal the section.

4 Subsection 11(2)

Omit “*Determination under paragraph 98C(1)(b) of the National Health Act 1953*”, substitute “*National Health (Commonwealth Price and Conditions for Commonwealth Payments for Supply of Pharmaceutical Benefits) Determination 2019*”.

5 Section 17 (heading)

Repeal the heading, substitute:

17 Pharmaceutical benefits that are to be supplied as complete packs

6 Section 17

Omit “of the determination under paragraph 98C(1)(b) of the Act as a pharmaceutical benefit the complete pack of which shall be supplied regardless of any lesser quantity ordered”, substitute “to the *National Health (Commonwealth Price and Conditions for Commonwealth Payments for Supply of Pharmaceutical Benefits) Determination 2019* (about benefits to be supplied as complete packs)”.

7 Paragraph 23(a)

Omit “a drug that is unstable or packed sterile, mentioned in Schedule 2 to the *Determination under paragraph 98C(1)(b) of the National Health Act 1953*”, substitute “described in Schedule 2 to the *National Health (Commonwealth Price and Conditions for Commonwealth Payments for Supply of Pharmaceutical Benefits) Determination 2019* (about unstable or sterile ingredients)”.

8 Subsection 32(1)

Repeal the subsection, substitute:

Extemporaneously‑prepared pharmaceutical benefit without standard formula preparation

 (1) The Commonwealth price for the supply by an approved pharmacist of an extemporaneously‑prepared pharmaceutical benefit for which there is not a standard formula preparation may be worked out by the pharmacist under section 19 if the supply is made while an election by the pharmacist to work out that price in that way is in force under subsections (1A) and (1B) of this section.

 (1A) The pharmacist may make the election in writing given to the Chief Executive Medicare.

Note: The pharmacist may revoke the election in the same way: see subsection 33(3) of the *Acts Interpretation Act 1901* (as it applies because of section 13 of the *Legislation Act 2003*).

 (1B) The election is in force for the period specified in the election (which must be at least 3 months), unless it is revoked before the end of the period.

Standard formula preparation with additive

9 Subsection 32(4)

Repeal the subsection.