



**PB 108 of 2024**

# **National Health (Supply of Pharmaceutical Benefits—Under Co-payment Data and Claims for Payment) Amendment (ACSS Eligible Supplies) Rules 2024**

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I, Maryka Gaudio, as delegate of the Minister for Health and Aged Care, make the following Rules.

Dated                    8     October     2024

Maryka Gaudio  
Acting Assistant Secretary  
Pharmacy Branch  
Technology Assessment and Access Division  
Department of Health and Aged Care

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## 1 Name

- (1) This instrument is the *National Health (Supply of Pharmaceutical Benefits—Under Co-payment Data and Claims for Payment) Amendment (ACSS Eligible Supplies) Rules 2024*.
- (2) This instrument may also be cited as PB 108 of 2024.

## 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	The day after registration.	

Note: This table relates only to the provisions of this instrument as originally made.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 subsection 99AAA(8) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *National Health (Supply of Pharmaceutical Benefits—Under Co-payment Data and Claims for Payment) Rules 2022*

#### 1 Subsection 5(1)

Insert:

**non-ACSS payment** means a payment to an approved supplier from the Commonwealth under Part VII of the Act in relation to the supply of a pharmaceutical benefit, other than an ACSS payment.

Note: Commonwealth payments to approved suppliers under Part VII of the Act that are not ACSS payments include payments under sections 93, 93AB and 99 of the Act.

#### 2 Subsection 5(2)

Repeal the subsection, substitute:

(2) Where an expression that is used in this instrument is defined for the purposes of Part VII of the Act, it has the same meaning in this instrument as it has in that Part. Expressions used in this instrument that are defined in Part VII include the following:

- (a) ACSS eligible supply;
- (b) ACSS payment;
- (c) approved hospital authority;
- (d) approved supplier;
- (e) general patient charge amount;
- (f) pharmaceutical benefit;
- (g) special patient contribution.

#### 3 Subsection 12(1)

Omit “subsection (2) defines”, substitute “subsections (2) and (3) define”.

#### 4 Subsection 12(2) (note)

After “the Act”, insert “, on account of an amount that may become payable under section 99 of the Act”.

#### 5 At the end of section 12

Add:

- (3) The Chief Executive Medicare is not required to determine an approved supplier’s entitlement for an ACSS payment in respect of the supply of a pharmaceutical benefit that is the subject of a claim at the same time as the Chief Executive Medicare determines entitlement to a non-ACSS payment by the Commonwealth in respect of that supply.

#### 6 Paragraph 13(2)(b)

Repeal the paragraph (not including the example), substitute:

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- (b) for any approved supplier—a statement of account including information about non-ACSS payments is given to the approved supplier in respect of each claim for payment; and
  - (c) for an approved supplier who is an approved pharmacist—a statement of account including information about ACSS payments covered by the statement of account is given to the approved pharmacist.

## **7 At the end of section 13**

Add:

- (3) A statement of account referred to in paragraph (2)(c) is not required to relate to a particular claim period and may include information about ACSS payments made in respect of supplies of pharmaceutical benefits made in different claim periods.

Note: Approved pharmacists are the only approved suppliers who are entitled to ACSS payments – see section 99AAAA of the Act.