Commonwealth Coat of Arms

PB 65 of 2010

National Health (Remote Aboriginal Health Services Program) Special Arrangements Instrument 2010

as amended

made under subsections 100(1) and (2) of the

National Health Act 1953

**Compilation No. 10**

**Compilation date:** 1 July 2016

**Includes amendments up to:** *National Health (Remote Aboriginal Health Services Program) Special Arrangements Amendment Instrument 2016 (No.2)*(PB 40 of 2016)

**About this compilation**

**This compilation**

This is a compilation of the *National Health (Remote Aboriginal Health Services Program) Special Arrangements Instrument 2010* (PB 65 of 2010) that shows the text of the law as amended and in force on 1 July 2016 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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# Name of Instrument

This Instrument is the *National Health (Remote Aboriginal Health Services Program) Special Arrangements Instrument 2010*.

This Instrument may also be cited as PB 65 of 2010.

# Commencement

This instrument commences on 1 July 2010.

# Definitions

In this Instrument:

* ***Act*** means the *National Health Act 1953*.
* ***AHS*** means Aboriginal Health Service.
* ***MA*** means Medicare Australia.
* ***pack quantity*** has the same meaning as in subsection 84(1) of the Act.
* ***prescribed bag provisions*** means sections 93, 93AA and 93AB of the Act.
* ***ready-prepared pharmaceutical benefit*** means a brand of a pharmaceutical item for which there is a determination under subsection 85(6) of the Act.

# Eligibility

The eligibility criteria for the purposes of this arrangement are:

a) The Aboriginal Health Service (AHS) must have a primary function of meeting the health care needs of Aboriginal and Torres Strait Islander peoples.

b) The clinic or other health care facility operated by the AHS from which pharmaceutical benefits are supplied to patients must be in a remote zone as defined in the Rural, Remote and Metropolitan Areas Classification, 1991 Census Edition.

c) The AHS must not be a party to an arrangement, such as a coordinated care trial, for which funds from the Pharmaceutical Benefits Scheme (PBS) have already been provided.

d) The AHS must employ, or be in a contractual relationship with, health professionals who are suitably qualified under the legislation of the relevant State or Territory to supply all pharmaceutical benefits covered by these arrangements, and must undertake that all supply of pharmaceutical benefits will be made under the direction of such qualified persons.

e) The clinic or other health care facility operated by the AHS from which pharmaceutical benefits are supplied must have storage facilities that will:

(i) prevent access by unauthorised persons;

(ii) maintain the quality (eg chemical and biological stability and sterility) of the pharmaceutical benefit; and

(iii) comply with any special conditions specified by the manufacturer of the pharmaceutical benefit.

# Scope

All ready-prepared pharmaceutical benefits are available under this arrangement, except for:

(a) pharmaceutical benefits that can only be supplied under Part VII of the Act in accordance with a special arrangement under section 100 of the Act; and

(b) pharmaceutical benefit that can only be supplied under Part VII of the Act under the prescriber bag provisions of the Act; and

(c) pharmaceutical benefits that are Schedule 8 drugs, as defined by the relevant State or Territory drugs and poisons legislation.

# Obtaining pharmaceutical benefit items

Each participating remote area AHS will maintain a stock of pharmaceutical benefit items, ordered using an approval form on a bulk supply basis from an approved pharmacist or an approved hospital authority, and dispensed through the AHS as appropriate. Pharmaceutical benefit items must be supplied directly by the approved pharmacist or the approved hospital authority to the participating AHS. Approved pharmacists and approved hospital authorities will be reimbursed directly by Medicare Australia (MA).

# Dispensing

Pharmaceutical benefit items will be dispensed to patients by an appropriate health professional (either a medical practitioner, or an Aboriginal Health Worker or nurse working under the supervision of a medical practitioner, where consistent with the law of the relevant State or Territory). A patient who is supplied with a pharmaceutical benefit under this arrangement is not to be charged a patient co-payment.

# Claims system

Each AHS will be registered with MA and, if there are several remote area clinics operating under the auspices of a large AHS or a State or Territory Government Agency, a unique approval number will be allocated to each clinic. The approved pharmacist or approved hospital authority will maintain a record of pharmaceutical benefit items supplied to each approved AHS, and will provide this information to MA as the basis for reimbursement.

# Remuneration

An approved pharmacist or an approved hospital authority that supplies a pack quantity of a pharmaceutical benefit is entitled to be paid by the Commonwealth for the supply, the sum of the following amounts:

(a) the price to pharmacists for the pack quantity worked out under the determination under paragraph 98B(1)(a) of the Act that is in force at the time of supply of the benefit; and

(b) an amount equal to the administration, handling and infrastructure fee worked out under the determination under paragraph 98B(1)(a) of the Act; and

(c) a handling fee of $2.96.

Costs of transportation and cold chain maintenance are included in the above payment formula.

# Modified application of paragraph 92A(1)(f) conditions of approval

Subsection 8(3) of the conditions of approval for approved pharmacists made under paragraph 92A(1)(f) of the Act does not apply to the supply of a pharmaceutical benefit under this arrangement.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
|  | o = order(s) |
| ad = added or inserted | Ord = Ordinance |
| am = amended | orig = original |
| amdt = amendment | par = paragraph(s)/subparagraph(s) |
| c = clause(s) | /sub‑subparagraph(s) |
| C[x] = Compilation No. x | pres = present |
| Ch = Chapter(s) | prev = previous |
| def = definition(s) | (prev…) = previously |
| Dict = Dictionary | Pt = Part(s) |
| disallowed = disallowed by Parliament | r = regulation(s)/rule(s) |
| Div = Division(s) |  |
| exp = expires/expired or ceases/ceased to have | reloc = relocated |
| effect | renum = renumbered |
| F = Federal Register of Legislation | rep = repealed |
| gaz = gazette | rs = repealed and substituted |
| LA = *Legislation Act 2003* | s = section(s)/subsection(s) |
| LIA = *Legislative Instruments Act 2003* | Sch = Schedule(s) |
| (md) = misdescribed amendment can be given | Sdiv = Subdivision(s) |
| effect | SLI = Select Legislative Instrument |
| (md not incorp) = misdescribed amendment | SR = Statutory Rules |
| cannot be given effect | Sub‑Ch = Sub‑Chapter(s) |
| mod = modified/modification | SubPt = Subpart(s) |
| No. = Number(s) | underlining = whole or part not |
|  | commenced or to be commenced |

Endnote 3—Legislation history

|  |  |  |  |
| --- | --- | --- | --- |
| **Name** | **Registration** | **Commencement** | **Application, saving and transitional provisions** |
| PB 65 of 2010 | 21 June 2010 (see F2010L01537) | 1 July 2010 |  |
| PB 48 of 2011 | 23 June 2011 (see F2011L01220) | 1 July 2011 | — |
| PB 52 of 2012 | 20 June 2012 (see F2012L01261) | 1 July 2012 | — |
| PB 87 of 2012 | 28 Sept 2012 (see F2012L01976) | 1 Oct 2012 | — |
| PB 102 of 2012 | 7 Nov 2012 (see F2012L02153) | 7 Nov 2012 | — |
| PB 34 of 2013 | 18 June 2013 (see F2013L01037) | 1 July 2013 | — |
| PB 50 of 2014 | 1 July 2014 (see F2014L00918) | 1 July 2014 | — |
| PB 99 of 2014 | 19 Nov 2014 (see F2014L01560) | 1 December 2014 | — |
| PB 65 of 2015 | 29 June 2015 (see F2015L00971) | 1 July 2015 | — |
| PB 17 of 2016  PB 40 of 2016 | 29 February 2016 (see F2016L00183)  16 June 2016 (see F2016L01038) | 1 March 2016  1 July 2016 | —  — |

Endnote 4—Amendment history

| Provision affected | | How affected | |
| --- | --- | --- | --- |
| S. 3 | | am. PB 87 of 2012 | |
| Heading to s. 5 | | ad. PB 102 of 2012 | |
| S. 5 | | am. PB 87 of 2012 | |
| Heading to s. 9 | | ad. PB 102 of 2012 | |
| S. 9 | | am. PB 48 of 2011; PB 52 and 87 of 2012 | |
| S. 9 | | am. PB 34 of 2013 | |
| S. 9 | | am. PB 50 of 2014 | |
| S.10 | | ad PB 99 of 2014 | |
| S. 9 | | am. PB 65 of 2015 | |
| S. 9 (b)  S. 9 | | am. PB 17 of 2016  am. PB 40 of 2016 | |