



**PB 83 of 2012**

# **National Health (Pharmaceutical benefits supplied by private hospitals) Amendment Determination 2012 (No. 1)<sup>1</sup>**

*National Health Act 1953*

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I, TANYA PLIBERSEK, Minister for Health, make this Determination under subsection 99(4) of the *National Health Act 1953*.

Dated 24<sup>th</sup> September 2012

**TANYA PLIBERSEK**  
Minister for Health

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**1 Name of Determination**

- (1) This Determination is the *National Health (Pharmaceutical benefits supplied by private hospitals) Amendment Determination 2012 (No. 1)*.
- (2) This Determination may also be cited as PB 83 of 2012.

**2 Commencement**

This Determination commences on 1 October 2012.

**3 Amendment of *National Health (Pharmaceutical benefits supplied by private hospitals) Determination 2010***

Schedule 1 amends the *National Health (Pharmaceutical benefits supplied by private hospitals) Determination 2010* made on 21 September 2010.

## Schedule 1 Amendments

### [1] Subsection 5(1)

*insert*

*approved ex-manufacturer price* has the same meaning as in subsection 84(1) of the Act.

### [2] Subsection 5(1), definition of Approved Pharmacists Determination

*omit*

the *Commonwealth price (Pharmaceutical benefits supplied by approved pharmacists) Determination 2010*

*insert*

the determination made under paragraph 98B(1)(a) of the Act

### [3] Subsection 5(1), definition of approved price to pharmacists

*omit*

### [4] Subsection 5(1), definition of manufacturers' packs

*omit*

*insert*

*pack quantity* has the same meaning as in subsection 84(1) of the Act.

Note: The Minister may determine one or more *pack quantities* for a brand of a pharmaceutical item under subsection 84AK(2) of the Act. The quantities determined are the quantities in manufacturer's PBS packs.

### [5] Subsection 5(1)

*insert*

*proportional ex-manufacturer price* has the same meaning as in subsection 84(1) of the Act.

### [6] Subsection 5(1), definition of storage and handling mark-up

*omit*

the ex-manufacturer price of the benefit

*insert*

the approved ex-manufacturer price or the proportional ex-manufacturer price of the pack quantity of the benefit

**[7] Subsection 5(2)**

*omit*

**[8] Subsection 11(1)**

*omit*

*substitute*

- (1) The dispensed price for the supply of a ready-prepared pharmaceutical benefit by an approved hospital authority to a patient receiving treatment in or at a private hospital for which the authority is approved is:
  - (a) if a quantity of the benefit that is ordered and supplied is equal to a multiple of a pack quantity of the benefit — the sum of:
    - (i) for each pack quantity:
      - (A) the approved ex-manufacturer price or the proportional ex-manufacturer price for the pack quantity; and
      - (B) the storage and handling mark-up; and
      - (C) the mark-up, worked out under section 12; and
    - (ii) a ready-prepared dispensing fee; or
  - (b) if a quantity of the benefit that is ordered and supplied is less than a pack quantity of the benefit — the sum of:
    - (i) the amount worked out under section 14; and
    - (ii) a ready-prepared dispensing fee; and
    - (iii) an amount for the supply of a container, worked out under section 13; or
  - (c) if a quantity of the benefit that is ordered and supplied is more than a multiple of a pack quantity of the benefit— the sum of:
    - (i) for each pack quantity:
      - (A) the approved ex-manufacturer price or the proportional ex-manufacturer price for the pack quantity; and
      - (B) the storage and handling mark-up; and
      - (C) the mark-up worked out under section 12; and
    - (ii) for the remainder of the quantity that is less than a pack quantity— the amount worked out under section 14; and
    - (iii) a ready-prepared dispensing fee.

**[9] Subsection 12(1)**

*omit*

subparagraph 11 (1) (a) (iii)

*substitute*

sub-subparagraph 11(1)(a)(i)(C)

**[10] Subsection 12(1)**

*omit*

subparagraphs 11 (1) (a) (i) and (ii)

*insert*

sub-subparagraphs 11(1)(a)(i)(A) and (B)

**[11] Subsection 12(2)**

*omit*

subparagraph 11 (1) (c) (iii)

*substitute*

sub-subparagraph 11(1)(c)(i)(C)

**[12] Subsection 12(2)**

*omit*

subparagraphs 11 (1) (c) (i) and (ii)

*insert*

sub-subparagraphs 11(1)(c)(i)(A) and (B)

**[13] Section 14**

*omit*

If a ready-prepared pharmaceutical benefit is ordered and supplied in a quantity that is less than the quantity contained in a standard or non-standard pack (the ***broken quantity***), the amount mentioned in subparagraph 11 (1) (b) (i) or (c) (iv) is to be worked out using the following method statement.

*substitute*

If a ready-prepared pharmaceutical benefit is ordered and supplied in a quantity that is less than a pack quantity (the ***broken quantity***), the amount mentioned in subparagraph 11 (1) (b) (i) or (c) (ii) is to be worked out using the following method statement.

**[14] Section 14, Step 1**

*omit*

*substitute*

*Step 1* Add together, for a pack quantity:

- (a) the approved ex-manufacturer price or the proportional ex-manufacturer price for the pack quantity; and
- (b) the storage and handling mark-up; and
- (c) the mark-up worked out under section 12.

**[15] Section 14, Step 2**

*omit*

quantity or number of units in the standard or non-standard pack

*substitute*

pack quantity

**[16] Section 15**

*omit*

*substitute*

If the dispensed price worked out for the supply of a broken quantity of a ready-prepared pharmaceutical benefit exceeds the dispensed price for a pack quantity, the dispensed price for the pack quantity is the dispensed price for the broken quantity.

**[17] Section 16**

*omit the heading to the section and the section*

*substitute*

**16 Pharmaceutical benefits mentioned in a determination under paragraph 98C (1) (b) of the Act**

If a prescription directs the supply of a quantity of a pharmaceutical benefit mentioned in a 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, the dispensed price is the price worked out as if a complete pack was supplied.

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**<sup>1</sup> Note**

All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>