PB 83 of 2012

National Health (Pharmaceutical benefits supplied by private hospitals) Amendment Determination 2012 (No. 1)[[1]](#endnote-1)

*National Health Act 1953*

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

Dated  24th September 2012

**TANYA PLIBERSEK**

Minister for Health

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)**

 i*nsert*

***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.

1. **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 [↑](#endnote-ref-1)