



Australian Government

Australian Participants in British Nuclear Tests (Treatment) Act 2006

REPATRIATION PHARMACEUTICAL BENEFITS SCHEME (AUSTRALIAN PARTICIPANTS IN BRITISH NUCLEAR TESTS) 2006

Instrument 2013 No. R45

I, **MICHAEL RONALDSON**, Minister for Veterans' Affairs, pursuant to section 18(5) of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*, approve this instrument made by the Repatriation Commission.

Dated this 26th day of November 2013

Michael Ronaldson

.....
Minister for Veterans' Affairs

The Repatriation Commission, pursuant to section 18 of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006* (the Act):

- (a) revokes the instrument made under section 18(2) of the Act known as the *Repatriation Pharmaceutical Benefits Scheme (Australian Participants in British Nuclear Tests) 2006* (2006 No.R33); and
- (b) hereby modifies the *Repatriation Pharmaceutical Benefits Scheme* (2013 No. R43), in accordance with the Schedule, for its application to the provision of pharmaceutical benefits in connection with the treatment of eligible persons under the Act.

Dated this 13th day of November 2013

Simon Lewis.....	Shane Carmody.....	Major General Mark Kelly
SIMON LEWIS	SHANE CARMODY	MAJOR GENERAL MARK KELLY
PRESIDENT	DEPUTY PRESIDENT	AO DSC COMMISSIONER

Commencement

- [1] This instrument commences immediately after the commencement of the *Repatriation Pharmaceutical Benefits Scheme (2013 No.R43)*.

Name

- [1][A] This instrument is the *Repatriation Pharmaceutical Benefits Scheme (Australian Participants in British Nuclear Tests) 2006*.

Transitional

- [2] Any process under the *Repatriation Pharmaceutical Benefits Scheme (Australian Participants in British Nuclear Tests) 2006 (2006 No.R33)* that had not been finalised before the commencement of the *modified RPBS* is to be completed under the *modified RPBS* as if it had commenced under the *modified RPBS*.

Interpretation

- [3] Definition

modified RPBS means the *Repatriation Pharmaceutical Benefits Scheme (2013 No.R43)* as modified by the Schedule.

Schedule

MODIFICATIONS TO THE REPATRIATION PHARMACEUTICAL BENEFITS SCHEME

1. Title

substitute:

REPATRIATION PHARMACEUTICAL BENEFITS SCHEME (AUSTRALIAN PARTICIPANTS IN BRITISH NUCLEAR TESTS) 2006

2. Contents

substitute:

CONTENTS

1. Modified Repatriation Pharmaceutical Benefits Scheme.....	6
2. Purpose of the Modified Repatriation Pharmaceutical Benefits Scheme.....	6
Part 1 — Interpretation.....	6
3. Definitions.....	6
4. Notification of certain matters in Explanatory Notes.....	13
5. Department to notify of certain matters as agent of the Commission	13
Part 2 — Prescribing of Benefits Procedure by Medical Practitioners	13
6. Prior Approval.....	13
7. Restrictions.....	14
8. Prescribing provisions	15
9. Application of PBS Schedule restrictions and RPBS Schedule restrictions	15
10. Prescriptions to conform with State or Territory Law.....	15
11. Form of prescriptions	15
11B. Medication Chart Items.....	16
11C. Supply Certification Form.....	17
12. When prescriptions are invalid.....	19
13. Maximum quantity and repeats allowed.....	19
14. Prescribing outside the RPBS Schedule or PBS Schedule.....	20
15. Medical Practitioner subject to this Scheme	20
Part 3 — Supply of Pharmaceutical Benefits	14
16A. Continued Dispensing.....	21
16. Supply of Pharmaceutical Benefits — Procedure by Community Pharmacists	23
17. Substitution of lesser priced alternative brand of drug.....	23
18. Community Pharmacist to be satisfied as to entitlement.....	23
19. Dispensing of deleted items	24
20. Use of forms as notified by the Department or the Commission	24

21. Financial responsibility	24
22. Refund in certain circumstances.....	25
23. Expenses incurred in obtaining Pharmaceutical Benefits while not in receipt of a pharmaceutical allowance.....	25
Part 4 — Claims by Community Pharmacists	26
Lodgement of Claims by Community Pharmacists.....	26
24A Paragraph 24 not apply.....	26
24.....	26
24B Supply of Pharmaceutical Benefit on Basis of Medication Chart Prescription.....	27
25. Claims Requirements & Payment	30
Part 5 — Payments to Community Pharmacists.....	30
26. Dispensing fee payable to Community Pharmacists.	30
27. Dispensing fee payable to Approved Medical Practitioners and Approved Hospital Authorities.....	30
28. Other Fees — similar PBS pharmaceutical benefit.....	30
29. Other Fees — notified rates.....	30
30. Fees not payable in some circumstances	31
31. Community Pharmacist not entitled to demand or receive payments	31
32. Community Pharmacist to issue receipt where certain payments received.....	31
Part 5B — Under Co-payment Data Collection.....	35
40A. Giving information.....	35
Part 6 — Miscellaneous	36
41. Standards.....	36
42. Editions of monographs and standards.....	37
43. Order of precedence	37
44. Discretionary powers.....	37
45. Keeping Documents	37
46. Agreement with the Pharmacy Guild of Australia	38
Schedule 1 (Incorporated Documents).....	39

3. Paragraph 1 (Repatriation Pharmaceutical Benefits Scheme)

substitute:

Repatriation Pharmaceutical Benefits Scheme (Australian Participants in British Nuclear Tests) 2006

1. The *Repatriation Pharmaceutical Benefits Scheme (Australian Participants in British Nuclear Tests) 2006* is authorised by, and subject to, section 18 of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*.

4. Paragraph 2 (Purpose of the Repatriation Pharmaceutical Benefits Scheme)

substitute:

Purpose of the Repatriation Pharmaceutical Benefits Scheme (Australian Participants in British Nuclear Tests) 2006

2. The *Repatriation Pharmaceutical Benefits Scheme (Australian Participants in British Nuclear Tests) 2006* enables *Community Pharmacists* to supply *Pharmaceutical benefits* to a person who, under section 7 of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*, is eligible to be provided with treatment under that Act.

5. Part 1 — Interpretation

Definition of “Act”

substitute:

“*Act*” means the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*;

Definition of “accepted disability”

substitute:

“**accepted disability**”, in relation to a person eligible for treatment under the *Act*, means the malignant neoplasia of the person.

Definition of “Eligible Person”

substitute:

“Eligible Person” means a person who holds a *Repatriation Health Card - For Specific Conditions* and who is eligible for treatment of malignant neoplasia under the *Act*.

Note: the specific condition covered by the card is malignant neoplasia.

Definition of “income support payment”

omit.

Definition of “income support payment under the Social Security Act 1991”

omit.

Definition of “MRCA supplement”

omit.

Definition of “pension supplement”

omit.

Definition of “pharmaceutical allowance”

omit.

Definition of “pharmaceutical reimbursement”

omit.

Definition of “Repatriation Health Card - For All Conditions”

omit.

Definition of “Repatriation Health Card - For Specific Conditions”

substitute:

“Repatriation Health Card - For Specific Conditions” means an identification card, or written authorisation, provided to a person eligible under section 7 of the *Act* for treatment of malignant neoplasia.

Definition of "Repatriation Pharmaceutical Benefits Card" (and Note)

omit.

Definition of "RPBS"

substitute:

"RPBS" means the *Repatriation Pharmaceutical Benefits Scheme* made under section 91 of the *Veterans' Entitlements Act 1986* as modified under section 18 of the *Act*.

Definition of "revoked scheme"

substitute:

"revoked scheme" means the *Repatriation Pharmaceutical Benefits Scheme (Australian Participants in British Nuclear Tests) 2006* (2006 No.R33);

Definition of "Scheme"

substitute:

"Scheme" means the *Repatriation Pharmaceutical Benefits Scheme* made under section 91 of the *Veterans' Entitlements Act 1986* as modified under section 18 of the *Act*.

Definition of "social security pension supplement"

omit.

Definition of "SRCA disability"

omit.

Definition of "Treatment Principles"

substitute:

"Treatment Principles" means the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006* made by the *Commission* under section 16 of the *Act*;

Definition of "war widow/war widower pension"

omit.

6. Paragraph 18 (Community Pharmacist to be satisfied as to entitlement)

substitute:

18 Community Pharmacist to be satisfied as to entitlement

- (a) *A Community Pharmacist shall not supply a Pharmaceutical benefit to a person on terms that are appropriate for the supply of a Pharmaceutical benefit to a holder of a Repatriation Health Card - For Specific Conditions, unless the Community Pharmacist is satisfied that the person is entitled to receive the Pharmaceutical benefit on those terms.*
- (b) *Without limiting the generality of subparagraph (a), a Community Pharmacist may refuse to supply a Pharmaceutical benefit to a person on terms that are appropriate for the supply of the Pharmaceutical benefit to a holder of a Repatriation Health Card - For Specific Conditions, unless the person produces such a card to the Community Pharmacist that indicates that the person is entitled to receive the Pharmaceutical benefit on those terms.*

7. Paragraph 21 Note 2 (Financial responsibility)

omit.

8. Paragraph 23 (Expenses incurred in obtaining Pharmaceutical Benefits while not in receipt of a pharmaceutical allowance)

omit.

9. Part 5A (Pharmaceutical Reimbursement)

omit.