

## EXPLANATORY STATEMENT

*National Health Act 1953*

***National Health (Pharmaceutical Benefits) (Conditions of approval for approved pharmacists) Amendment Determination 2015***

**PB 24 of 2015**

### **Authority**

Section 92A of the *National Health Act 1953* enables the Minister to make conditions of approval for approved pharmacists.

### **Purpose**

The purpose of this determination is to amend the *National Health (Pharmaceutical Benefits) (Conditions of approval for approved pharmacists) Determination 2007* (PB 42 of 2007), to refer to both a medication chart prescription and a copy of a medication chart prescription.

The amendment is consequential to a change to the *National Health (Pharmaceutical Benefits) Regulations 1960* (the Regulations), as amended by the *National Health (Pharmaceutical Benefits) Amendment (Medication Chart Prescriptions) Regulation 2015* on 1 April 2015.

The Regulation amendments provide for a medication chart prescription to be used for hospital patients for prescribing, dispensing and claiming on the Pharmaceutical Benefits Scheme (PBS) and Repatriation PBS (RPBS). These legal requirements for the hospital medication chart prescription build on the existing medication chart prescription for persons at a residential aged care facility which already allows for PBS/RPBS claiming directly from a chart.

### **Consultation**

Since the announcement of the PBS Medication Charts for Public and Private Hospitals measure in 2014, the Department of Health has undertaken an extensive consultation process involving all key health stakeholders. These consultations indicate widespread and strong support for the trial of the PBS Hospital Medication Chart and amendments required to the Regulations and associated legislative instruments to support the measure. Consulted stakeholders include States and Territories, Australian Private Hospital Association, Society of Hospital Pharmacists of Australia, Pharmaceutical Society of Australia, Pharmacy Guild of Australia, Australian Medical Association, Cancer Voices Australia, Consumers Health Forum of Australia, National Prescribing Service, the Australian Commission on Safety and Quality in Health Care, and the National E-Health Transition Authority. Similarly, the Department of Human Services has received strong support from a range of stakeholders for the implementation of paperless (electronic) claiming of PBS/RPBS medicines. This includes support for transitional arrangements to ensure stakeholder readiness for the implementation of paperless PBS/RPBS claiming.

This Instrument will not breach subsection 12(2) of the *Legislative Instruments Act 2003* because although it commences retrospectively, the effect of the instrument on

the rights of a person will not be to disadvantage that person; nor are liabilities being imposed on a person in respect of anything done or omitted to be done before the date of registration.

This determination commences on 1 April 2015. This determination is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### ***National Health (Pharmaceutical Benefits) (Conditions of approval for approved pharmacists) Amendment Determination 2015***

This instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Instrument**

The purpose of this legislative instrument, is to amend the *National Health (Pharmaceutical Benefits) (Conditions of approval for approved pharmacists) Determination 2007* (PB 42 of 2007) to refer to both a medication chart prescription and a copy of a medication chart prescription.

The amendment is consequential to a change to the *National Health (Pharmaceutical Benefits) Regulations 1960* (the Regulations), as amended by the *National Health (Pharmaceutical Benefits) Amendment (Medication Chart Prescriptions) Regulation 2015* on 1 April 2015.

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This instrument assists to implement the PBS Medication Charts for Public and Private Hospitals measure, announced by the Australian Government as part of the 2014-15 Budget. The measure is aligned with standardised hospital medication charts produced by the Australian Commission on Safety and Quality in Health Care.

#### **Human rights implications**

This instrument engages Articles 2 and 12 of the International Covenant on Economic, Social and Cultural Rights by assisting with the progressive realisation by all appropriate means of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

The PBS assists with advancement of these human rights by providing for subsidised access to medicines. The Regulation amendments and this instrument are a positive step towards attaining the highest standard of health for all Australians. Increased efficiencies from the use of hospital medication charts for PBS purposes, assists to reduce duplication and improve workflow for health professionals. This in turn can assist health professionals to achieve improved health outcomes for patients.

#### **Conclusion**

This instrument is compatible with human rights because it advances the protection of human rights.

Sussan Ley  
Minister for Health