

EXPLANATORY STATEMENT

National Health (Pharmaceutical Benefits) Regulations 1960

***National Health (Medication chart prescription trial hospital)
Amendment Declaration 2015***

PB 54 of 2015

Authority

Subregulation 59(3) of the *National Health (Pharmaceutical Benefits) Regulations 1960* (the Regulations) provides that the Minister may declare an approved hospital to be a listed approved hospital for the purpose of a Pharmaceutical Benefit Scheme (PBS) prescriber writing a medication chart prescription for a patient receiving treatment in or at an approved hospital.

Purpose

The Regulations provide for a medication chart prescription to be used for a hospital patient, for prescribing, dispensing and claiming on the PBS and Repatriation PBS (RPBS).

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.

This declaration declares additional approved public and private hospitals to be listed approved hospitals for the purpose of participation in paper-based hospital medication chart prescription trials. It also removes some hospitals from the trial.

Consultation

Participation in the PBS Hospital Medication Chart trial requires each hospital trial site to have in place the required IT system software upgrades for trial safety and quality purposes. Consequently the declared list of hospital trial sites is being amended to reflect the Australian Commission on Safety and Quality in Health Care (ACSQHC) selected hospital trial sites that meet all required trial participation criteria including, software IT readiness. ACSQHC consultation on this Amendment Declaration has occurred with jurisdiction health Chief Information Officers, software vendors, and all hospital trial sites. The amendments, with site additions and withdrawals, maintain the scope and purpose of the PBS Hospital Medication Chart trial. All selected hospital trial sites meet the ACSQHC clinical trial site selection criteria.

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 declaration commences on 1 July 2015.

This declaration 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

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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, made under subregulation 59(3) of the *National Health (Pharmaceutical Benefits) Regulations 1960* (the Regulations), is to declare certain additional approved hospitals as ‘listed approved hospitals’ for paper-based medication chart prescription trials in public and private hospitals.

The Regulations provide for hospital medication chart prescriptions to be used for prescribing, dispensing and claiming for supply of pharmaceutical benefits, without the need to produce a separate prescription for Pharmaceutical Benefits Scheme (PBS) and Repatriation PBS purposes.

The instrument declares some additional hospitals to be listed approved hospitals for the purposes of this trial. It also removes certain hospitals from the trial.

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. 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