

EXPLANATORY STATEMENT

National Health (Pharmaceutical Benefits) Regulations 1960

***National Health (Medication chart prescription trial hospital)
Amendment Declaration 2015 (No. 2)***

PB 76 of 2015

Authority

Subregulation 59(3) of the *National Health (Pharmaceutical Benefits) Regulations 1960* (the Regulations) provides that the Minister may, by legislative instrument, declare that an approved hospital is a listed approved hospital for the purposes of a Pharmaceutical Benefit Scheme (PBS) prescriber writing a medication chart prescription for persons 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.

The *National Health (Medication chart prescription trial hospital) Amendment Declaration 2015 (No. 2)* (the Amendment 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.

The Amendment Declaration also removes one listed approved hospital from the trial.

Consultation

The listed approved hospitals in Schedule 1 of the *National Health (Medication chart prescription trial hospital) Declaration 2015* is being amended to provide for additional public and private hospital sites to participate in the paper-based hospital medication chart prescription trials, as well as the removal of one listed approved hospital. All the approved hospital sites meet the trial site participation eligibility criteria as administered by the Australian Commission on Safety and Quality in Health Care (ACSQHC) for advice to the Minister on site readiness to participate. ACSQHC consultation on the addition and removal of hospitals has occurred with jurisdictions, software vendors, the four approved hospitals being added and the one listed approved hospital being removed.

The Amendment Declaration is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Amendment Declaration will take effect on the day after it is registered on the Federal Register of Legislative Instruments.

Authority: Subregulation 59(3) of the
National Health (Pharmaceutical Benefits) Regulations 1960

Statement of Compatibility with Human Rights

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

National Health (Medication chart prescription trial hospital) Amendment Declaration 2015 (No. 2)

The *National Health (Medication chart prescription trial hospital) Amendment Declaration 2015 (No. 2)* (the Amendment Declaration) 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 Amendment Declaration, 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 Amendment Declaration declares some additional hospitals to be listed approved hospitals for the purposes of this trial. It also removes a hospital from the trial.

Human rights implications

This Amendment Declaration 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

The Amendment Declaration is compatible with human rights because it advances the protection of human rights.

Sussan Ley
Minister for Health