



National Health (Pharmaceutical Benefits) (Conditions of approval for approved pharmacists) Determination 2017 (PB 70 of 2017)

National Health Act 1953

I, GREG HUNT, Minister for Health, make this Determination under paragraph 92A (1) (f) of the *National Health Act 1953*.

Dated 25 September 2017

GREG HUNT
Minister for Health

1 Name of Determination

- (1) This Determination is the *National Health (Pharmaceutical Benefits) (Conditions of approval for approved pharmacists) Determination 2017*.
- (2) This Determination may also be cited as Determination No. PB 70 of 2017.

2 Commencement

This Determination commences on the day after it is registered on the Federal Register of Legislation.

3 Revocation

Determination No. PB 42 of 2007 made by the Minister on 21 August 2007 under paragraph 92A (1) (f) of the *National Health Act 1953* is revoked.

4 Purpose

For paragraph 92A (1) (f) of the *National Health Act 1953* (the *Act*), this Determination sets out conditions that apply to the approval of a person as an approved pharmacist for the purposes of Part VII of the Act (including an approval granted before the commencement of section 92A of the Act and an approval of a person or body referred to in section 83Z of the Act).

Note Under subsection 84 (1) of the Act, **approved pharmacist** means a person for the time being approved under section 90 of the Act and includes:

- (a) a person treated as having been so approved under any provision of a law of the Commonwealth other than section 91 of the Act; and
- (b) except so far as subsection 90 (3) of the Act is concerned — a person treated as having been so approved under section 91 of the Act.

5 Definitions

In this determination:

approved premises for an approved pharmacist means premises in respect of which the pharmacist is approved for the purposes of Part VII of the *National Health Act 1953*.

medication chart prescription has the same meaning as in the *National Health (Pharmaceutical Benefits) Regulations 2017*.

reference time means the start of the day the *National Health (Pharmaceutical Benefits) (Conditions of approval for approved pharmacists) Determination 2017* commences.

6 Standards of practice

An approved pharmacist must, in dispensing prescriptions for pharmaceutical benefits and in supplying pharmaceutical benefits:

- (a) comply with all legal requirements for the practice of pharmacy; and
- (b) treat patients with dignity regardless of manner of payment, race, sex, age, nationality, religion, disability or any other factor; and
- (c) comply with the Pharmaceutical Society of Australia's Code of Ethics for Pharmacists 2017, as existing at the reference time; and
- (d) comply with the Pharmaceutical Society of Australia's Professional Practice Standards 2017, as existing at the reference time, in relation to each patient, subject to the patient's preparedness to:
 - (i) ensure that the pharmacist has ready access to the patient's medication history; and
 - (ii) provide relevant personal medical information necessary for the pharmacist to individualise patient care; and
 - (iii) authorise medical practitioners and other health care practitioners to release relevant medical information necessary for the pharmacist to act responsibly and reasonably and to individualise patient care; and
 - (iv) allow the pharmacist sufficient time to dispense medications; and
 - (v) follow advice and directions given by the patient's medical practitioner or pharmacist and report any unusual or adverse reactions as soon as possible; and
- (e) maintain a disciplined dispensing procedure that includes:
 - (i) attention to accuracy of product or ingredient selection; and
 - (ii) accuracy of calculations; and
 - (iii) application of accepted techniques for the preparation of pharmaceutical products; and
 - (iv) appropriate packaging and storage; and
 - (v) accuracy of the final product; and
 - (vi) adequate information for the patient.

Examples for subparagraph (d) (i) of ways of ensuring that a pharmacist has ready access to a patient's medication history

- Having all prescriptions dispensed at a single pharmacy
- Providing the pharmacist with a patient-held medication record form from another pharmacy or a prescriber
- Authorising the transfer of the patient's medication history from another pharmacy.

Note: The Code of Ethics for Pharmacists 2017 and the Professional Practice Standards 2017 could in 2017 be viewed on the Pharmaceutical Society of Australia's website (<http://www.psa.org.au>).

7 Continuing education

An approved pharmacist must maintain the currency of his or her pharmaceutical knowledge in accordance with the Pharmaceutical Society of Australia's National Competency Standards Framework for Pharmacists in Australia 2017, as existing at the reference time.

Note: The National Competency Standards Framework for Pharmacists in Australia 2017 could in 2017 be viewed on the Pharmaceutical Society of Australia's website (<http://www.psa.org.au>).

8 Other pharmacists at pharmacy

A person who is an approved pharmacist in respect of a pharmacy at particular premises must ensure that a pharmacist:

- (a) who is not an approved pharmacist; and
- (b) who supplies pharmaceutical benefits at or from those premises complies with the conditions set out in sections 5 and 6.

9 Claims for payment

- (1) An approved pharmacist must not make a claim for payment from the Commonwealth in relation to the supply of a pharmaceutical benefit unless it was supplied at or from approved premises for the pharmacist.
- (2) An approved pharmacist must not make a claim for payment from the Commonwealth in relation to the supply of a pharmaceutical benefit if that pharmaceutical benefit was never at approved premises for the pharmacist.
- (3) An approved pharmacist must not make a claim for payment from the Commonwealth in relation to the supply of a pharmaceutical benefit unless the pharmacist, or an agent of the pharmacist, was present at approved premises for the pharmacist at the time the pharmaceutical benefit was dispensed.
- (4) An approved pharmacist must not make a claim for payment from the Commonwealth in relation to the supply of a pharmaceutical benefit on the basis of a prescription (other than a medication chart prescription) unless the pharmacist, or an agent of the pharmacist, has seen the prescription at approved premises for the pharmacist.

Note: A supply in accordance with subsection 89A(1) of the *National Health Act 1953* (supply of pharmaceutical benefit without prescription) or on an order lodged under regulation 33 of the *National Health (Pharmaceutical Benefits) Regulations 2017* (prescriber bag supplies) would not be a supply on the basis of a prescription.

- (5) An approved pharmacist must not make a claim for payment from the Commonwealth in relation to the supply of a pharmaceutical benefit on the basis of a medication chart prescription unless the pharmacist, or an agent of the pharmacist, has seen the chart or a copy of the chart containing the prescription at approved premises for the pharmacist.
- (6) Subsections (2) to (5) do not limit subsection (1).
- (7) This section does not apply in relation to the supply of a pharmaceutical benefit in respect of which the pharmacist is entitled to a payment in accordance with subsection 99(3A) of the *National Health Act 1953* (supply of pharmaceutical benefit before obtaining approval).

Note: See also subsection 100(3) of the *National Health Act 1953* (instruments made for the purposes of Part VII of that Act have effect subject to special arrangements).