

EXPLANATORY STATEMENT

National Health Act 1953

National Health (Electronic National Residential Medication Chart Trial) Amendment (Approved Residential Care Services) Special Arrangement 2018

PB 82 of 2018

Authority

This instrument is made under section 100 of the *National Health Act 1953* (the Act).

Subsection 100(1) of the Act enables the Minister to make special arrangements for the supply of pharmaceutical benefits. Subsection 100(2) of the Act provides that the Minister may vary or revoke a special arrangement made under subsection 100(1).

Subsection 100(3) of the Act provides that Part VII of the Act, and instruments made for the purposes of Part VII of the Act, have effect subject to a special arrangement made under subsection 100(1).

Purpose

The *National Health (Electronic National Residential Medication Chart Trial) Special Arrangement 2018* (the Principal Instrument) allows three electronic medication management software vendors to trial their electronic medication order chart systems for the purposes of the Pharmaceutical Benefits Scheme (PBS) in twelve approved residential care services in New South Wales and South Australia. These systems provide a fully electronic version of the paper based residential medication chart currently available in all Australian approved residential care services.

The trial allows approved prescribers (usually general practitioners) within approved trial facilities to prescribe pharmaceutical benefits directly from the electronic medication order chart system without developing a second paper-based prescription (often referred to as a medication order). Once rendered and electronically authenticated, these medication orders are sent directly to the approved supplier's dispensing software (or made available by electronic means) for dispensing. Once dispensed, the pharmaceutical item is sent to the approved residential care service for administration to the patient, and a claim for payment is sent electronically to the Chief Executive Medicare by the approved supplier.

The purpose of the *National Health (Electronic National Residential Medication Chart Trial) Amendment (Approved Residential Care Services) Special Arrangement 2018* (the Amending Instrument) is to amend the Schedule to the Principal Instrument to replace the residential care service listed in column 2 of item 11 (Hunters Hill Montefiore Home, 120 High Street Hunters Hill, NSW 2036, RACF Id No. 2284) with Woollahra Montefiore Home, 23 Nelson Street, Woollahra, NSW 2025, RACF Id No. 0264. Hunters Hill Montefiore Home was specified as an approved residential care service instead of Woollahra Montefiore Home due to error.

Although the Principal Instrument commenced on 6 July 2018, approved residential care services in New South Wales have not yet commenced prescribing pharmaceutical benefits under the trial so no residents of the Woollahra Montefiore Home or approved suppliers have been disadvantaged by the error.

Consultation

The Department consulted with the facilitating software vendor who supported the amendment.

Commencement

The Amending Instrument commences the day after registration

The Amending Instrument is a legislative instrument for the purposes of the *Legislation Act 2003*.

Statement of Compatibility with Human Rights

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

*National Health (Electronic National Residential Medication Chart Trial) Amendment
(Approved Residential Care Services) Special Arrangement 2018*

This legislative 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 Legislative Instrument

The purpose of this instrument is to amend the *National Health (Electronic National Residential Medication Chart Trial) Special Arrangement 2018* (the Principal Instrument) to replace the residential care service listed in Column 2 at item 11 of Schedule, Hunters Hill Montefiore Home, 120 High Street Hunters Hill, NSW 2036, with Woollahra Montefiore Home, 23 Nelson Street, Woollahra, NSW 2025.

The Principal Instrument allows three electronic medication management software vendors to trial their electronic medication order chart systems for the purposes of the Pharmaceutical Benefits Scheme (PBS) in twelve approved residential care services in New South Wales and South Australia.

The Principal Instrument mistakenly specified Hunters Hill Montefiore Home as an approved residential care service participating in the trial instead of Woollahra Montefiore Home.

Human rights implications

This legislative instrument corrects an inadvertent error in the residential care homes participating in the trial. This legislative instrument does not engage any of the applicable rights or freedoms.

Conclusion

This instrument is compatible with human rights as it does not raise any human rights issues.

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