



PB 110 of 2019

National Health (Supplies of out-patient medication) Determination 2019 (No. 2)

National Health Act 1953

I, THEA DANIEL, Assistant Secretary, Pricing and PBS Policy Branch, Technology Assessment and Access Division, Department of Health, delegate of the Minister for Health, make this Determination under subsection 84BA(2) of the *National Health Act 1953*.

Dated 20 December 2019

THEA DANIEL
Assistant Secretary
Pricing and PBS Policy Branch
Technology Assessment and Access Division
Department of Health

1 Name of Instrument

- (1) This Determination is the *National Health (Supplies of out-patient medication) Determination 2019 (No. 2)*.
- (2) This Determination may also be cited as PB 110 of 2019.

2 Commencement

This Determination commences on 1 January 2020.

3 Authority

This Determination is made under section 84BA of the *National Health Act 1953*.

4 Repeal

This Determination repeals and replaces the *National Health (Supplies of out-patient medication) Determination 2019 (PB 8 of 2019)*.

5 Interpretation

- (1) In this Determination:

approved ex-manufacturer price has the meaning given in subsection 84(1) of the Act.

National Health Reform Agreement has the meaning given in the *Federal Financial Relations Act 2009*.

out-patient medication has the same meaning as in subsection 84(1) of the Act.

proportional ex-manufacturer price has the meaning given in subsection 84(1) of the Act.

the Act means the *National Health Act 1953*.

the amount referred to in paragraph 87(2)(a) of the Act means the amount as periodically adjusted under section 99G of the Act.

the amount referred to in paragraph 87(2)(e) of the Act means the amount as periodically adjusted under section 99G of the Act.

the maximum value of the supply of out-patient medication means the amount specified in section 7, 8, 9 or 10 as appropriate.

- (2) Unless the contrary intention appears, a word or expression that is defined in the Act shall be taken to have the same meaning as in the Act.

6 Amount taken to have been paid to a public hospital for the supply of out-patient medication

The amount that, for the purposes of Part VII of the Act, will be taken to have been paid to a public hospital for a supply of out-patient medication to a person is the lesser of:

- (a) the maximum value of the supply of out-patient medication; or
- (b) the amount charged.

7 Maximum value of the supply of out-patient medication to a person who is a concessional beneficiary, a dependant of a concessional beneficiary or a holder of a concession card

The maximum value of the supply of out-patient medication to a person who is a concessional beneficiary, a dependant of a concessional beneficiary or the holder of a concession card is an amount that is equivalent to the amount referred to in paragraph 87(2)(a) of the Act for the supply of a pharmaceutical benefit by an approved pharmacist or approved medical practitioner.

8 Maximum value of the supply of out-patient medication to a person who is a general patient and who is not a holder of a concession card

- (1) The maximum value of the supply of out-patient medication to a person who is a general patient and who is not the holder of a concession card is \$32.80.
- (2) This section does not apply to supplies of out-patient medication made by:
 - (a) a public hospital located in the State of Queensland; or
 - (b) a public hospital that is participating in Pharmaceutical Reform Arrangements within the meaning of the National Health Reform Agreement.

9 Maximum value of the supply of out-patient medication by a Queensland public hospital to a person who is a general patient and who is not a holder of a concession card

- (1) This section applies to supplies of out-patient medication made by a public hospital located in the State of Queensland.
- (2) For supplies of outpatient medication mentioned in subsection (1), the maximum value of the supply of out-patient medication to a person who is a general patient and who is not the holder of a concession card is:
 - (a) where the medication is a drug or medicinal preparation that is a pharmaceutical benefit and the Commonwealth price for that pharmaceutical benefit exceeds the amount referred to in paragraph 87(2)(e) of the Act — an amount that is equivalent to the amount referred to in paragraph 87(2)(e) of the Act for the supply of a pharmaceutical

benefit by an approved pharmacist or approved medical practitioner; or

- (b) where the medication is a drug or medicinal preparation that is a pharmaceutical benefit and the Commonwealth price for that pharmaceutical benefit does not exceed the amount referred to in paragraph 87(2)(e) of the Act — the price for that pharmaceutical benefit ascertained in accordance with the determination under subsection 84C(7) of the Act as in force from time to time; or
- (c) where the medication is a drug or medicinal preparation which is not a pharmaceutical benefit — the amount ascertained by taking as a basis the cost to the hospital of that drug or medicinal preparation and applying, as if that cost were the approved ex-manufacturer price or proportional ex-manufacturer price, the determination under subsection 84C(7) of the Act as in force from time to time.

10 Maximum value of the supply of out-patient medication by a participating public hospital to a person who is a general patient and who is not a holder of a concession card

- (1) This section applies to supplies of out-patient medication made by a public hospital that is participating in Pharmaceutical Reform Arrangements within the meaning of the National Health Reform Agreement, except if the public hospital is located in the State of Queensland.
- (2) For supplies of out-patient medication mentioned in subsection (1), the maximum value of the supply of out-patient medication to a person who is a general patient and who is not the holder of a concession card is:
 - (a) where the medication is a drug or medicinal preparation that is a pharmaceutical benefit — the maximum value of the pharmaceutical benefit ascertained in accordance with regulation 17A of the *National Health (Pharmaceutical Benefits) Regulations 2017* as if the pharmaceutical benefit had been supplied by an approved pharmacist or an approved medical practitioner; or
 - (b) where the medication is a drug or medicinal preparation that is not a pharmaceutical benefit — the amount ascertained by taking as a basis the cost to the hospital of that drug or medicinal preparation and applying, as if that cost were the approved ex-manufacturer price or proportional ex-manufacturer price, the determination under subsection 84C(7) of the Act as in force from time to time.