National Health (COVID-19 Supply of Pharmaceutical Benefits) Special Arrangement 2020

I, Adriana Platona, delegate of the Minister for Health, make the following special arrangement.

Dated 25 March 2020

Adriana Platona
First Assistant Secretary
Health Financing Group
Department of Health

Contents

Part 1—Preliminary

1 Name

(1) This instrument is the *National Health (COVID-19 Supply of Pharmaceutical Benefits) Special Arrangement 2020*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	**Column 2**	**Column 3**
Provisions	**Commencement**	**Date/Details**
1. The whole of this instrument	The day after this instrument is registered	26 March 2020

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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

4 Repeal of this instrument

This instrument is repealed at the start of 30 September 2020.

5 Simplified outline of this instrument

This instrument makes a special arrangement to make the supply of pharmaceutical benefits to patients at risk of the COVID-19, or who have been prescribed a pharmaceutical benefit by a health professional at risk of COVID-19 virus, more convenient and effective.

The instrument modifies arrangements for the supply of a pharmaceutical benefit on a paper-based prescription before the presentation of that prescription to the approved pharmacist or approved medical practitioner making the supply.

Note: Part VII of the Act, and regulations or other instruments made for the purposes of that Part, have effect subject to this instrument (see subsection 100(3) of the Act).

6 Definitions

(1) In this instrument:

Act means the *National Health Act 1953*.

approved medical practitioner has the same meaning as in Part VII of the Act.

approved pharmacist has the same meaning as in Part VII of the Act.

approved supplier has the same meaning as in Part VII of the Act.

medication chart prescription has the same meaning as in section 5 of the Regulations.

paper-based prescription has the same meaning as in section 5 of the Regulations.

patient at risk of COVID-19 virus has the same meaning as in the *Health Insurance (Section 3C General Medical Services –COVID-19 Services) Determination 2020*.

pharmaceutical benefit has the same meaning as in Part VII of the Act.

phone attendance has the same meaning as in section 6 of the *Health Insurance (Section 3C General Medical Services –COVID-19 Services) Determination 2020*.

Regulations means the *National Health (Pharmaceutical Benefits) Regulations 2017*.

relevant streamlined authority code has the same meaning as in section 5 of the Regulations.

telehealth attendance has the same meaning as in section 6 of the *Health Insurance (Section 3C General Medical Services –COVID-19 Services) Determination 2020*.

commencement day means the commencement of the *Health Insurance (Section 3C General Medical Services –COVID-19 Services) Determination 2020*.

(2) A reference in this Special Arrangement to the Act, the Regulations, the *Health Insurance (Section 3C General Medical Services –COVID-19 Services) Determination 2020*, the *Health Insurance (Section 3C General Medical Services - GP and Allied Health COVID-19 Services) Determination 2020*, the *Health Insurance (Section 3C General Medical Services - Specialist, Consultant Physician or Consultant Psychiatrist COVID-19 Telehealth Services) Determination 2020* or the *Therapeutic Goods Act 1989* is a reference to that legislation as in force from time to time.

Part 2—Special Arrangement for supplies of pharmaceutical benefits

Division 1—Preliminary

7 Pharmaceutical benefits covered by this Special Arrangement

(1) Division 2 of this Special Arrangement applies to all pharmaceutical benefits available for supply under Part VII of the Act other than:

(a) a pharmaceutical benefit referred to in Schedule 8 to the current Poisons Standard (within the meaning of the *Therapeutic Goods Act 1989*); or

(b) a pharmaceutical benefit referred to in both Schedule 4 and Appendix D to the current Poisons Standard (within the meaning of the *Therapeutic Goods Act 1989*).

(2) Division 3 of this Special Arrangement applies to all pharmaceutical benefits available for supply under Part VII of the Act.

8 Application of Part VII of the Act

A provision of Part VII of the Act, or of regulations or other instruments made for Part VII of the Act, applies subject to this Special Arrangement.

9 Supplies to which the Special Arrangement applies

(1) Division 2 of this Special Arrangement applies to:

(a) the supply of a pharmaceutical benefit by an approved pharmacist or approved medical practitioner based on a paper-based prescription (excluding a medication chart prescription) to a patient at risk of COVID-19 virus (whether or not for the person's own use); or

(b) the supply of a pharmaceutical benefit based on a paper-based prescription (excluding a medication chart prescription) written as the result of a telehealth attendance or phone attendance on or after 20 March 2020 and:

(i) for an attendance on or after 20 March 2020 and before the commencement day - an attendance to which an item of the *Health Insurance (Section 3C General Medical Services - GP and Allied Health COVID-19 Services) Determination 2020* or the *Health Insurance (Section 3C General Medical Services - Specialist, Consultant Physician or Consultant Psychiatrist COVID-19 Telehealth Services) Determination 2020* applies; and

(ii) for attendance on or after the commencement day - an attendance to which an item of the *Health Insurance (Section 3C General Medical Services – COVID-19 Services) Determination 2020* applies.

(2) Division 3 of this Special Arrangement applies to the supply of a pharmaceutical benefit made by an approved pharmacist or approved medical practitioner.

Division 2—Requirements for supply of pharmaceutical benefit - paper-based prescriptions

10 Modified application of section 44 of the Regulations to supplies of pharmaceutical benefits based on supplies to which Division 2 of Special Arrangement applies

(1) The requirements for the supply of a pharmaceutical benefit in section 44 of the Regulations are modified as set out in this section for a supply to which this special arrangement applies.

(2) An approved pharmacist or approved medical practitioner may supply the pharmaceutical benefit to a person on the first presentation of a prescription if:

(a) the approved pharmacist or medical practitioner is provided with a digital image of the prescription, or an image of so much of the prescription as would indicate that subsections 40(1), (2) and (2A) have been complied with by the PBS prescriber; or

(b) a PBS prescriber advises the approved pharmacist or approved medical practitioner of the details of the prescription; or

(c) a PBS prescriber has given the approved pharmacist or approved medical practitioner a copy of the prescription.

(3) If the prescription is or would be an authority prescription, the supplier may supply the pharmaceutical benefit under subsection (1) only if:

(a) if the pharmaceutical benefit prescribed has a relevant streamlined authority code:

(i) the PBS prescriber informs the supplier of that code before the pharmaceutical benefit is supplied; or

(ii) the digital image of the prescription displays the code; or

(b) both:

(i) the Minister or the Chief Executive Medicare has notified the PBS prescriber (orally or by other means) that each relevant authorisation will be given; and

(ii) the PBS prescriber informs the supplier of that notification before the pharmaceutical benefit is supplied.

(4) The PBS prescriber referred to in subsection (2) must ensure that the pharmacist/patient copy and the Medicare/DVA copy of the prescription are received by the relevant pharmacist or medical practitioner no later than 15 days after the day on which the benefit was supplied.

(5) A PBS prescriber who has communicated with an approved pharmacist or approved medical practitioner under subsection (2)(b) must ensure that, for a paper-based prescription, the pharmacist/patient copy and the Medicare/DVA copy of the

prescription are received by the relevant pharmacist or medical practitioner no later than 15 days after the day on which the benefit was supplied.

(6) This section does not apply to:

(a) a pharmaceutical benefit if:

(i) the pharmaceutical benefit would be supplied under this section by an approved pharmacist; and

(ii) the relevant prescription must be in writing under a law in force in the State or Territory in which the premises, at or from which the pharmaceutical benefit would be supplied, are located; or

(b) a pharmaceutical benefit if:

(i) the pharmaceutical benefit would be supplied under this section by an approved medical practitioner; and

(ii) the relevant prescription must be in writing under a law in force in the area in respect of which the medical practitioner is approved.

11 Notations and endorsements to prescriptions

As soon as practicable after receiving the pharmacist/patient copy and the Medicare/DVA copy of the prescription, the approved pharmacist or approved medical practitioner must include any necessary or appropriate endorsements or notations to the prescription.

Note: Notations may include, but are not limited to, medicine substitutions or corrections to mistakes in the prescription, such as an error in the patient's address.

Division 3 — Requirements for receipt of a pharmaceutical benefit-all prescriptions

12 Application of section 57 of the Regulations to supplies of pharmaceutical benefits based on prescriptions to which Division 3 of Special Arrangement applies

(1) Section 57 of the Regulations does not apply to the supply of a pharmaceutical benefit where it is not practicable for the approved supplier to obtain from the person to whom the benefit is supplied (whether or not for the person's own use) written acknowledgement that the person has received the benefit.