



Veterans' Affairs Pharmaceutical Benefits Schemes Amendment (Special Arrangement—COVID-19 Supply of Pharmaceutical Benefits) Determination 2020

Instrument 2020 No. R13/MRCC13

I, Mark Cormack, as delegate of the Minister for Veterans' Affairs, approve:

- (a) for the purposes of subsection 286(6) of the *Military Rehabilitation and Compensation Act 2004*—the amendments by the Military Rehabilitation and Compensation Commission of the MRCA Pharmaceutical Benefits Scheme in the following determination; and
- (b) for the purposes of subsection 91(5) of the *Veterans' Entitlements Act 1986*—the amendments by the Repatriation Commission of the *Repatriation Pharmaceutical Benefits Scheme* in the following determination.

Dated 14th day of April 2020

Mark Cormack

Mark Cormack

Deputy Secretary, Policy & Programs

Department of Veterans' Affairs

We, as delegates of the Military Rehabilitation and Compensation Commission, under subsection 286(5) of the *Military Rehabilitation and Compensation Act 2004*, make the amendments of the MRCA Pharmaceutical Benefits Scheme in the following determination.

Dated 14th day of April 2020

The Seal of the)
Military Rehabilitation and Compensation Commission) SEAL
was affixed to this determination)
in the presence of:)

Elizabeth Cosson	Charles McHardie	Donald Spinks
ELIZABETH COSSON	CHARLES McHARDIE	DONALD SPINKS
AM CSC	AM	AM
Chair	Member	Member

The Repatriation Commission, under subsection 91(4) of the *Veterans' Entitlements Act 1986*, makes the amendments of the *Repatriation Pharmaceutical Benefits Scheme* in the following determination.

Dated 14th day of April 2020

The Seal of the)
Repatriation Commission) SEAL
was affixed to this determination)
in the presence of:)

Elizabeth Cosson	Charles McHardie	Donald Spinks
ELIZABETH COSSON	CHARLES McHARDIE	DONALD SPINKS
AM CSC	AM	AM
President	Acting Deputy President	Commissioner

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
Schedule 1—Amendments		2
	<i>MRCIA Pharmaceutical Benefits Scheme</i>	2
	<i>Repatriation Pharmaceutical Benefits Scheme</i>	5

1 Name

This instrument is the *Veterans' Affairs Pharmaceutical Benefits Schemes Amendment (Special Arrangement—COVID-19 Supply of Pharmaceutical Benefits) Determination 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.	

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 the following:

- (a) section 286 of the *Military Rehabilitation and Compensation Act 2004*;
- (b) section 91 of the *Veterans' Entitlements Act 1986*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

MRCIA Pharmaceutical Benefits Scheme

1 Section 3

Insert:

special arrangement means the *National Health (COVID-19 Supply of Pharmaceutical Benefits) Special Arrangement 2020* (the instrument) made by the Minister for Health under section 100 of the *National Health Act 1953* to modify the arrangements for the supply of pharmaceutical benefits under Part VII of that Act.

2 Section 16

Omit the reference to “paragraph 16A (continued dispensing)” and substitute “paragraph 16AAA (special arrangements) and paragraph 16A (continued dispensing)”.

3 Section 16

After the section insert:

16AAA Pharmaceutical benefits supplied under a special arrangement

- (1) A *Community Pharmacist* will be required to supply a *Pharmaceutical benefit* to an *Eligible Person* under a *special arrangement* if:
 - (a) the supply is made in accordance with the conditions specified in the *National Health (COVID-19 Supply of Pharmaceutical Benefits) Special Arrangement 2020* as in force from time to time:
 - (i) as if the supply under the *Scheme* is a supply covered by the instrument; and
 - (ii) the instrument has effect under subsections (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11) of this section; and
 - (iii) to the extent that those conditions are applicable to the supply; and
 - (iv) the supply of the *Pharmaceutical benefit* occurs before the repeal of the *National Health (COVID-19 Supply of Pharmaceutical Benefits) Special Arrangement 2020*;
 - (b) the supply otherwise conforms to this section.
- (2) For the purposes of paragraph (1)(a) of this section, the *National Health (COVID-19 Supply of Pharmaceutical Benefits) Special Arrangement 2020* has effect in accordance with the following table.

Modified effect of the *National Health (COVID-19 Supply of Pharmaceutical Benefits) Special Arrangement 2020* instrument

	Column 1	Column 2
Item	The instrument has effect as if a reference to ...	were a reference to ...
1	a paper-based repeat authorisation	a <i>repeat authorisation form</i>
2	a PBS prescriber	a person who prescribes a <i>Pharmaceutical benefit</i> under the <i>Scheme</i>
3	a pharmaceutical benefit	a <i>Pharmaceutical benefit</i>
4	an approved hospital authority	an <i>Approved Hospital Authority</i>
5	an approved pharmacist	a <i>Community Pharmacist</i>
6	a CTS claim	a claim under the <i>claims rules</i>
7	Part VII of the Act	the <i>Scheme</i>
8	section 44 of the Regulations	section 16 of the <i>Scheme</i>
9	subsections 40(1), (2) and (2A) of the Regulations	subsections 11A(1) and (1A) of the <i>Scheme</i>
10	subsection 40(2) of the Regulations	subsection 11A(1) of the <i>Scheme</i>

Further modifications of the instrument

(3) The *special arrangement* referred to in paragraph (1)(a) has effect as if the definition of “approved hospital authority” in subsection 6(1) of the instrument is omitted.

(4) The *special arrangement* referred to in paragraph (1)(a) has effect as if the definition of “approved hospital authority dispenser” in subsection 6(1) of the instrument is replaced with the following:

approved hospital authority dispenser means the *Community Pharmacist* or *approved medical practitioner* by whom, or under whose supervision, a *Pharmaceutical benefit* supplied by an *Approved Hospital Authority* will be dispensed.

(5) The *special arrangement* referred to in paragraph (1)(a) has effect as if the definition of “CTS claim” in subsection 6(1) of the instrument is omitted.

(6) The *special arrangement* referred to in paragraph (1)(a) has effect as if the definition of “medication chart prescription” in subsection 6(1) of the instrument is replaced with the following:

medication chart prescription has the same meaning as in the *Scheme*.

(7) The *special arrangement* referred to in paragraph (1)(a) has effect as if the definition of “paper-based prescription” in subsection 6(1) of the instrument is replaced with the following:

paper-based prescription has the same meaning as in the *Scheme*.

(8) The *special arrangement* referred to in paragraph (1)(a) has effect as if section 8 of the instrument is replaced with the following:

8 Application of the Scheme

A provision of the *Scheme* applies subject to this Special Arrangement.

- (9) The *special arrangement* referred to in paragraph (1)(a) has effect as if subsection 9(1) was omitted and replaced with the following:
- (1) Division 2 of Part 2 of this Special Arrangement applies to the supply of a pharmaceutical benefit by an approved supplier based on a paper-based prescription (excluding a medication chart prescription) written as the result of a telehealth attendance or phone attendance provided on or after 20 March 2020 to which an item in a *Fee Schedule* (a document incorporated as in force from time to time for the purposes of the *Treatment Principles*) applies.
- (10) The *special arrangement* referred to in paragraph (1)(a) has effect as if subsection 9(4) of the instrument is omitted.
- (11) The *special arrangement* referred to in paragraph (1)(a) has effect as if subsection 10(4) of the instrument is replaced with the following:
- (4) If the prescription is or would be an *authority prescription*, the supplier may supply the *Pharmaceutical benefit* under this section only if *prior approval* has been obtained.

Repatriation Pharmaceutical Benefits Scheme

4 Section 3

Insert:

special arrangement means the *National Health (COVID-19 Supply of Pharmaceutical Benefits) Special Arrangement 2020* (the instrument) made by the Minister for Health under section 100 of the *National Health Act 1953* to modify the arrangements for the supply of *Pharmaceutical benefits* under Part VII of that Act.

5 Section 16

Omit the reference to “paragraph 16A (continued dispensing)” and substitute “paragraph 16AAA (special arrangements) and paragraph 16A (continued dispensing)”.

6 Section 16

After the section insert:

16AAA Pharmaceutical benefits supplied under a special arrangement

- (1) A *Community Pharmacist* will be required to supply a *Pharmaceutical benefit* to an *Eligible Person* under a *special arrangement* if:
 - (a) the supply is made in accordance with the conditions specified in the *National Health (COVID-19 Supply of Pharmaceutical Benefits) Special Arrangement 2020* as in force from time to time:
 - (i) as if the supply under the *Scheme* is a supply covered by the instrument; and
 - (ii) the instrument has effect under subsections (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11) of this section; and
 - (iii) to the extent that those conditions are applicable to the supply; and
 - (iv) the supply of the *Pharmaceutical benefit* occurs before the repeal of the *National Health (COVID-19 Supply of Pharmaceutical Benefits) Special Arrangement 2020*;
 - (b) the supply otherwise conforms to this section.
- (2) For the purposes of paragraph (1)(a) of this section, the *National Health (COVID-19 Supply of Pharmaceutical Benefits) Special Arrangement 2020* has effect in accordance with the following table.

Modified effect of the *National Health (COVID-19 Supply of Pharmaceutical Benefits) Special Arrangement 2020* instrument

Item	Column 1 The instrument has effect as if a reference to ...	Column 2 were a reference to ...
1	a paper-based repeat authorisation	a <i>repeat authorisation form</i>
2	a PBS prescriber	a person who prescribes a <i>Pharmaceutical benefit</i> under the <i>Scheme</i>
3	a pharmaceutical benefit	a <i>Pharmaceutical benefit</i>
4	an approved hospital authority	an <i>Approved Hospital Authority</i>
5	an approved pharmacist	a <i>Community Pharmacist</i>
6	a CTS claim	a claim under the <i>claims rules</i>
7	Part VII of the Act	the <i>Scheme</i>
8	section 44 of the Regulations	section 16 of the <i>Scheme</i>
9	subsections 40(1), (2) and (2A) of the Regulations	subsections 11A(1) and (1A) of the <i>Scheme</i>
10	subsection 40(2) of the Regulations	subsection 11A(1) of the <i>Scheme</i>

Further modifications of the instrument

- (3) The *special arrangement* referred to in paragraph (1)(a) has effect as if the definition of “approved hospital authority” in subsection 6(1) of the instrument is omitted.
- (4) The *special arrangement* referred to in paragraph (1)(a) has effect as if the definition of “approved hospital authority dispenser” in subsection 6(1) of the instrument is replaced with the following:
- approved hospital authority dispenser*** means the *Community Pharmacist* or *approved medical practitioner* by whom, or under whose supervision, a *Pharmaceutical benefit* supplied by an *Approved Hospital Authority* will be dispensed.
- (5) The *special arrangement* referred to in paragraph (1)(a) has effect as if the definition of “CTS claim” in subsection 6(1) of the instrument is omitted.
- (6) The *special arrangement* referred to in paragraph (1)(a) has effect as if the definition of “medication chart prescription” in subsection 6(1) of the instrument is replaced with the following:
- medication chart prescription*** has the same meaning as in the *Scheme*.
- (7) The *special arrangement* referred to in paragraph (1)(a) has effect as if the definition of “paper-based prescription” in subsection 6(1) of the instrument is replaced with the following:
- paper-based prescription*** has the same meaning as in the *Scheme*.
- (8) The *special arrangement* referred to in paragraph (1)(a) has effect as if section 8 of the instrument is replaced with the following:

8 Application of the Scheme

A provision of the *Scheme* applies subject to this Special Arrangement.

- (9) The *special arrangement* referred to in paragraph (1)(a) has effect as if subsection 9(1) was omitted and replaced with the following:
- (1) Division 2 of Part 2 of this Special Arrangement applies to the supply of a pharmaceutical benefit by an approved supplier based on a paper-based prescription (excluding a medication chart prescription) written as the result of a telehealth attendance or phone attendance provided on or after 20 March 2020 to which an item in a *Fee Schedule* (a document incorporated as in force from time to time for the purposes of the *Treatment Principles*) applies.
- (10) The *special arrangement* referred to in paragraph (1)(a) has effect as if subsection 9(4) of the instrument is omitted.
- (11) The *special arrangement* referred to in paragraph (1)(a) has effect as if subsection 10(4) of the instrument is replaced with the following:
- (4) If the prescription is or would be an *authority prescription*, the supplier may supply the *Pharmaceutical benefit* under this section only if *prior approval* has been obtained.