



PB 73 of 2021

National Health (Medication Program for Homeless People) Special Arrangement 2021

I, Elizabeth Flynn, as delegate of the Minister for Health and Aged Care, make the following special arrangement.

Dated 24 June 2021

Elizabeth Flynn
Acting First Assistant Secretary
Technology Assessment and Access Division
Department of Health

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Part 1—Preliminary

1 Name

- (1) This instrument is the *National Health (Medication Program for Homeless People) Special Arrangement 2021*.
- (2) This instrument may also be cited as PB 73 of 2021.

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	1 July 2021.	1 July 2021

Note: This table relates only to the provisions of this instrument as originally made.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 Simplified outline of this instrument

This instrument makes a special arrangement for the supply of eligible pharmaceutical benefits to eligible homeless persons.

The eligible pharmaceutical benefits will be supplied by approved pharmacists and provided to eligible homeless persons through approved not-for-profit entities.

This instrument also deals with payments for these supplies and administrative matters.

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).

Section 5

5 Definitions

Note: The expression Secretary used in this instrument is defined in the Act.

In this instrument:

Act means the *National Health Act 1953*.

approval number has the meaning given by subparagraph 15(1)(a)(ii).

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

approved organisation means an organisation for which an approval under section 15 is in force.

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

concessional beneficiary has the same meaning as in Part VII of the Act.

eligible patient: a person is an *eligible patient* if:

- (a) the person is a concessional beneficiary; and
- (b) the person is homeless; and
- (c) the person has a paper-based prescription, or a repeat authorisation, for an eligible pharmaceutical benefit; and
- (d) the person is unlikely to receive the benefit without assistance under this instrument because the person is incapable of managing the person's affairs; and
- (e) undesirable medical or social consequences are likely to occur if the person does not receive the benefit.

eligible pharmaceutical benefit means a pharmaceutical benefit, other than a pharmaceutical benefit that can only be supplied under Part VII of the Act:

- (a) in accordance with a special arrangement under section 100 of the Act; or
- (b) under the prescriber bag provisions.

Note: See sections 85AAA and 85AA of the Act.

homeless has the meaning given by section 6.

nominated pharmacist, for an approved organisation, means an approved pharmacist for which a nomination by the organisation is in effect under section 19.

not-for-profit entity means:

- (a) an entity that is entitled to be registered under the *Australian Charities and Not-for-profits Commission Act 2012*; or
- (b) a non-profit body (within the meaning of the *Electronic Transactions Act 1999*).

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

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

prescriber bag provisions has the same meaning as in Part VII of the Act.

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

repeat authorisation has the same meaning as in the Regulations.

residential care recipient has the same meaning as in the *Aged Care Act 1997*.

special arrangement supply has the meaning given by section 8.

value for safety net purposes has the same meaning as in Part VII of the Act.

6 Definition of *homeless*

- (1) A person is *homeless* if:
- (a) the person does not have conventional accommodation; or
 - (b) the person moves frequently from one form of temporary shelter to another.

Note 1: For example, paragraph (a) covers persons living on the streets, sleeping in parks, squatting in derelict buildings or using cars or railway carriages for temporary shelter.

Note 2: For example, paragraph (b) covers persons using emergency accommodation (such as hostels for the homeless or night shelters), teenagers staying in youth refuges, and women and children escaping domestic violence (staying in women's refuges).

- (2) A person is not *homeless* if the person is a residential care recipient.

7 Application of this instrument

This instrument applies to a supply of an eligible pharmaceutical benefit that is made on or after 1 July 2021.

Part 2—Special arrangement supplies of eligible pharmaceutical benefits

Division 1—Preliminary

8 Definition of *special arrangement supply*

A supply of an eligible pharmaceutical benefit is a *special arrangement supply* of the benefit if the benefit is:

- (a) for supply to an eligible patient; and
- (b) supplied by a nominated pharmacist for an approved organisation; and
- (c) supplied on the basis of a paper-based prescription, or a repeat authorisation, that is:
 - (i) presented to the pharmacist by a representative of the organisation; and
 - (ii) annotated with the organisation's approval number; and
- (d) received from the pharmacist by a representative of the organisation as agent for the eligible patient.

Division 2—Special arrangement supplies of eligible pharmaceutical benefits

9 Limited charges for supplies (no co-payment)

Subsection 87(2) of the Act does not apply to a special arrangement supply of an eligible pharmaceutical benefit.

10 Value for safety net purposes for supplies

- (1) The *value for safety net purposes* of a special arrangement supply of an eligible pharmaceutical benefit for an eligible patient is the amount that the patient could have been charged for the supply under paragraph 87(2)(a) of the Act if section 9 of this instrument did not apply to the supply.
- (2) This section has effect despite section 17A of the Regulations.

11 No supply without prescription (continued dispensing)

Section 89A of the Act does not apply to a special arrangement supply of an eligible pharmaceutical benefit.

Section 12

Division 3—Payment for special arrangement supplies of eligible pharmaceutical benefits

12 Payment for supply of benefits

- (1) An approved pharmacist who has made a special arrangement supply of an eligible pharmaceutical benefit for an eligible patient is, subject to section 99AAA of the Act and to the conditions determined under section 98C of the Act and applicable at the time of the supply, entitled to be paid by the Commonwealth an amount that is equal to the amount that the patient could have been charged for the supply under paragraph 87(2)(a) of the Act if section 9 of this instrument did not apply to the supply.
- (2) This section has effect in addition to section 99 of the Act.

13 Claims for payment for supply of benefits

- (1) A claim for payment of an amount to which an approved pharmacist is entitled under section 12 in respect of a special arrangement supply of an eligible pharmaceutical benefit must include the approval number of the approved organisation annotated on the prescription or repeat authorisation for the supply.
- (2) This section has effect in addition to section 99AAA of the Act.

Part 3—Administration

Division 1—Approved organisations

14 Organisations may apply for approval

- (1) An organisation may apply to the Secretary to be approved for the purposes of this instrument.
- (2) The application must:
 - (a) be made in writing; and
 - (b) include one or more nominations of approved pharmacists under section 19; and
 - (c) be made in the form (if any) approved under section 20.

15 Decision on application

- (1) If the Secretary receives an application in accordance with section 14 to approve an organisation, the Secretary must, as soon as is reasonably practicable:
 - (a) if the Secretary is reasonably satisfied of the matters mentioned in subsection (2):
 - (i) approve the organisation; and
 - (ii) allocate a unique number (the organisation's *approval number*) to the organisation; or
 - (b) otherwise—refuse the application.
- (2) For the purposes of paragraph (1)(a), the matters are as follows:
 - (a) the organisation is a not-for-profit entity;
 - (b) the organisation has a function of providing care to homeless people;
 - (c) the organisation is not an approved pharmacist or an approved hospital authority;
 - (d) were the organisation to be approved, it would do the following:
 - (i) present prescriptions and repeat authorisations for special arrangement supplies of eligible pharmaceutical benefits to a nominated pharmacist for the organisation;
 - (ii) receive special arrangement supplies of eligible pharmaceutical benefits for eligible patients;
 - (iii) provide the benefits to the patients.
- (3) The Secretary must give the organisation notice in writing of:
 - (a) the decision; and
 - (b) the date the decision takes effect; and
 - (c) if the decision was to approve the organisation—the organisation's approval number.

Section 16

16 Monthly reporting by approved organisations

- (1) Within 14 days after the end of a month, an approved organisation must give the Secretary a report of the total number of prescriptions and repeat authorisations presented by the organisation to nominated pharmacists for the organisation for special arrangement supplies of eligible pharmaceutical benefits in the month.
- (2) The report must be made:
 - (a) in writing; and
 - (b) in the form (if any) approved under section 20.

17 Secretary may request further information from approved organisations

- (1) The Secretary may, in writing, ask an approved organisation to give the Secretary further information in relation to prescriptions and repeat authorisations mentioned in section 16.
- (2) A request for information must:
 - (a) be in writing; and
 - (b) specify a day for complying with the request which is at least 28 days after the day of the request.

18 Approved organisations to supply information on request

If an approved organisation receives a request for information under section 17, the organisation must comply with the request by the day specified in the request.

Division 2—Nominated pharmacists

19 Nominating approved pharmacists

- (1) An organisation may nominate an approved pharmacist for the purposes of making special arrangement supplies of eligible pharmaceutical benefits only if the approved pharmacist would be able to:
 - (a) ensure that prescriptions and repeat authorisations for such supplies are annotated with the organisation's approval number; and
 - (b) maintain records of the value for safety net purposes of such supplies; and
 - (c) make such supplies in urgent circumstances.
- (2) A nomination under this section must:
 - (a) be included in an application under section 14; or
 - (b) be made to the Secretary:
 - (i) in writing; and
 - (ii) in the form (if any) approved under section 20.

Section 20

Division 3—Approved forms

20 Secretary may approve forms

The Secretary may, in writing, approve a form for the purposes of a provision of this instrument.

Division 4—Review of decisions

21 Internal review of decisions

Application for review

- (1) A person who is affected by a decision of the Secretary under this instrument may apply to the Secretary for review of the decision.
- (2) An application for review must:
 - (a) be in writing; and
 - (b) be made in the form (if any) approved under section 20; and
 - (c) be made within:
 - (i) 28 days after the day the decision first came to the notice of the applicant; or
 - (ii) if the Secretary allows a longer period (whether before or after the end of the 28-day period referred to in subparagraph (i))—that longer period.

Review of decision

- (3) On receiving an application, the Secretary must:
 - (a) review the decision; and
 - (b) affirm, vary or set aside the decision; and
 - (c) if the Secretary sets aside the decision—make a new decision in substitution for the decision set aside.
- (4) The decision (the **decision on review**) of the Secretary takes effect:
 - (a) on the day specified in the decision on review; or
 - (b) if a day is not specified—on the day the decision on review was made.

Notice of decision

- (5) After the Secretary makes a decision under this section, the Secretary must give the applicant a written notice stating the following:
 - (a) the terms of the decision;
 - (b) the reasons for the decision.

Section 22

Part 4—Transitional provisions for this instrument as originally made

22 Approved organisations, approval numbers and nominated pharmacists

- (1) This section applies until the end of 30 September 2021.
- (2) An organisation mentioned in column 1 of an item of the following table is taken to be an approved organisation, and the number mentioned in column 2 of the item is taken to be the organisation's approval number.
- (3) An approved pharmacist is taken to be a nominated pharmacist for an organisation mentioned in the following table if:
 - (a) the approved pharmacist could be nominated by the organisation under section 19; and
 - (b) the organisation presents a prescription or repeat authorisation to the approved pharmacist.

Approved organisations and approval numbers		
Item	Column 1 Organisation	Column 2 Number
1	Anglicare Victoria	CMP001
2	Bethlehem House Tasmania Inc	CMP002
3	Catherine House Inc	CMP003
4	McAuley Community Services for Women	CMP004
5	Royal District Nursing Service of South Australia Ltd	CMP005
6	Royal District Nursing Services Limited (Bolton Clarke)	CMP006
7	Salvation Army Adult Services	CMP007
8	Star Health Group Limited	CMP008
9	St Vincent de Paul Society Queensland	CMP009
10	The Salvation Army (Victoria) Property Trust	CMP010
11	The Trustees of the Society of St Vincent de Paul (NSW), (Matthew Talbot)	CMP011
12	VincentCare Victoria	CMP012
13	Wintringham	CMP013
14	Youth Projects Ltd	CMP014

23 Eligible patients—homelessness

- (1) This section applies until the end of 30 June 2024.
- (2) A person is taken to be *homeless* if:
 - (a) the person is a residential care recipient of an organisation mentioned in the table in section 22; and

- (b) immediately before 1 July 2021, the person was a residential care recipient of the organisation; and
- (c) before 1 July 2021, while the person was a residential care recipient of the organisation:
 - (i) the person received a supply of a pharmaceutical benefit from an approved pharmacist with assistance from the organisation; and
 - (ii) the amount that the patient could have been charged for the supply under paragraph 87(2)(a) of the Act was paid not by the person but by the Commonwealth.