



PB 108 of 2022

National Health (Supply of Pharmaceutical Benefits—Under Co-payment Data and Claims for Payment) Amendment (General Co-payment) Rules 2022

I, Nikolai Tsyganov, as delegate of the Minister for Health and Aged Care, make the following rules.

Dated 14 December 2022

Nikolai Tsyganov
Acting Assistant Secretary
Pricing and PBS Policy Branch
Technology Assessment and Access Division
Department of Health and Aged Care

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1 Name

- (1) This instrument is the *National Health (Supply of Pharmaceutical Benefits—Under Co-payment Data and Claims for Payment) Amendment (General Co-payment) Rules 2022*.
- (2) This instrument may also be cited as PB 108 of 2022.

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 January 2023.	1 January 2023

Note: This table relates only to the provisions of this instrument as originally made.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 subsections 98AC(4) and 99AAA(8) of the *National Health Act 1953*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

National Health (Supply of Pharmaceutical Benefits—Under Co-payment Data and Claims for Payment) Rules 2022

1 Subsection 5(1) (at the end of the definition of *allowable discount*)

Add:

Note: The allowable discount may be greater than \$1.00 in the limited cases where subsection 92A(2) of the Act applies to the supply of the pharmaceutical benefit by a friendly society, or by a friendly society body, to an eligible member.

2 Subsection 5(1) (definition of *contribution discount*)

Repeal the definition, substitute:

contribution discount for a supply of a pharmaceutical benefit (other than an early supply of a specified pharmaceutical benefit) means:

- (a) if the supply is not eligible for increased discounting—the amount of the allowable discount for the supply of the pharmaceutical benefit; or
- (b) if the supply is eligible for increased discounting—the amount worked out by reducing the general patient charge amount by the amount charged for the supply under paragraph 87(2)(e) of the Act.

3 Subsection 5(1)

Insert:

eligible for increased discounting has the meaning given by section 87AA of the Act.

4 Subsection 5(2) (after paragraph (b) of the example)

Insert:

(ba) general patient charge amount;

5 Subsections 6(1) and 7(1)

Omit “(under co-payment data) and 99AAA(8)(a) (claims for payment)”, substitute “and 99AAA(8)(a)”.

6 Subsection 8(1)

Omit “(under co-payment data) and 99AAA(8)(c) (claims for payment)”, substitute “and 99AAA(8)(c)”.

7 Subsection 9(1)

Omit “(under co-payment data) and 99AAA(8)(b) (claims for payment)”, substitute “and 99AAA(8)(b)”.

8 Clause 1 of Schedule 1 (note 1)

Omit “under co-payment data”, substitute “information about supplies”.

9 Clause 1 of Schedule 1 (table item 38, column 2)

Omit “submitted (whether by way of claim or under co-payment data)”, substitute “given (whether under section 98AC or 99AAA of the Act)”.

10 Subclause 2(1) of Schedule 1 (note 1)

Omit “under co-payment data”, substitute “information about supplies”.