



PB 115 of 2023

National Health (Continued Dispensing) Amendment Determination 2023 (No. 3)

National Health Act 1953

I, NIKOLAI TSYGANOV, Assistant Secretary, Pricing and PBS Policy Branch, Technology Assessment and Access Division, Department of Health and Aged Care, delegate of the Minister for Health and Aged Care, make this Instrument under subsection 89A(3) of the *National Health Act 1953*.

Dated 30 November 2023

NIKOLAI TSYGANOV
Assistant Secretary
Pricing and PBS Policy Branch
Technology Assessment and Access Division

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1 Name

- (1) This instrument is the *National Health (Continued Dispensing) Amendment Determination 2023 (No. 3)*.
- (2) This instrument may also be cited as PB 115 of 2023.

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. <i>The whole of this instrument</i> | <i>1 December 2023</i> | <i>1 December 2023</i> |

Note: This table relates only to the provisions of this instrument as originally made.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 subsection 89A(3) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (Continued Dispensing) Determination 2022 (PB 59 of 2022)

[1] Subsection 1.05(1)

substitute:

(1) In this instrument:

Act means the *National Health Act 1953*.

electronic prescription has the meaning given by subsection 5(1) of the Regulations.

increased maximum quantity, for a pharmaceutical item, means a quantity or number of units that has been determined under paragraph 85A(2)(a) of the Act as the maximum quantity or number of units of the pharmaceutical item in the pharmaceutical benefit that may, for a relevant purpose, be directed in a prescription to be supplied on any one occasion.

patient: see subsection 3.01(1).

purposes code has the meaning given by the *National Health (Listing of Pharmaceutical Benefits) Instrument 2012*.

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

relevant purpose, for a pharmaceutical benefit, means a purpose, mentioned in Schedule 4 of the *National Health (Listing of Pharmaceutical Benefits) Instrument 2012* for a purposes code specified in Schedule 1 of that instrument for the pharmaceutical benefit, that includes the phrase “The condition must be stable for the prescriber to consider the listed maximum quantity of this medicine suitable for this patient”.

requested supply: see subsection 3.01(1).

[2] Section 3.09

repeal the section, substitute:

3.09 Condition—maximum quantity of supply

(1) The approved pharmacist must supply a maximum quantity or number of units of the pharmaceutical item in the pharmaceutical benefit determined under paragraph 85A(2)(a) of the Act.

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- (2) However, where an increased maximum quantity has been determined for the pharmaceutical item in the pharmaceutical benefit, the approved pharmacist may only supply that increased maximum quantity if the last supply to the patient of the pharmaceutical benefit, or a pharmaceutical benefit that is Schedule equivalent, was on the basis of a prescription written for:
- (a) a relevant purpose for the pharmaceutical benefit; or
 - (b) a relevant purpose for a pharmaceutical benefit that is Schedule equivalent to the pharmaceutical benefit.