National Health (Electronic National Residential Medication Chart Trial) Special Arrangement 2018

made under section 100 of the National Health Act 1953.

Compilation No. 1

Compilation date: 28 August 2018

Prepared by Commonwealth Department of Health
About this compilation

This compilation

This is a compilation of the National Health (Electronic National Residential Medication Chart Trial) Special Arrangement 2018 that shows the text of the law as amended and in force on 28/08/2018 (the compilation date).

The notes at the end of this compilation (the endnotes) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.
1 **Name of Special Arrangement**

(1) This Special Arrangement is the *National Health (Electronic National Residential Medication Chart Trial) Special Arrangement 2018*.

(2) This Special Arrangement may also be cited as PB 49 of 2018.

3 **Authority**

This Special Arrangement is made under subsection 100(1) of the *National Health Act 1953*.

4 **Definitions**

In this Special Arrangement:

*Act* means the *National Health Act 1953*.

*approved residential care service* is an entity whose name, address and approval number are specified in column 2 of an item in the table in the Schedule to this Special Arrangement.

*authority approval number* has the meaning given by the Regulations.

*electronic medication order* means an order for a medicine made using an electronic medication order chart.

*electronic medication order chart* means a chart within an electronic medication order chart system, for a person, that contains all the standard fields set out in the Schedule to the *Medication Chart Form – For PBS/RPBS Medication Chart prescriptions for persons receiving treatment in or at a residential care service at which the person is receiving residential care, as in force immediately before the commencement of this Special Arrangement*.

Note: the *Medication Chart Form – For PBS/RPBS Medication Chart prescriptions for persons receiving treatment in or at a residential care service at which the person is receiving residential care* was made under subsection 19AA(5) of the *National Health (Pharmaceutical Benefits) Regulations 1960* and continued in effect by section 99 of the Regulations.

*electronic medication order chart system* means a software system, owned and operated by a software vendor, that is used for prescribing and recording the administration of medicines to persons receiving residential care at a residential care service.

*electronic medication order unique identification number* means a number issued to an electronic medication order in an electronic medication order chart system.
**NRMC approved supplier** means an approved pharmacist whose name, address and approval number are specified in column 3 of an item in the table in Schedule to this Special Arrangement.

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

**residential care** has the meaning given by the Aged Care Act 1997.

**residential care service** has the meaning given by the Aged Care Act 1997.

**Rules** means the rules under subsection 99AAA(8) and subsection 98AC(4) of the Act.

**software vendor** means an entity whose name and address are specified in column 4 of an item in the table in the Schedule to this Special Arrangement.

**telephone authority required pharmaceutical benefit** means a pharmaceutical benefit in respect of which a circumstance mentioned in Part 1 of Schedule 4 of the National Health (Listing of Pharmaceutical Benefits) Instrument 2012 for a circumstance code applying to the pharmaceutical benefit includes ‘Compliance with Telephone Authority Required procedures’.

**written authority required pharmaceutical benefit** means a pharmaceutical benefit in respect of which a circumstance mentioned in Part 1 of Schedule 4 of the National Health (Listing of Pharmaceutical Benefits) Instrument 2012 for a circumstances code applying to the pharmaceutical benefit includes ‘Compliance with Written Authority Required’ procedures’ or ‘Compliance with Written or Telephone Authority Required procedures’.

**Note:** A number of expressions used in this Special Arrangement are defined in the Act, including the following:

(a) Chief Executive Medicare

(b) CTS claim

(c) PBS prescriber

(d) pharmaceutical benefit

(e) Secretary

5 **Pharmaceutical benefits covered by this Special Arrangement**

(1) This Special Arrangement applies to each pharmaceutical benefit which is generally available for supply under Part VII of the Act.

(2) This Special Arrangement does not apply to a pharmaceutical benefit that can only be supplied under Part VII of the Act in accordance with any other Special Arrangement under section 100 of the Act.
(3) This Special Arrangement does not apply to the supply of a pharmaceutical benefit in circumstances in which the supply may only be made under Part VII of the Act in accordance with any other Special Arrangement under section 100 of the Act.

Note: The Minister can:
(a) declare under subsection 88(2A) of the Act that a particular drug may only be supplied under special arrangements made under section 100; and
(b) determine under subsection 88(8)(a) of the Act that a particular pharmaceutical benefit may only be supplied under special arrangements made under section 100; and
(c) determine under subsection 88(8)(b) of the Act that one or more of the circumstances in which a prescription for the supply of a pharmaceutical benefit may be written are circumstances under which the benefit may only be supplied under special arrangements made under section 100.

6 Application of Part VII of the Act

(1) Each pharmaceutical benefit supplied in accordance with this Special Arrangement is supplied under Part VII of the Act.

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

Note: See subsection 100(3) of the Act.

7 Prescribing of pharmaceutical benefits

Writing prescriptions by completing an electronic medication order chart

(1) A PBS prescriber may only prescribe a pharmaceutical benefit under this Special Arrangement by creating an electronic medication order within an electronic medication order chart in accordance with the requirements of section 41 of the Regulations, as modified by this section.

(2) A prescription for the supply of a pharmaceutical benefit under this Special Arrangement may only be made:
(a) for a person receiving residential care at an approved residential care service; and
(b) using an electronic medication order chart system supplied or made available by the software vendor mentioned in column 4 of the table in the Schedule for that approved residential care service.

Creating electronic medication orders - generally

(3) Paragraphs 41(2)(c) and 41(2)(g) of the Regulations do not apply to the creation of an electronic medication order within an electronic medication order chart.
Note: The exclusion of paragraph 41(2)(g) enables prescriptions using electronic medication orders to be made under the Special Arrangement for pharmaceutical benefits that are referred to in Schedule 8 of the current Poisons Standard (within the meaning of the *Therapeutic Goods Act 1989*). PBS prescribers and NRMC approved suppliers remain subject to any restrictions on prescribing or dispensing Schedule 8 drugs in applicable state or territory legislation.

(4) The PBS prescriber must electronically approve the prescription in the electronic medication order chart system.

*Creating electronic medication orders - authority prescriptions*

(5) The electronic medication order must contain each authority approval number (if any) for the prescription.

(6) A prescription for the supply of a pharmaceutical benefit made in accordance with this section will be taken, for the purposes of the Regulations (other than section 61) and the Rules, to be a medication chart prescription written in accordance with section 41 of the Regulations.

8 Authority required procedures

(1) An electronic medication order used to prescribe a pharmaceutical benefit under this Special Arrangement may be authorised under the authority required procedures in sections 11 to 15 of the *National Health (Listing of Pharmaceutical Benefits) Instrument 2012*, as modified by this section.

*Written authority required procedures - submission of electronic medication order*

(2) Where the pharmaceutical benefit is a written authority required pharmaceutical benefit, the PBS prescriber may submit to the Chief Executive Medicare:

(a) a copy of the electronic medication order, including the electronic medication order unique identification number; or

(b) details of the prescription, by means of electronic communication to obtain an electronic authority, in accordance with subsection (3).

Note: For an authority required prescription for a pharmaceutical benefit that is not a written authority required pharmaceutical benefit, the prescription may be submitted in accordance with the procedures set out in paragraph 12(1)(b), (c) or (d), as appropriate, of the *National Health (Listing of Pharmaceutical Benefits) Instrument 2012*.

(3) The details of the prescription submitted in accordance with paragraph (2)(b) must:

(a) be given to the Chief Executive Medicare in writing; and

(b) be given by means of an electronic communication; and

(c) encrypted when given to the Chief Executive Medicare; and
Written authority required procedures - authorisation of electronic medication order

(4) An electronic medication order submitted in accordance with paragraph (2)(a) may be authorised by the Chief Executive Medicare signing his or her authorisation on the copy of the electronic medication chart order, and:

(a) if the Chief Executive Medicare requires the PBS prescriber to alter the order — indicating this on the copy; and

(b) returning the copy to the PBS prescriber for alteration; and

(c) the PBS prescriber must enter the authorisation number into the electronic medication order.

(5) An electronic medication order submitted in accordance with paragraph (2)(b) may be authorised by the Chief Executive Medicare sending his or her authorisation, by electronic communication, including computer automated electronic communication, to the PBS prescriber.

(6) If the Chief Executive Medicare authorises a prescription under subsection (5):

(a) the Chief Executive Medicare must tell the PBS prescriber, by telephone or electronic communication, the approval number that has been allotted to the electronic medication order; and

(b) the PBS prescriber must enter that number into the electronic medication order.

9 Supply of pharmaceutical benefits

(1) An NRMC approved supplier specified in an item in the table in the Schedule to this Special Arrangement may supply a pharmaceutical benefit under this Special Arrangement to a person receiving residential care in the approved residential care service specified in column 2 of that item.

(2) A pharmaceutical benefit may not be supplied to a person under this Special Arrangement before the prescription for that pharmaceutical benefit is available to the NRMC approved supplier through an electronic residential medication chart system.

(3) Sections 45, 47 and 51 of the Regulations apply to the supply of a pharmaceutical benefit under this Special Arrangement, with the following modifications:

(a) a reference to a medication chart prescription is taken to be a reference to an electronic medication order;

(b) a reference to a supplier or an approved supplier is taken to be a reference to an NMRC approved supplier;
(c) for section 45:
   (i) paragraph 45(2)(c) does not apply; and
   (ii) a reference to a person receiving treatment in or at a residential aged care facility is taken to be a reference to a person receiving residential care at an approved residential care service; and
   (iii) the NRMC approved supplier, or a person authorised for the purpose by the NRMC approved supplier, must verify in the electronic medication order that the pharmaceutical benefit has been supplied and the date on which it was supplied; and
(d) for section 51, a reference to writing “immediate supply necessary” on the prescription in section 51 is taken to be a reference to including those words in the electronic medication order.

10 Claims for supply of pharmaceutical benefit

(1) An NRMC approved supplier may make a claim for payment for the supply of a pharmaceutical benefit under this Special Arrangement in accordance with the Rules, as modified by this section.

(2) Where a claim for payment for the supply of a pharmaceutical benefit of a kind mentioned in subsection (3) is made, for item 23 of the table in Schedule 1 to the Rules the Patient Category details for a patient in the Residential aged care facility patient (medication chart prescription) category are 0 (zero).

(3) For subsection (2), the kinds of pharmaceutical benefits are benefits supplied using software made available by Fred IT Group Pty Ltd (ABN 68 109 546 901) and which are:
   (a) written authority required pharmaceutical benefits;
   (b) telephone authority required pharmaceutical; or
   (c) referred to in Schedule 8 of the current Poisons Standards (within the meaning of the Therapeutic Goods Act 1989).

(4) If the Chief Executive Medicare notifies the approved supplier in writing that a copy of the electronic medication order is required to be submitted, the approved supplier must submit a copy of the electronic medication order to the Department of Human Services.

Electronic pharmacy records

(5) For each supply of pharmaceutical benefit based on an electronic medication order in respect of which a claim is made under section 99AAA of the Act by an NRMC approved supplier, the supplier must:
   (a) prepare an electronic pharmacy record; and
   (b) retain the electronic pharmacy record for not less than two years after the day on which the pharmaceutical benefit was supplied.
Note: This subsection establishes record keeping requirements that correspond to the requirements contained in section 61 of the Regulations.

(6) The electronic pharmacy record must contain all information required to be given to the Secretary by an NRMC approved supplier in relation to the supply of a pharmaceutical benefit to a person receiving residential care in a residential care service by Schedule 1 to the Rules for a CTS claim.

(7) If the Chief Executive Medicare notifies the NRMC approved supplier in writing that a copy of an electronic pharmacy record is required to be submitted, the NRMC approved supplier must submit a copy of the record to the Department of Human Services.

(8) A notification given under subsection (4) or (7) may apply to one or more electronic medication orders or electronic pharmacy records, as appropriate.
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<th>Column 2 – name and address and approval number of approved residential care service</th>
<th>Column 3 – name, address and approval number of the NRMC approved supplier</th>
<th>Column 4 – name and address of software vendor</th>
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| 1             | BaptistCare Warabrook Centre  
24 Casuarina Circuit  
Warabrook NSW 2304  
RACF Id No 515 | Amcal Max  
Shop 6/1 East Mall  
Shopping Centre  
Rutherford NSW 2320  
Approval No.14980K | Medi-Map Group Pty Limited  
Level 18  
530 Collins Street  
Melbourne VIC 3000  
ABN 90 612 500 651 |
| 2             | Parkrose Village  
34 Norman Terrace  
Everard Park SA 5035  
RACF Id No. 6884 | North Plympton  
TerryWhite Chemmart  
Shop 2  
267-269 Marion Road  
Marleston SA 5033  
Approval No. 41119E | Medi-Map Group Pty Limited  
Level 18  
530 Collins Street  
Melbourne VIC 3000  
ABN 90 612 500 651 |
| 3             | Aldinga Beach Court  
10 Pridham Boulevard  
Aldinga Beach SA 5173  
RACF Id No. 6164 | Christies Beach Chemplus  
45 Beach Road  
Christies Beach SA 5165  
Approval No. 41102G | Medi-Map Group Pty Limited  
Level 18  
530 Collins Street  
Melbourne VIC 3000  
ABN 90 612 500 651 |
| 4             | BaptistCare The Gracewood Centre  
2 Free Settlers Drive,  
Kellyville NSW 2155  
RACF Id No. 1040 | Pharmacy4Less Riverstone Marketown Centre  
2/1 Riverstone Parade  
Riverstone NSW 2765  
Approval No. 14123H | Medi-Map Group Pty Limited  
Level 18  
530 Collins Street  
Melbourne VIC 3000  
ABN 90 612 500 651 |
| 5             | St Marys Villa Residential Aged Care  
56 Burton Street  
Concord NSW 2137  
RACFF Id No. 533 | Metropolitan Pharmacy Services  
17-19 Moore Street  
Leichhardt NSW 2040  
Approval No. 12907H | ManRex Pty Ltd (trading as Webstercare) |
| 6             | St Anne’s Nursing Home  
238 Piper Street  
BROKEN HILL NSW 2880  
RACFF Id No. 2413  
Harold Williams Home  
267 Eyre Street  
Broken Hill NSW 2880  
RACFF Id No. 27 | CP People’s Chemist  
323 Argent Street  
BROKEN HILL NSW 2880  
Approval No. 15458N | ManRex Pty Ltd (trading as Webstercare) |

National Health (Electronic National Residential Medication Chart Trial) Special Arrangement 2018

Compilation No. 1  
Compilation date: 28/08/2018

Authorised Version F2018C00756 registered 22/10/2018
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Endnotes

Endnote 1—About the endnotes
The endnotes provide information about this compilation and the compiled law.
The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.
The legislation history in endnote 3 provides information about each law that has amended (or
will amend) the compiled law. The information includes commencement details for amending
laws and details of any application, saving or transitional provisions that are not included in
this compilation.
The amendment history in endnote 4 provides information about amendments at the provision
(generally section or equivalent) level. It also includes information about any provision of the
compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe the
amendment to be made. If, despite the misdescription, the amendment can be given effect as
intended, the amendment is incorporated into the compiled law and the abbreviation “(md)”
added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not
incorp)” is added to the details of the amendment included in the amendment history.
## Endnote 2—Abbreviation key

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**National Health (Electronic National Residential Medication Chart Trial) Special Arrangement 2018**
## Endnote 3—Legislation history

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Endnote 4—Amendment history

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