

October 2005

Policy

Health (Drugs and Poisons) Regulation 1996

The Issue of Approvals for Veterinary Purposes



Queensland Government
Queensland Health

Contents

Introduction.....	3
Scope	3
Application of this policy	4
Requirement for approval	4
Criteria for approval.....	5
Types of restricted (Schedule 4) drugs for which approval will be considered.....	6
Making application for an approval	7
Conditions of approval.....	8
Reasons for conditions	9
Duration of approvals.....	9
Summary of the veterinary surgeon's responsibilities.....	9

Introduction

There is provision under the *Health (Drugs and Poisons) Regulation 1996* to issue approvals to persons (non veterinary surgeons), who have a legitimate need and who are deemed a suitable person, to administer medication to animals for the purpose of animal management and/or welfare.

Note: a “legitimate need” does not include the proposed use of approval holders in place of veterinary surgeons for the purpose of cost-saving by an organisation.

In recent years, Queensland Health has received an increasingly large number of applications for such approvals from many different types of organisations.

This document is designed to assist prospective applicants by:

- defining current policy, which supports the relevant provisions of the *Health (Drugs and Poisons) Regulation 1996*
- identifying criteria, which need to be met in order to be considered for approval
- explaining conditions of approval.

An approval is a written document granted under the *Health (Drugs and Poisons) Regulation 1996* by the Chief Executive, Queensland Health, which authorises the approval holder to undertake certain activities in relation to the scheduled drugs and/or poisons stated in the approval. An approval may be granted with or without specific conditions.

For the purposes of this policy, approvals may be granted to persons, who are not registered veterinary surgeons and who are:

- employed by; or
- contracted to; or
- perform duties for; and
- operate under the auspices of a recognised animal welfare organisation or statutory body, to legally possess and use specific types of scheduled drugs, namely, restricted (Schedule 4) drugs, on the instruction of a veterinary surgeon.

Such approvals may be granted, subject to certain conditions.

An approval is not required for the owner of an animal to administer restricted (Schedule 4) drugs, which have been dispensed by a veterinary surgeon.

Scope

This policy refers to the granting of approvals under the *Health (Drugs and Poisons) Regulation 1996*, to persons (non veterinary surgeons) to possess and use restricted (Schedule 4) drugs for animal management and/or welfare, on the verbal instruction of a veterinary surgeon. In particular, it provides explanation of the following:

- requirement for approval
- criteria for approval
- types of restricted (Schedule 4) drugs for which approval will be considered
- how to apply for an approval

- conditions imposed on approval holders
- reasons for conditions
- duration of approvals
- a summary of the veterinary surgeon's responsibilities.

The scope of this policy does not include the granting of approvals to possess and use restricted (Schedule 4) drugs for:

- the administration of restricted (Schedule 4) drugs to animals for the purpose of research
- the treatment, euthanasia or sedation of livestock kept for commercial and/or husbandry purposes on an individual's property (consultation with the veterinary surgeon, who has the herd under his or her care, is necessary for husbandry purposes)
- the management of stray wild cattle (or other pest animals) on an individual's property
- the welfare or treatment of animals of a zoo
- the welfare of animals by individuals who are not employed by, contracted to or perform duties for and operate under the auspices of a recognised animal welfare organisation or statutory body.

Application of this policy

This document assists persons who are employed by, contracted to or perform duties for and operate under the auspices of a recognised animal welfare organisation or statutory body and who require restricted (Schedule 4) drugs to carry out their official duties for the organisation.

Requirement for approval

Endorsement under the *Health (Drugs and Poisons) Regulation 1996* (the regulation) is required to obtain, possess and use restricted (Schedule 4) drugs.

Under the regulation, different health professionals possess "as-of-right" authorities and therefore are legally endorsed to undertake certain practices, involving restricted (Schedule 4) drugs. For example, doctors and veterinary surgeons can legally prescribe and administer different classes of scheduled drugs and poisons, including restricted (Schedule 4) drugs.

Under the regulation, an endorsement includes a written approval, granted by the Chief Executive, Queensland Health. The Chief Executive, has the power to grant a written approval to a person in relation to scheduled drugs and/or poisons, when reasonably satisfied the person:

- has a genuine need for the approval
- is a suitable person to be granted the approval
- meets the criteria of Queensland Health policy, including the criteria set out under this document.

The Chief Executive, Queensland Health has a responsibility under section 18 of the regulation to consider all applications for approval and either:

- grant the approval, with or without conditions; or
- refuse to grant the approval.

Criteria for approval

Applications for an approval are considered on a case by case basis. However, in order to be considered for an approval for veterinary purposes, applicants must satisfy the following criteria.

- Applications will be considered for restricted (Schedule 4) drugs only. Applications for controlled (Schedule 8) drugs will not be considered due to the greater public health risk and associated increased controls placed over this class of drug.
- Applicants must be employed by, contracted to or perform duties for and operate under the auspices of a recognised animal welfare organisation or statutory body. Such persons may apply for approval to possess and use restricted (Schedule 4) drugs only. (If granted, such approvals do not legally enable the approval holder to directly obtain the restricted (Schedule 4) drugs from a supplier. In most instances, the veterinary surgeon employed by, contracted or providing services to the organisation will obtain the restricted (Schedule 4) drugs and give them to the approval holder).

Note: In relation to Local Governments, the Chief Executive Officer or equivalent can make an application for an approval, which (if granted), will legally enable that person to obtain the restricted (Schedule 4) drugs on a purchase order and issue the drugs to the approval holder undertaking animal management and/or welfare.

- Applicants must demonstrate a genuine need for the approval. For example, a person requires restricted (Schedule 4) drugs to sedate and euthanase animals, in order to fulfil duties as an animal control officer of a Local Government.
- The applicant must be a suitable person to hold an approval to possess and use restricted (Schedule 4) drugs. Under section 15 of the regulation, in deciding whether a person is suitable to hold an approval, the Chief Executive, Queensland Health, may consider and make enquiries about:
 - the person's knowledge and understanding of his/her obligations under the regulation
 - the person's qualifications and experience
 - the person's character and standing
 - any previous convictions the person has under the *Health Act 1937* or the regulation.

Note: to establish the above in relation to an applicant's suitability to hold an approval, the Chief Executive may make checks as to whether the applicant has a criminal history.

- Where approval is requested to possess and use euthanasia drugs, eg. Sodium Pentobarbitone, the organisation that employs the person applying for approval, must be a "prescribed entity" under the *Animal Care and Protection Act 2001*. To find out more about prescribed entities, applicants can contact the Department of Primary Industries and Fisheries' Animal Welfare Unit on 13 25 23.
- The organisation with which the applicant is employed must submit to the Chief Executive, Queensland Health, a protocol document, which includes procedures relating to:

- the training of relevant staff in the administration and use of restricted (Schedule 4) drugs
- achieving and maintaining compliance with:
 - the relevant provisions of the *Health (Drugs and Poisons) Regulation 1996*
 - this policy
 - conditions of approval (if granted).

This document must be written or endorsed by a veterinary surgeon employed by, contracted or providing services to the organisation. In addition, the organisation must re-submit a protocol, which has been updated or endorsed by a registered veterinary surgeon, every three years. The purpose of this is to inform Queensland Health of the document's existence and that the organisation ensures the document remains current.

Note: Queensland Health does not approve or endorse protocol documents.

In addition, the veterinary surgeon is responsible for ensuring the organisation's ongoing adherence to the protocol.

- Applicants for an approval to possess and use restricted (Schedule 4) drugs must have completed a course of training conducted by a veterinary surgeon, in the administration and use of the restricted (Schedule 4) drugs requested. In this instance, the veterinary surgeon who has provided the training must either:
 - sign the relevant section of the application form stating the applicant is competent in the administration and use of the restricted (Schedule 4) drugs requested; or
 - alternatively, the applicant can provide a certificate that indicates they have attended and passed a course conducted by a registered veterinary surgeon, in the administration and use of the drugs requested.
- Application must be made in writing. The section below titled "Making application for an approval" describes how an application for approval may be made.

Types of restricted (Schedule 4) drugs for which approval will be considered

The types of restricted (Schedule 4) drugs for which approval will be considered will depend on which restricted (Schedule 4) drugs are needed to undertake the functions of the organisation employing the applicant.

For most organisations, the types of restricted (Schedule 4) drugs for which approval will be considered will be limited to drugs used for:

- euthanasia
- sedation for:
 - capture prior to euthanasia
 - transporting animals for subsequent treatment by a veterinary surgeon
 - removal from potential danger
 - relocation.

For applicants employed by certain government organisations and the Royal Society for the Prevention of Cruelty to Animals – Queensland, approval for the following restricted (Schedule 4) drugs, in addition to the above, will also be considered:

- vaccines
- antibiotics.

Making application for an approval

Any person may apply for an approval.

Applicants can use the application form in Appendix 1 of this document. This form is also available at www.health.qld.gov.au

The application form must be:

- completed in full
- signed by the applicant and their manager or employer and either:
 - signed by a veterinary surgeon, stating the applicant has been trained in the administration of the scheduled drug(s) requested and is competent in their use; or
 - accompanied by a certificate, which indicates the applicant has attended and passed a course conducted by a registered veterinary surgeon, in the administration and use of the drugs requested.

The application form must be accompanied by a covering letter signed by the applicant's manager or employer, supporting the application.

In addition to the above and in relation to Local Governments, an application for an approval may be made for the Chief Executive Officer to obtain, possess and issue restricted (Schedule 4) drugs to approval holders to possess and use for animal management and/or welfare. In this instance, the section of the application form relating to training by a veterinary surgeon is not relevant and should be marked "not applicable".

Applications can be made by facsimile, provided the original is submitted later by mail.

Applications should be addressed to:

The Chief Executive, Queensland Health
C/- Assistant Principal Adviser
Drugs, Poisons and Therapeutic Goods
Environmental Health Unit
PO Box 48
BRISBANE Q 4001.

There is no application fee.

Conditions of approval

All approvals granted by the Chief Executive, Queensland Health for veterinary purposes have conditions attached. Some conditions on approvals may vary depending on:

- the applicant and the organisation with which they are employed
- the types of restricted (Schedule 4) drugs requested by the applicant.

However, the following conditions are standard across most approvals granted for veterinary purposes.

- The approval holder must keep accurate records for all incoming and outgoing drugs. These records are to be checked and initialled on a monthly basis by a veterinary surgeon, employed by, contracted or providing services to the organisation.
- The restricted (Schedule 4) drugs are held at all times in secure locked storage at the organisation's premises or in the approval holder's vehicle.
- The restricted (Schedule 4) drugs are used only for the purposes stated in the approval and on behalf of the organisation with which the approval holder is employed.
- The approval holder may administer the restricted (Schedule 4) drugs only:
 - on the verbal direction of the veterinary surgeon, employed by, contracted or providing services to the organisation and in accordance with the protocol developed by the veterinary surgeon for the organisation; or
 - where it is not practicable for the veterinary surgeon to give a verbal direction to administer the restricted (Schedule 4) drug, eg. where the approval holder is in a remote location - that the veterinary surgeon is contacted to review the administration of the drug within 24 hours. The approval holder must note the specifics of the review on the relevant record entry.
- However, a direction from the veterinary surgeon or a review of the administration of the drug is not required for the euthanasia of feral cats, provided the approval holder acts in accordance with the protocol developed and/or endorsed by the veterinary surgeon.
- The approval holder must only use the poisons listed in the schedule to the approval, in accordance with their registered purpose as registered by the Australian Pesticides and Veterinary Medicines Authority (APVMA) under the *Agricultural and Veterinary Chemicals Control Act 1994*, unless used in accordance with an off-label permit granted by the APVMA.
- The approval is effective only during the term of employment of the approval holder with the organisation and while employed in a position undertaking animal management and/or welfare or for a stated period, unless sooner suspended, cancelled, replaced or surrendered, whichever occurs first.

Reasons for conditions

Section 18(3) of the regulation requires that where conditions are attached to an approval, the applicant promptly be given a written notice that:

- states the reasons for the conditions
- includes a statement advising the applicant that he/she may appeal to a Magistrates Court against the imposition of the conditions within 28 days.

It should be noted that non compliance to the approval conditions by an approval holder is a breach of provisions of the regulation and may result in the suspension or cancellation of the approval or the instigation of legal proceedings against the approval holder.

Duration of approvals

Approvals are granted for a maximum period of two years. However, periods of less than two years may be applied to an approval at the discretion of the Chief Executive, Queensland Health.

All onus is on the applicant to reapply for a new approval after this period. Queensland Health does not issue reminder or renewal notices.

Summary of the veterinary surgeon's responsibilities

A veterinary surgeon that:

- is employed by; or
- is contracted to; or
- provides services to an organisation whose personnel have applied for and been granted an approval, is responsible for the following:
 - develop or endorse the organisational protocol relating to the use of restricted (Schedule 4) drugs by approval holders
 - update or endorse an updated protocol of the organisation which must be re-submitted to the Chief Executive, Queensland Health every three years
 - ensure the organisation's ongoing adherence to the protocol
 - train relevant personnel of the organisation in the use of restricted (Schedule 4) drugs
 - obtain the restricted (Schedule 4) drugs and give them to the approval holder (in all cases except for Local Governments where the Chief Executive Officer or equivalent may be granted approval to obtain restricted (Schedule 4) drugs and issue the drugs to approval holders undertaking animal management and/or welfare)
 - provide the verbal direction to approval holders to administer restricted (Schedule 4) drugs or review the administration when a verbal direction is not practicable
 - check and initial on a monthly basis the records kept by approval holders, relating to restricted (Schedule 4) drugs.



Application to Chief Executive - Approval for Veterinary Purposes

1. Applicant details

Given names <i>(do not abbreviate)</i>			Surname		
Date of birth			Birthplace	Town	
				Country	
Residential address	Property name				
	Unit / House no		Street name		
	Suburb / Town		State		P'code
Telephone <i>(home)</i>			Mobile		
Postal address <i>(for all correspondence)</i>					
Qualifications					
Position					

2. Organisation

Organisation name					
-------------------	--	--	--	--	--

3. Business details

Street address					
Postal address (if different to above)					
Telephone			Fax		

4. Location and description of place where the restricted (Schedule 4) drugs will be stored

5. Restricted (Schedule 4) drugs required

Drug (generic name)	Trade name	Form, eg. amps, solution etc.	Strength (mg/ml)	Max quantity (mls, grams etc)

6. Reasons why approval is required

7. Period for which approval is required

Period approval is required (Max. 2 years)	
--	--

8. Endorsement by applicant's manager or employer

This section is to be completed by the applicant's manager or employer.

The applicant is employed by
 and is required to possess and use the drugs and poisons listed on this form in their official duties.

I support this application.

Name	
Position/title	
Signature	
Date	

9. Provision of training by a veterinary surgeon

This section is to be completed by a veterinary surgeon either employed by or contracted to the organisation.

I have personally trained (the applicant) in the use and administration of the restricted (Schedule 4) drugs and poisons listed on this form. I believe the applicant is competent in the use and the administration of the restricted (Schedule 4) drugs listed on this form.

Name	
Registration No.	
Signature	
Date	

10. Disclosure by applicant

Have you:

been convicted of an indictable offence? Yes No
 (Drink driving and minor traffic offences are not indictable offences)

been convicted of an offence against the *Health Act 1937* or the *Health (Drugs and Poisons) Regulation 1996*? Yes No

held an endorsement granted under the *Health (Drugs and Poisons) Regulation 1996* that was suspended or cancelled? Yes No

ever been refused an endorsement under the *Health (Drugs and Poisons) Regulation 1996*? Yes No

Note: an endorsement includes an approval, an authority, a drug or poison licence, a strychnine permit, a cyanide permit.

If YES, please attach documentation that provides details of the suspension, cancellation, nature of the offence and the circumstances of its commission.

11. Declaration by applicant

- I declare that the information stated by me on this application form is true and correct. Yes No
- I consent to the making of enquiries of, and the exchange of information with the authorities of any State, Territory or Commonwealth regarding any matters relevant to this application. Yes No

Signature		Date	
-----------	--	------	--