

Interstate prescriptions for dispensing in Queensland

Medicines and Poisons Act 2019 - Factsheet – current as at July 2023

Purpose

This factsheet aims to provide guidance to **prescribers** who are located in an Australian state or territory other than Queensland and **dispensers** who are physically located in Queensland. It also provides useful background information for prescribers who are located in Queensland and other health practitioners.

Background and terminology

The *Medicines and Poisons Act 2019* (**MPA**) is a law of Queensland. Accordingly, the MPA and its subordinate legislation (which includes the Medicines and Poisons (Medicines) Regulation 2021 (**MPMR**)) apply to activities in Queensland, that is:

- A **prescriber** who prescribes a medicine while physically located in Queensland (**Queensland Prescriber**) must do so in accordance with the requirements in the MPA and MPMR.
- A **dispenser** who dispenses a prescription while physically located in Queensland (**Queensland Dispenser**) must do so in accordance with the requirements in the MPA and MPMR.
- A **prescriber** who prescribes a medicine while physically located in an Australian state or territory other than Queensland (**Interstate Prescriber**) must act in accordance with the respective laws and requirements of that jurisdiction.

Interstate Prescribers who write prescriptions, must be authorised to do so in their respective jurisdictions and must comply with any legislative requirements and laws of their jurisdictions. For a **prescription to be dispensed in Queensland**, a prescriber (i.e. either a **Queensland Prescriber** or **Interstate Prescriber**) must ensure that the prescription meets the requirements of a lawful prescription under the MPA and MPMR.

The factsheet '*Writing lawful prescriptions*' provides information for health practitioners who prescribe medicines to understand the legislative requirements for writing prescriptions under the MPA and MPMR.

In addition to the general requirements for prescribing¹, there are some specific requirements for particular medicines as described below. Importantly, **Interstate Prescribers** and **Queensland Dispensers** should be aware that:

¹ See 'Useful terms' section of this factsheet and also Chapter 4, Part 6 of the MPMR.

- *Prescribing approvals*² are only granted to **Queensland Prescribers**.
- The requirement to check QScript³ applies only to 'relevant practitioners' who are prescribing, dispensing or giving a treatment dose of a *monitored medicine*⁴ in Queensland.

Please refer to the 'Useful terms' section of this factsheet for more terminology used in the MPA/MPMR.

Interstate Prescriber prescription for dispensing by a Queensland Dispenser

Section 120 of the MPMR provides:

120 When dispensing is not otherwise permitted

A dispenser must not dispense a medicine on a written prescription if—

- (a) information on or with the prescription shows it has been fulfilled or cancelled; or*
- (b) for a digital copy of a paper prescription for a diversion-risk medicine—the prescription states it has been sent to another place; or*
- (c) the dispenser reasonably suspects—*
 - (i) the prescription is a document that has been unlawfully prepared or obtained; or*
 - (ii) the prescription has been made by a person who is not authorised under the Act, or permitted under a corresponding law or another law, to prescribe the medicine; or*
 - (iii) the prescription does not otherwise comply with the Act.*

Under section 120(c)(ii) of the MPMR, a prescription written by an Interstate Prescriber is valid for dispensing in Queensland provided:

- the prescriber is authorised under the MPA, or permitted under a corresponding law⁵ or another law to prescribe the medicine; and
- the prescription contains the information detailed in sections 86-88 of the MPMR, to the extent the information is required under the sections for the medicine (section 113(2) of the MPMR) – see further details about what is required to be written on prescriptions for specific medicines later in this factsheet.

Importantly, section 120(c)(ii) of the MPMR **does not authorise** a prescriber to prescribe a medicine under the MPA or MPMR, it authorises a Queensland Dispenser to **dispense** the medicine.

² See 'Useful terms' section of this factsheet. For more information or to apply for a prescribing approval, see: www.health.qld.gov.au/system-governance/licences/medicines-poisons/medicines/prescribing-approvals

³ QScript is Queensland's real-time prescription monitoring system. More information is available here: www.health.qld.gov.au/qscript

⁴ See Schedule 2, Part 4 of the MPMR for a list of monitored medicines.

⁵ See 'Useful terms' section of this factsheet.

Separately, section 50(2) of the MPA provides that a person who has an approval, licence, permission or other authority (**related authority**) – which *may* include an authority to prescribe – under:

- another Queensland Act; or
- a law of the Commonwealth,

does not commit an offence against the MPA to the extent the person acts under the related authority, but only when acting within Queensland.

Prescriptions for restricted medicines – required information

Section 113(2) (dispensing on compliant written prescription) of the MPMR provides that a dispenser must not dispense a prescription unless it contains the information detailed in sections 86-88 of the MPMR, to the extent the information is required under the sections for the medicine.

Section 86 of the MPMR (*Content of written prescription*) details the information that must be stated on a prescription for a medicine.

If the medicine being prescribed is a *restricted medicine*⁶:

- section 86(1)(m)(i) of the MPMR requires details of the prescriber's authorisation to prescribe the restricted medicine to be stated on the prescription; and
- section 86(1)(m)(ii) of the MPMR requires the words 'continuing treatment' to be included when prescribing hydroxychloroquine for a patient who has previously been prescribed this by another health practitioner.

For an **Interstate Prescriber** to meet the mandatory requirement under section 86(1)(m)(i) of the MPMR, this will depend on the relevant authorisation in the circumstances, which may include one or more of the following examples (and all authorisations that apply should be stated on the prescription):

- a relevant approval number under the relevant legislation from their 'home' state (i.e. the state or territory they are prescribing in);
- their relevant qualifications to prescribe the restricted medicine;
- another lawful authorisation.

In compliance with section 113 of the MPMR, a **Queensland Dispenser** must not dispense a restricted medicine prescribed by a **Queensland Prescriber** or **Interstate Prescriber**, unless the prescription contains details of the prescriber's authorisation to prescribe the restricted medicine.

⁶ See 'Useful terms' section of this factsheet and also Schedule 2, Part 1 of the MPMR.

Prescriptions for opioids – required information

Interstate Prescribers who prescribe an *approved opioid*⁷ for their patient who is temporarily visiting Queensland or awaiting access to a place in a Queensland *opioid treatment program*⁸ must ensure that their prescription contains the following information specified in section 87(5) of the MPMR, in addition to the information required under section 86 of the MPMR:

- the name of the place where the approved opioid is to be dispensed or given;
- instructions for how one (1) or more doses of the medicine are to be dispensed or given, including the circumstances (if any) in which the patient may be given a dose;
- the start and end dates for when one (1) or more doses of the opioid are to be dispensed or given.

Prescriptions for psychostimulants (amfetamines or methylphenidate) – required information

Interstate Prescribers who are authorised to write prescriptions for psychostimulants for patients based in Queensland may have the prescription lawfully dispensed by a **Queensland Dispenser**, provided the prescriber writes a compliant prescription (i.e. it contains the information detailed in sections 86-88 of the MPMR, to the extent the information is required under the sections for the medicine).

If the Schedule 8 medicine is amfetamine, dexamfetamine, lisdexamfetamine or methylphenidate—section 87(2)(c) of the MPMR requires the words ‘specified condition’ or words to indicate the condition being treated to be stated on the prescription.

As mentioned above, under Queensland’s legislative framework, **prescribing approvals cannot be granted to Interstate Prescribers**. Please see the factsheet ‘*Prescribing amfetamines and methylphenidate (psychostimulants)*’ for further information.

Useful terms

Term	Definition
Approved opioids	The dictionary in Schedule 22 of the MPMR defines ‘approved opioid’: <i>approved opioid means a medicine approved for treating patients under an opioid treatment program.</i>
Corresponding law	The dictionary in Schedule 1 of the MPA defines ‘corresponding law’ as meaning: (a) the Commonwealth Therapeutic Goods Laws, and the applied therapeutic goods provisions, under the Therapeutic Goods Act 2019 ; or

⁷ See ‘Useful terms’ section of this factsheet and the dictionary in Schedule 22 of the MPMR.

⁸ See ‘Useful terms’ section of this factsheet and the dictionary in Schedule 22 of the MPMR.

Term	Definition
	(b) a law of another jurisdiction that provides for, or provided for, the same or similar matters as this Act.
Opioid treatment program	The dictionary in Schedule 22 of the MPMR defines 'opioid treatment program': <i>opioid treatment program means a program, for the treatment of persons dependent on opioids, administered in Queensland under the National Health Act 1953 (Cwlth), section 100.</i>
Prescription	The dictionary in Schedule 1 of the MPA defines 'prescription' as follows: <i>prescription, in relation to a medicine, means a direction, orally or in writing, to administer, dispense or give a treatment dose of the medicine for the treatment of a person or animal.</i>
Prescribing approval	Section 67 of the MPA defines 'prescribing approval' as: an approval that authorises a person to carry out any of the following regulated activities with a medicine stated in the approval— (a) <i>prescribing the medicine for a person, or a class of persons, stated in the approval in the stated circumstances;</i> (b) <i>buying, possessing, administering, dispensing and giving a treatment dose of the medicine in the stated circumstances.</i>
Restricted medicine	Restricted medicines are listed in Schedule 2, Part 1 of the MPMR. They include (but are not limited to): <ul style="list-style-type: none"> • buprenorphine and methadone for treating opioid dependency; • amfetamines and methylphenidate (commonly known as psychostimulants).

Associated guidance information

- [Factsheet – Writing lawful prescriptions](#)
- [Factsheet – Prescribing amfetamines and methylphenidate \(psychostimulants\)](#)

Further information

For further information, contact the Healthcare Approvals and Regulation Unit (HARU) by email: HARU@health.qld.gov.au