

# Application of the Carer Provisions for people in custody

## Position statement

### Purpose

The Health (Drugs and Poisons) Regulation 1996 (Regulation) regulates the access, storage and use of scheduled medicines in Queensland. Sections 74, 183 and 270 provides circumstances where a person does not need an endorsement to deliver a controlled drug, restricted drug or a scheduled poison respectively (scheduled medicines) to a person for whom it has been dispensed; or to help another person to take a scheduled medicine that has been supplied as a dispensed medicine (Carer Provisions).

This position statement clarifies Queensland Health's position that the Carer Provisions may be applied to a range of settings including, but not limited to, supporting a person in custody manage their medicines. Specifically, Queensland Corrective Services officers and Proper Officers of a Court (custodial officers<sup>1</sup>) can assist a person in custody with their dispensed medicines, who is attending court, or who is being transported by a Queensland Corrective Services officer. This assistance includes possessing a scheduled medicine and helping the person in custody with a scheduled medicine that has been supplied as a dispensed medicine for the person in custody.

### Scope and limitation

This position statement refers only to assisting a person in the custody of a custodial officer with scheduled medicines that have been dispensed for that person in custody who is being transported to or attending court.

Watch houses and police establishments are excluded from the scope of this position statement and are covered under specific provisions in the Regulations regarding these settings.

This document does not limit the application of the Carer Provisions in any other setting.

Generally, controlled drugs are beyond the scope of this document and will not be in the possession of custodial officers. The Section 18 approvals granted to registered nursing staff do not allow registered nurses to supply controlled drugs. Controlled drugs, if required, may only be supplied to a custodial officer by a doctor or a nurse practitioner as the ability to supply is within a doctor or a nurse practitioner's scope of practice.

### Considerations

The Carer Provisions under the Regulation may be relied on as an authority in circumstances where a person in custody who is attending court or being transported by a custodial officer, based on the following considerations by Queensland Health:

- The person in custody does not have direct access or ongoing possession of their scheduled medicines. The custodial officer will have possession and secure the person in custody's scheduled medicine. In these circumstances the only way that the person in custody may take their scheduled medicines is with the assistance of the custodial officer, as per the labelled instructions.

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<sup>1</sup> Carers as defined in the Regulation for the purposes described in this position statement.

- Scheduled medicines are provided to custodial officers by an authorised health practitioner, who is an employee of Queensland Health (Queensland Health clinicians) in appropriately labelled unit dose medication packaging for the individual person in custody.
- The amount of scheduled medicines supplied for an individual person in custody will be minimal and limited only to scheduled medicines that cannot be administered by Queensland Health clinicians prior to, or after, the court appearance and transport.
- The scheduled medicines are supplied as a dispensed medicine after Queensland Health clinicians have completed a health assessment of the person in custody within a Queensland Corrective Services facility prior to being transported, and determined it is appropriate for the custodial officer to possess the dispensed scheduled medicine and assist the person in custody with their dispensed medicines.
- The scheduled medicines may have been taken for some time by the person in custody, and accordingly, they will be familiar to the person in custody and any previous adverse reactions or intolerance to the dispensed scheduled medicine will be known and assessed to be within an acceptable margin during the health assessment.
- Queensland Health considers that the employment and governance arrangements established by the Courts and Queensland Corrective Services are appropriate to ensure that custodial officers are suitable persons to undertake the responsibilities covered under the Carers Provisions to assist a person in custody with their dispensed medicines.

## Procedures and protocols for medicines management

Custodial officers may assist a person in custody who is attending court or are being transported to manage their medicines. This assistance includes possessing a scheduled medicine and helping the person in custody to take a scheduled medicine that has been supplied as a dispensed medicine for the person in custody.

### Request for Assistance

- The person in custody (assisted person) must ask for help to manage their medication. This request for assistance may however be following a prompt from the custodial officer or staff within the prison health services.

### Obtaining

- A registered nurse, nurse practitioner or doctor must provide the scheduled medicine to the custodial officer in a unit dose container or dispensed medication container which includes the name of the person in custody (assisted person) and time that the medication should be provided to the person in custody.

### Storage

- The custodial officer must store the scheduled medicine securely and according to any instructions provided on the container or by the Queensland Health clinician i.e. a registered nurse, nurse practitioner or doctor.

### Possession/Issuing

- The scheduled medicine must only be provided to the person in custody named on the label attached to the medication.
- The custodial officer must assist the person in custody to take the scheduled medicine according to any instructions on the label attached to the medication.
- The person in custody may refuse to take the medication and the custodial officer must respect this decision and advise the Queensland Health clinicians at the prison health service to document that the scheduled medicine was refused and returned.

## Reporting/Returns

- The custodial officer must return any unused/refused medication back to Queensland Health clinicians at the prison health service and document this.

## Definitions of terms

The following terms are defined relevant to this position statement:

- Assisted person – has the same meaning as ‘assisted person’ in sections 74, 183 and 270 of the Regulation and for the purpose of this position statement, refers to the person in custody.
- Carer – has the same meaning as ‘carer’ in sections 74, 183 and 270 of the Regulation and for the purpose of this position statement, refers to Queensland Corrective Services officers and Proper Officers of a Court.
- Carers provisions – means sections 74, 183 and 270 of the Regulation.
- Custodial officer – an employee/contractor of the Courts or Queensland Correctional Services in a position titled – Queensland Correctional Services officer or Proper Officer of the Court
- Dispensed medicine – has the same meaning as in Appendix 9 or the Regulation
- Proper Officer of the Court – has the same meaning as ‘proper officer of a court’ in Schedule 4 of the Corrective Services Act 2008.
- Person in custody – has the same meaning as ‘prisoner’ in Schedule 4 of the Corrective Services Act 2008.
- Queensland Corrective Services officers – has the same meaning as ‘corrective services officer’ in Schedule 4 of the Corrective Services Act 2008.
- Regulation – means the Health (Drugs and Poisons) Regulation 1996 (Qld).

## Contact details

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