

# **Medicines and Poisons Act 2019**

## **Emergency Order**

### **Public Health Emergency – Pandemic Response to Coronavirus Disease (COVID-19)**

#### **Schedule 4 medicines – Enabling access without a prescription**

**Pharmacist – Supply**

**Registered Nurse – Give a treatment dose or administer**



**Queensland  
Government**

<b>Version</b>	<b>Replaces version</b>	<b>Date approved</b>	<b>Commencement date</b>
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## Medicines and Poisons Act 2019

### Emergency Order

This Emergency Order has been made under section 58 of the *Medicine and Poisons Act 2019*. It states the scope of the regulated activities with regulated substances which a person is authorised to carry out for the purpose of responding to the declared public health emergency in relation to coronavirus disease (COVID-19).

This Emergency Order is an *alternative authorisation* as defined under section 56 of the *Medicines and Poisons Act 2019*. In accordance with section 56(3) of the *Medicines and Poisons Act 2019*, an approved person's *primary authorisation* does not apply to the approved person to the extent of any inconsistency with the alternative authorisation.

This Emergency Order provides for a pharmacist or registered nurse to undertake the authorised activity, under the specified conditions, which would not otherwise be authorised under the relevant Schedules of the Medicines and Poisons (Medicines) Regulation 2021 (Qld) (MPMR).

A term used in the Emergency Order that is defined in the *Medicine and Poisons Act 2019* or the Medicines and Poisons (Medicines) Regulation 2021, has the meaning stated in the *Medicine and Poisons Act 2019* or the Medicines and Poisons (Medicines) Regulation 2021.

#### 1. Event – Public Health Emergency in relation to COVID-19

On 29 January 2020, under the *Public Health Act 2005*, the (then) Minister for Health and Minister for Ambulance Services made an order declaring a public health emergency in relation to COVID-19. This declared public health emergency has been extended under the *Public Health Act 2005* and is current at the date of this emergency order.

#### 2. Area this emergency order applies

The area specified in this emergency order is for 'the whole State of Queensland', unless otherwise stated.

#### 3. Commencement and end date of emergency order

This authority is effective as at **8 December 2021** and will remain in effect until **7 March 2022** unless earlier revoked or replaced; or the public health emergency declared under the *Public Health Act 2005* relevant to COVID-19 no longer applies.

#### 4. Scope of Emergency Order

The purpose of this emergency order is to authorise the stated approved persons during the declared public health emergency to provide a person (patient) with access to schedule 4 medicine(s) without a prescription or when a person does not have timely access to a prescriber in order to obtain a prescription.

#### 5. Classes of persons who are authorised under the Emergency Order

The following persons are authorised under this emergency order:

- 5.1 Pharmacist as defined in Schedule 9, Part 1, Division 1 of the Medicines Regulation.
- 5.2 Registered Nurse as defined in Schedule 7, Part 3, Division 2 of the Medicines Regulation.

## 6. Regulated Activities and Regulated Substances

Persons authorised under this emergency order may undertake the authorised regulated activities (dealing) with the regulated substances as stated under the relevant Parts 1 – 2 described below:

- 6.1 A pharmacist may supply (give a treatment dose or sell) a Schedule 4 medicine under the conditions as stated in Part 1 of this emergency order.
- 6.2 A registered nurse may give a treatment dose or administer a Schedule 4 medicine listed in the current edition of the Primary Clinical Care Manual (PCCM) under the conditions as stated in Part 2 of this emergency order.

### Part 1 – Pharmacist<sup>1</sup>

#### 1. Regulated Activities and Regulated Substances

Regulated Substance	Regulated Activity
Schedule 4 medicines	Supply (give a treatment dose or sell)

#### 2. Conditions

A pharmacist may supply a Schedule 4 medicine without a prescription or make a substitution when it is the person's regular medicine under the following conditions:

1. The pharmacist must reasonably believe that:
  - 1.1 the supply of the Schedule 4 medicine is essential for continuing treatment and for the person's wellbeing; and
  - 1.2 it is not practicable for the person to obtain a prescription for the Schedule 4 medicine from an authorised prescriber; and
  - 1.3 there is an immediate requirement for the supply of the Schedule 4 medicine; and
  - 1.4 the person requesting the immediate supply of the Schedule 4 medicine has recently been prescribed the medicine by an authorised prescriber.
2. For diversion risk Schedule 4 medicines, the pharmacist must reasonably believe that:
  - 2.1 the medicine has been previously prescribed to the patient; and
  - 2.2 failure to sell the medicine could be life-threatening for the person; and
  - 2.3 it is not practicable for the person to obtain a prescription for the medicine before needing to continue treatment with the medicine.
3. The quantity of the Schedule 4 medicine must not exceed:
  - 3.1 for a Schedule 4 medicine that is available on the Pharmaceutical Benefits Scheme, the standard Pharmaceutical Benefits maximum quantity; or
  - 3.2 for a Schedule 4 medicine that is not available on the Pharmaceutical Benefits Scheme, the maximum quantity in the smallest standard pack in which the Schedule 4 medicine is available.
4. Each episode of supply made under this emergency order:
  - 4.1 must be recorded by the pharmacist, including the supply event and any attempt(s) to contact the prescriber; and
  - 4.2 the pharmacist must notify the authorised prescriber as soon as practicable, but no later than seven (7) days after the supply episode.

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<sup>1</sup> Note: This emergency order recognises that a pharmacist must comply with any and all current Code, Guideline or Policy made and published by the Pharmacy Board of Australia.

5. The storage of Schedule 4 medicines must be in accordance with the storage of medicines other than Schedule 8 medicines, described in Chapter 8, Part 2 of the Medicines Regulation.
6. Records of the supply of a Schedule 4 medicine must be made in accordance with section 136 of the Medicines Regulation.
7. Labelling a supplied Schedule 4 medicine must be done in accordance with section 118 of the Medicines Regulation.

## Part 2 – Registered Nurse

### 1. Regulated Activities and Regulated Substances

Regulated Substance	Regulated Activity
Schedule 4 medicines listed in the current edition of the Primary Clinical Care Manual (PCCM).	<ul style="list-style-type: none"> <li>• Give a treatment dose</li> <li>• Administer</li> </ul>

### 2. Conditions

A registered nurse may give a treatment dose or administer a schedule 4 medicine under the following conditions:

1. A registered nurse must be practicing in a Hospital and Health Service (HHS) or a relevant institution.<sup>2</sup>
2. A registered nurse may only give a treatment dose or administer a Schedule 4 medicine, without a prescription from an authorised prescriber, in accordance with the protocol required for the treatment of a condition contained within the current edition of the PCCM [located at: <https://www.health.qld.gov.au/rrcsu/clinical-manuals/primary-clinical-care-manual-pccm>].
3. The registered nurse must be credentialed to practice under the PCCM in accordance with the current:
  - 3.1 *Queensland Health Service Directive: Credentialing and defining the scope of clinical practice; or*
  - 3.2 *Australian Commission on Safety and Quality in Health Care Standard for Credentialing and Defining the Scope of Clinical Practice.*
4. Each episode of a treatment dose given must be communicated by the registered nurse to the patient's treating or regular authorised prescriber as soon as practicable, but no later than seven (7) days after the treatment dose is given.
5. Record the treatment dose given in accordance with section 136 of the Medicines Regulation.
6. Labelling a medicine, when giving a treatment dose, must be done in accordance with section 118 of the Medicines Regulation.
7. The storage of Schedule 4 medicines must be in accordance with the storage of medicines other than Schedule 8 medicines, described in Chapter 8, Part 2 of the Medicines Regulation.

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<sup>2</sup> Note: in the Medicines Regulation 'relevant institution' means a detention centre, hospital, aged care facility or prison.