

Medicines and Poisons Act 2019

Factsheet – current as at February 2022

Relevant institutions (i.e. aged care facilities, hospitals, prisons and detention centres)

Background

Under the *Medicines and Poisons (Medicines) Regulation 2021 (MPMR)*, the term ‘relevant institution’ is defined in the dictionary to mean an:

- aged care facility;
- hospital;
- prison; or
- detention centre.

‘Aged care facility’ means a place where nursing and personal care services are provided to persons living at the place by an approved provider under the *Aged Care Act 1997 (Cwlth)*.

‘Hospital’ means a public sector hospital or a private health facility. A ‘public sector hospital’ is defined in the *Hospital and Health Boards Act 2011*. A ‘private health facility’ is defined in the *Private Health Facilities Act 1999*.

‘Prison’ means a place declared to be a prison under the *Corrective Services Act 2006*.

‘Detention centre’ means a detention centre established under the *Youth Justice Act 1992*.

This factsheet provides some information that is particular to ‘relevant institutions’. The information in this factsheet should be read in conjunction with other requirements of the MPMR and the *Medicines and Poisons Act 2019 (MPA)*.

Making standing orders for relevant institutions

Section 103 of the MPMR provides that:

- (1) A prescriber must not make a standing order for a relevant institution unless—
 - (a) a medicines and therapeutics committee of the institution has approved the making of the order; and
 - (b) the order is signed by a member of the committee who is a prescriber authorised to make standing orders.

(2) In this section— medicines and therapeutics committee, of a relevant institution, means a committee—

- (a) established by the institution to approve standing orders for the administration or giving of treatment doses of medicines to patients at the institution; and
- (b) whose members include 1 medical practitioner, 1 registered nurse and 1 pharmacist.

The dictionary in the MPA defines ‘standing order’ as:

standing order, for a medicine, means a document authorising the medicine to be administered or given as a treatment dose at a stated place or in stated circumstances.

Section 26 of the MPA defines ‘administer’ as:

(1) Administer, a medicine, means—

- (a) introduce a dose of the medicine into the body of a person or animal by any means; or
- (b) give a dose of the medicine to a person to be taken immediately.

(2) However, administer, a medicine, does not include dispensing the medicine.

Section 25(3) of the MPA defines ‘give a treatment dose’ as:

Give a treatment dose, of a medicine, means give 1 or more doses of the medicine to a person to be taken by a particular person, or administered to an animal, at a later time.

The term ‘prescriber’ is defined as follows:

prescriber—

- (a) for chapter 4, part 6—see section 79(1); or
- (b) for chapter 4, part 7, division 2—see section 102; or
- (c) for chapter 4, part 7, division 3—see section 109; or
- (d) generally, in relation to a medicine, means a person who is authorised under the Act, or permitted under a corresponding law or another law, to prescribe the medicine.

Giving purchase orders at relevant institutions

Broadly, the schedules in the MPMR outline particular legislative authorisations that certain ‘approved persons’ are afforded. Section 54(3) of the MPA defines ‘approved person’ as follows:

An approved person is a member of a class of persons prescribed under subsection (1) for a regulated activity with a regulated substance for the class of persons.

The following professions are 'approved persons' under Schedules 3-15 of the MPMR:

- Aboriginal and Torres Strait Islander health professions;
- Dentistry professions
- Emergency service providers;
- Medical practitioners and assistants;
- Nursing and midwifery professions;
- Ocular treatment professions;
- Pharmaceutical professions;
- Podiatry professions;
- Veterinary professions;
- Other health practitioners (e.g. physiotherapists, speech pathologists);
- Workers at institutions and facilities (e.g. detention institution workers);
- Suppliers and representatives;
- Miscellaneous (e.g. health practitioner assistants).

Schedule 6, division 6 of the MPMR (medical practitioners and assistants) concerns giving purchase orders at relevant institutions.

A medical practitioner who is in charge of clinical or medical services at a relevant institution is authorised as follows:

	Dealing	Medicine	Scope of dealing
1	give a purchase order	stock of an s4 or s8 medicine*	<ul style="list-style-type: none"> • the purchase order is given for the relevant institution; and • the purchase order is given for the therapeutic treatment of patients at the relevant institution
2	possess	stock of an s4 or s8 medicine*	the stock is possessed at the relevant institution

Schedule 7, division 3 of the MPMR (nursing and midwifery professions) concerns nurses giving purchase orders at relevant institutions.

A registered nurse who is a nurse manager at a relevant institution is authorised as follows:

	Dealing	Medicine	Scope of dealing
1	give a purchase order	stock of an s4 or s8 medicine*	<ul style="list-style-type: none"> the purchase order is given for the relevant institution; and the purchase order is given for the therapeutic treatment of patients at the relevant institution
2	possess	stock of an s4 or s8 medicine*	the stock is possessed at the relevant institution

Schedule 9, division 2 of the MPMR (pharmaceutical professions) concerns pharmacists giving purchase orders at relevant institutions.

A pharmacist who is in charge of a dispensary at a relevant institution is authorised as follows:

	Dealing	Medicine	Scope of dealing
1	give a purchase order	stock of an s4 or s8 medicine*	<ul style="list-style-type: none"> the purchase order is given for the relevant institution; and the purchase order is given for the therapeutic treatment of patients at the relevant institution
2	possess	stock of an s4 or s8 medicine*	the stock is possessed at the relevant institution

*In addition to the legislative authority specified in the tables above for medical practitioners, registered nurses and pharmacists to give a purchase order and possess stock of an S4 or S8 medicine, this authority also extends to S2 and S3 medicines.

Managing S8 safes

Chapter 8, Part 2 of the MPMR sets out the requirements for secure storage of medicines.

Section 195 of the MPMR provides some relevant definitions for chapter 8, part 2 of the MPMR, including:

'S8 safe' means a lockable medicine store for S8 medicines or S8 waste.

'S8 safe establisher', for a place, means—

(a) if the place is a shared clinic—a person appointed under section 196(2)(a) for the clinic; or

(b) otherwise—a person who possesses S8 medicines at the place for independently practising a profession or performing a function.

'shared clinic' means a place at which medicines are possessed for more than 1 person to use for supply or administration to more than 1 person.

Section 196 of the MPMR provides that the person in charge of a place must appoint, in writing, an appropriately qualified person to be responsible for establishing and maintaining—

(a) an S8 safe for S8 medicines possessed at the place; and

(b) a medicine store for any other medicines possessed at the place.

The person in charge of the place must also appoint, in writing, an appropriately qualified person to be a manager of the S8 safe or medicine store at the place.

Section 200 of the MPMR provides that (our emphasis **underlined**):

(1) An S8 safe establisher may give a person access to an S8 safe at a place only if—

(a) the person is an authorised user of the S8 medicines kept in the safe at the place; and

(b) if the safe is at a **relevant institution** or community pharmacy—the person is permitted to open the safe under the substance management plan for the institution or pharmacy.

(2) The S8 safe establisher may give the access to the authorised user only if the user's access is subject to any restrictions or controls required under—

(a) the departmental standard called 'Secure storage of S8 medicines'; and

(b) if the safe is at a relevant institution or community pharmacy—the substance management plan for the institution or pharmacy.

Associated guidance documents

- Approved persons and authorised activities factsheet
- Substance management plans factsheet

Further information

For further information, contact the Healthcare Approvals and Regulation Unit:

- Email: HARU@health.qld.gov.au