Medicines and Poisons Act 2019

Factsheet – current as at 13 April 2022

Approved persons and authorised activities

Who are approved persons?

One of the ways under the *Medicines and Poisons Act 2019* (MPA) for a person to be 'authorised' to carry out regulated activities with regulated substances is if they are an 'approved person'.

Classes of approved persons e.g. dentists, are stated in the regulations. In the *Medicines and Poisons (Medicines) Regulation 2021* (MPMR), these classes of approved persons are found in Schedules 3-15.

What activities can approved persons undertake?

In each of the schedules, the class of approved person is defined. Persons who fall within the definition can undertake the dealings authorised in the accompanying table, with the medicines specified, within the scope specified for the dealing, if any. In this context, scope, for a dealing with a medicine, means a circumstance, purpose, extended practice authority or other matter stated in a table in a relevant schedule for the dealing.

For example, for podiatrists, the class of person is 'a person who is registered under the Health Practitioner Regulation National Law to practise in the podiatry profession'.

The dealings authorised for podiatrists are:

	Column 1 – dealing	Column 2 – medicine	Column 3 – scope of dealing
1	administer	a. an S2 medicine b. an adrenaline (epinephrine) autoinjector c. each of the following medicines, other than when combined with adrenaline (epinephrine) or another vasoconstrictor medicine— • bupivacaine of a strength of 0.5% or less • levobupivacaine of a strength of 0.5% or less • lidocaine (lignocaine) of a strength of 2% or less • prilocaine of a strength of 2% or less	
2	give a purchase order	stock of an S4 medicine mentioned in this column	the stock is not for a specified place
3	possess	an S4 medicine mentioned in this column	

What are the requirements for each of the dealings?

A person must comply with the requirements for carrying out a dealing as specified in Chapter 4 of the MPMR. The requirements are broken into parts as follows:

- Part 2 – Manufacturing by compounding
- Part 3 – Buying by giving purchase orders
- Part 4 – Supplying stock
- Part 5 – Possessing stock for delivery
- Part 6 – Prescribing medicines
- Part 7 – Making standing orders
- Part 8 – Dispensing medicines
- Part 9 – Giving treatment doses of medicines

- Part 10 – Administering medicines
- Part 11 – Disposing of waste from diversion-risk medicines

In addition, in Chapter 5 of the MPMR there are some additional requirements that must be met by certain persons in particular circumstances beyond those general requirements in Chapter 4. These are:

- Part 2 – Pharmacists
- Part 3 – Pharmacist employees
- Part 4 – Veterinary professions
- Part 5 – Wholesale representatives

Failure to meet any of the requirements will likely constitute an offence against the Act for failure to carry out a regulated activity in 'the authorised way'. Significant penalties may apply.

What is 'the authorised way'?

A fundamental concept of the MPA is that any activity performed with a regulated substance must be performed by a person who is authorised to perform the activity in the authorised way. A person carries out a regulated activity with a regulated substance in the authorised way if:

- the person is authorised under:
  - section 54(4) (i.e. as an approved person); or
  - section 57 (i.e. a person acting under an emergency order); or
  - section 62 (i.e. the holder of a substance authority or another person acting under a substance authority)
- to carry out the regulated activity with the regulated substance; and
- the person complies with the requirements specified for the person under section 91(1) for carrying out the regulated activity with the regulated substance (these requirements may be prescribed by regulation); and
- the person complies with any substance management plan that applies to the person.

What is a substance management plan and who has to have one?

A substance management plan (SMP) is a document setting out how known and foreseeable risks associated with any dealing with a regulated substance are to be managed at, or in connection with, the regulated place. Where an SMP applies, a person must comply with the SMP to carry out the regulated activity in the authorised way.

An SMP for medicines is required for any place specified as a regulated place under the MPMR. These places include aged care facilities, ambulance stations, schools and child care facilities, pharmacies, private health facilities, public and private hospitals, prisons and detention centres. The person responsible for making the SMP is specified in the Schedule 17

of the MPMR but is typically a senior person e.g. an executive director, a principal or a pharmacist who owns the pharmacy.

SMPs must comply with the Departmental Standard: '*Substance management plans for medicines*'. To support persons to meet this new requirement, a transitional period of one year has been afforded to develop and implement a compliant SMP and guidelines and templates for SMPs will be made available.

Associated guidance documents

Other relevant documents, resources and information sheets may be accessed from Fact sheets and supporting documents | Queensland Health.

Further information

For further information, contact the Healthcare Legislation Improvement Unit (HLIU): HLIU@health.qld.gov.au.