

Changes to the *Health (Drugs and Poisons) Regulation 1996* as a result of the introduction of National Registration Boards

Introduction

The Council of Australian Governments at its meeting of 26 March 2008 signed an Intergovernmental Agreement on the creation of a single National Registration and Accreditation Scheme (NRAS) for health professionals.

The new scheme will create national profession-specific boards for ten health professions: chiropractors; dentists (including dental hygienists, dental prosthetists and dental therapists); medical practitioners; nurses and midwives; optometrists; osteopaths; pharmacists; physiotherapists; podiatrists; and psychologists.

These new national boards will commence on 1 July 2010.

In Queensland, the *Health (Drugs and Poisons) Regulation 1996* (HDPR) provides the legislative endorsements for these professions in relation to scheduled drugs and poisons. The following is a summary of the amendments have been made to the HDPR, commencing on 1 July 2010, to align with the NRAS.

Quality standards for dispensing certain drugs and selling certain poisons

Quality standards were previously those recognised by the Pharmacy Board of Queensland. These are now those recognised by the Pharmacy Board of Australia.

Pharmacy Board of Australia means the Pharmacy Board of Australia established under the Health Practitioner Regulation National Law.

Enrolled nurses

Previously, an enrolled nurse needed to have their registration "endorsed" under the Queensland Nursing Act 1992, to be able to possess and administer controlled and restricted drugs.

Now, enrolled nurses who cannot possess or administer controlled drugs or restricted drugs will be those whose registration under the National Board is subject to a condition that the enrolled nurse is not qualified to administer controlled or restricted drugs.

Registered Nurses

A registered nurse now means a person registered under the Health Practitioner Regulation National Law—
(a) to practise in the nursing and midwifery profession, other than as a student; and
(b) in the registered nurses division of that profession.

Changes have been made to the registered nurse sections to remove duplication of the authority for certain registered nurses to possess and administer. For example, section 67(1) gives a registered nurse the ability to possess and administer controlled drugs according to the parameters in 67(1). These possess and administer rights had previously been duplicated in section 67(2) and 67(4) and have therefore been removed.

Changes have been made to the definition of a **rural and isolated practice endorsed nurse**. Previously a rural and isolated practice endorsed nurse needed to have their registration "endorsed" under the Queensland Nursing Act 1992. Now they are a registered nurse whose registration has been endorsed under the Health Practitioner Regulation National Law as qualified to obtain, supply and administer schedule

2, 3, 4 and 8 medicines for nursing practice in a rural and isolated practice area. The other provisions in the regulation about rural and isolated practice endorsed nurses remain the same.

Changes have been made to the definition of an **immunisation program nurse**. Previously these nurses needed to have their registration “endorsed” under the Queensland Nursing Act 1992. Now, the qualification for being an **immunisation program nurse** will be a registered nurse who:

- (a) immediately before 1 July 2010, held an annual licence certificate endorsed under the *Nursing Act 1992* that authorised the registered nurse to practise in an immunisation program; or
- (b) has obtained a qualification in immunisation approved by the chief executive.

Changes have been made to the definition of a **sexual health program nurse**. Previously these nurses needed to have their registration “endorsed” under the Queensland Nursing Act 1992. Now, the qualification for being a **sexual health program nurse** will be a registered nurse who:

- (a) immediately before 1 July 2010, held an annual licence certificate endorsed under the *Nursing Act 1992* that authorised the registered nurse to practise in a sexual health program; or
- (b) has obtained a qualification in sexual health approved by the chief executive.

Queensland Health will publish on its website a list of the approved courses for both **immunisation program nurses** and **sexual health program nurses**.

The other provisions in the regulation about **immunisation program nurses** and a **sexual health program nurses** effectively remain the same – some changes to remove duplicity about possession and administration have been removed.

Specified condition drugs—amphetamine, dexamphetamine, methylamphetamine, methylphenidate, phenmetrazine

The regulation currently allows a child psychiatrist to prescribe amphetamine, dexamphetamine, methylamphetamine, methylphenidate, phenmetrazine for the treatment of brain damage or attention deficit disorder in a child. This provision has been amended to change the reference to a ‘psychiatrist’ – as there is no specific specialty of ‘child psychiatry’ recognised under NRAS.

Dispensing prescriptions

Previously, a dispenser could not dispense a controlled drug (schedule 8) or certain restricted drugs (schedule 4) on a prescription where the dispenser reasonably believed it was made by a person who was not a Queensland nurse practitioner or physician’s assistant, or registered in Queensland as a dentist, doctor or veterinary surgeon.

These have been deleted and replaced with new sections that state a dispenser must not dispense a controlled drug (schedule 8) or a restricted drug (schedule 4) on a prescription unless the dispenser reasonably believes the prescription was made by a person who, under the HDPR, is endorsed to prescribe the drug.

Interstate Dispensing

Before July 1 2010, pharmacists cannot dispense the following drugs on a prescription written by a doctor not registered in Queensland:

Schedule 8 drugs; regulated restricted drugs; anabolic steroids; diethylpropion; ephedrine; phentermine; pseudoephedrine.

Changes have been made so that a pharmacist now cannot dispense the following drugs unless the address of the authorised prescriber on the prescription is in Queensland:

- a regulated restricted drug; anabolic steroids; ephedrine; pseudoephedrine.

Therefore, pharmacists can now dispense schedule 8 drug prescriptions written by prescribers in other States and Territories.

Regulated Restricted Drugs

There have been some changes to the names of the medical specialties that can prescribe regulated restricted drugs – this is to comply with the names recognised under NRAS.

The table below explains the regulated restricted drug with the corresponding specialty required for prescribing. (Note – persons with a specific written approval granted by the Chief Executive can also prescribe a nominated regulated restricted drug)

Regulated Restricted Drug	Specialist health practitioner that can prescribe
acitretin etretinate isotretinoin tretinoin	<ul style="list-style-type: none"> dermatology specialist physician
thalidomide	<ul style="list-style-type: none"> haematology dermatology infectious diseases medical oncology specialist physician a registrar in haematology, dermatology, infectious diseases, medical oncology, working directly under the supervision of the specialist health practitioner in haematology, dermatology, infectious diseases, medical oncology. a registrar physician working directly under the supervision of a specialist physician
dinoprost dinoprostone	<ul style="list-style-type: none"> obstetrics and gynaecology a registrar in obstetrics and gynaecology working directly under the supervision of a specialist health practitioner in the specialty of obstetrics and gynaecology
urofollitrophin (human follicle stimulating hormone) luteinising hormone clomiphene, cyclofenil or another substance specifically prepared to stimulate ovulation	<ul style="list-style-type: none"> obstetrics and gynaecology specialist physician a registrar in obstetrics and gynaecology or specialist physician working directly under the supervision of a specialist health practitioner in the specialty of obstetrics and gynaecology or specialist physician a registrar physician working directly under the supervision of a specialist physician
clozapine	<ul style="list-style-type: none"> psychiatry a registrar in psychiatry working directly under the supervision of a specialist health practitioner in the specialty of psychiatry
bosentan	<ul style="list-style-type: none"> cardiology rheumatology respiratory and sleep medicine
bexarotene	<ul style="list-style-type: none"> haematology medical oncology a registrar in the specialty of haematology or medical oncology working directly under the supervision of a specialist health practitioner in the specialty of haematology or medical oncology.

teriparatide	<ul style="list-style-type: none"> • endocrinology • geriatric medicine • rheumatology • specialist physician • a registrar in endocrinology, geriatric medicine, rheumatology or a specialist physician, working directly under the supervision of the specialist health practitioner in endocrinology, geriatric medicine, rheumatology or specialist physician.
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Section 201 - Sale of restricted drugs to authorised persons

An anomaly existed within section 201(3) which did not require a seller of restricted drugs (for example a manufacturer or wholesaler of drugs) to receive a purchase order when a dentist, doctor, pharmacist or veterinary surgeon ordered restricted drugs (excluding regulated restricted drugs). This section was in conflict with section 200, which required a dentist, doctor, pharmacist or veterinary surgeon to write a purchase order when obtaining restricted drugs. As such section 201(3) has now been repealed and the seller must now receive a copy of the purchase order from these professions.

Interstate orders of specified restricted drugs

A person, other than a restricted drug wholesaler, must not sell any of the following restricted drugs to an authorised person (other than a ship's master) unless the address of the authorised person on the purchase order for the drug is in Queensland.

- (a) a regulated restricted drug;
- (b) anabolic steroids;
- (c) ephedrine;
- (d) pseudoephedrine.

Dental hygienists

A **dental hygienist** now means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the dental profession, other than as a student; and
- (b) in the dental hygienists division of that profession.

Previously, to be able to administer certain restricted drugs, a dental hygienist was required to undertake a relevant course of training set out in the code of practice identified by the Queensland Dental Board. Currently those drugs that a dental hygienist can administer are: lignocaine; prilocaine; felypressin when in preparations containing prilocaine; and mepivacaine.

The relevant course of training that they now need to undertake is a course of training for performing a dental hygienist's function involving the administration of restricted drugs listed above and the course must be approved by the chief executive.

Dental therapists

A **dental therapist** now means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the dental profession, other than as a student; and
- (b) in the dental therapists division of that profession.

Oral health therapists

Under the National Law, oral health therapists will be registered as a separate category of registrant for the first time. As such, oral health therapists will be given the scheduled medicines endorsements that are applicable to both dental hygienists and dental therapists.

Therefore a new entry for oral health therapists has been included in the HDPR.

An **oral health therapist** means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the dental profession, other than as a student; and
- (b) in the oral health therapists division of that profession.

In relation to restricted drugs, oral health therapists can do the following:

To the extent necessary to perform an oral health therapist's functions as an oral health therapist, an oral health therapist is authorised to administer the following restricted drugs—

- (a) lignocaine;
- (b) prilocaine;
- (c) felypressin when in preparations containing prilocaine;
- (d) mepivacaine;
- (e) demeclocycline and triamcinolone in combination for topical endodontic use;
- (f) mercury (metallic) for human therapeutic use.

A person who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as an oral health therapist is authorised to administer the restricted drugs mentioned in (a) to (f) above, so long as it is for the extent necessary to complete the course of training.

In relation to S3 fluorides and some S2 poisons, an oral health therapist can do the following:

To the extent necessary to perform an oral health therapist's functions as an oral health therapist, an oral health therapist is authorised to administer fluorides that are S3 poisons and the following S2 poisons—

- (a) lignocaine when in preparations for topical human therapeutic use (other than eye drops) that contain not more than 10% lignocaine;
- (b) silver salts;
- (c) ether;
- (d) fluorides;
- (e) phenol;
- (f) ferric sulphate.

A person who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as an oral health therapist is authorised to administer fluorides that are S3 poisons and the S2 poisons mentioned in (a) to (f) above, so long as it is for the extent necessary to complete the course of training.

Changes to appendix 9 (Dictionary)

The following definitions in Appendix 9 of the HDPR have been replaced with the new definitions: *clinical pharmacologist, dental hygienist, dental therapist, dentist, enrolled nurse, midwife, nurse practitioner, optometrist, pharmacist, podiatrist, registered nurse, rural and isolated practice endorsed nurse, specialist, supervising medical officer, surgical podiatrist* and *trainee pharmacist*—

dental hygienist means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the dental profession, other than as a student; and
- (b) in the dental hygienists division of that profession.

dental therapist means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the dental profession, other than as a student; and
- (b) in the dental therapists division of that profession.

dentist means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the dental profession, other than as a student; and
- (b) in the dentists division of that profession.

enrolled nurse means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession, other than as a student; and
- (b) in the enrolled nurses division of that profession.

immunisation program nurse means a registered nurse who—

(a) immediately before 1 July 2010, held an annual licence certificate endorsed under the *Nursing Act 1992* that authorised the registered nurse to practise in an immunisation program; or

(b) has obtained a qualification in immunisation approved by the chief executive.

midwife means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a midwife, other than as a student.

nurse practitioner means a registered nurse whose registration is endorsed under the Health Practitioner Regulation National Law as being qualified to practise as a nurse practitioner.

optometrist means a person registered under the Health Practitioner Regulation National Law to practise in the optometry profession, other than as a student.

oral health therapist means a person registered under the Health Practitioner Regulation National Law—

(a) to practise in the dental profession, other than as a student; and

(b) in the oral health therapists division of that profession.

podiatrist means a person registered under the Health Practitioner Regulation National Law to practise in the podiatry profession, other than as a student.

registered nurse means a person registered under the Health Practitioner Regulation National Law—

(a) to practise in the nursing and midwifery profession, other than as a student; and

(b) in the registered nurses division of that profession.

rural and isolated practice endorsed nurse means a registered nurse whose registration has been endorsed under the Health Practitioner Regulation National Law as qualified to obtain, supply and administer schedule 2, 3, 4 and 8 medicines for nursing practice in a rural and isolated practice area.

sexual health program nurse means a registered nurse who—

(a) immediately before 1 July 2010, held an annual licence certificate endorsed under the *Nursing Act 1992* that authorised the registered nurse to practise in a sexual health program; or

(b) has obtained a qualification in sexual health approved by the chief executive.

specialist health practitioner, in a specialty, means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession as a specialist registrant in the specialty.

specialist physician means a person registered under the Health Practitioner Regulation National Law in the medical profession as a specialist health practitioner in the specialty of physician.

supervising medical officer, for a physician's assistant, means a person who—

(a) is a medical practitioner; and

(b) supervises the work performed by the physician's assistant in his or her employment in the department.

surgical podiatrist means a person registered under the Health Practitioner Regulation National Law to practise in the podiatry profession as a specialist health practitioner in the specialty of surgical podiatry.

trainee pharmacist, means a person who—

(a) is undergoing a course of training, the successful completion of which would qualify the person to hold an approved qualification for the pharmacy profession under the Health Practitioner Regulation National Law; or

(b) is undertaking a period of supervised practice required for registration as a pharmacist under the Health Practitioner Regulation National Law.

Further enquiries

Further information regarding poison retailers' obligations can be obtained by contacting any of the Public Health Units shown below.

Brisbane North -	PH: 3624 1111	Brisbane South -	PH: 3000 9148	Cairns -	PH: 4050 3600
Redcliffe -	PH: 3142 1800	Gold Coast -	PH: 5509 7222	Townsville -	PH: 4753 9000
Sunshine Coast -	PH: 5409 6600	Logan -	PH: 3412 2989	Mt Isa -	PH: 4744 9100
Bundaberg -	PH: 4150 2780	Toowoomba -	PH: 4631 9888	Mackay -	PH: 4968 6611
Rockhampton -	PH: 4920 6989	West Moreton -	PH: 3413 1200		
Longreach -	PH: 4652 6000	Hervey Bay -	PH: 4120 6000		
		Charleville -	PH: 4656 8100		

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