



Queensland

Health (Drugs and Poisons) Amendment Regulation (No. 1) 2004

Subordinate Legislation 2004 No. 291

made under the

Health Act 1937

Contents

		Page
1	Short title	3
2	Regulation amended	3
3	Amendment of s 4 (Meaning of manufacture)	3
4	Amendment of s 54 (Bases and outposts of Royal Flying Doctor Service)	3
5	Amendment of s 59A (Indigenous health worker)	3
6	Amendment of s 62 (Midwives)	3
7	Amendment of s 64 (Pharmacists)	4
8	Amendment of s 67 (Registered nurses)	4
9	Amendment of s 68 (Certain registered nurses at rural hospitals)	5
10	Amendment of s 82 (Conditions of dispensing)	5
11	Amendment of s 157 (Bases and outposts of Royal Flying Doctor Service)	6
12	Amendment of s 159 (Dentists)	6
13	Amendment of s 161 (Doctors)	6
14	Amendment of s 162 (Enrolled nurses)	6
15	Amendment of s 164A (Indigenous health workers)	7
16	Amendment of s 167 (Midwives)	7
17	Amendment of s 171 (Pharmacists)	7
18	Amendment of s 175 (Registered nurses)	7

*Health (Drugs and Poisons) Amendment Regulation No. 291, 2004
(No. 1) 2004*

19	Amendment of s 176 (Certain registered nurses at rural hospitals)	8
20	Amendment of s 186B (Thalidomide).	8
21	Amendment of s 193 (Conditions of dispensing)	9
22	Amendment of s 194 (Emergency sale of restricted drugs by pharmacist).	9
23	Amendment of s 246 (Bases and outposts of Royal Flying Doctor Service).	9
24	Amendment of s 251 (Doctors)	9
25	Amendment of s 255 (Midwives)	10
26	Amendment of s 263 (Registered nurses)	10
27	Amendment of s 263A (Certain registered nurses at rural hospitals)	11
28	Amendment of s 286 (Prohibition on dispensing or supplying poisons to child under 16)	11
29	Amendment of appendix 2A (Drugs an ambulance officer may obtain, possess and administer).	11
30	Amendment of appendix 7 (Regulated poisons)	12
31	Amendment of appendix 9 (Dictionary)	12

1 Short title

This regulation may be cited as the *Health (Drugs and Poisons) Amendment Regulation (No. 1) 2004*.

2 Regulation amended

This regulation amends the *Health (Drugs and Poisons) Regulation 1996*.

3 Amendment of s 4 (Meaning of *manufacture*)

Section 4—

insert—

- ‘(4) Also, a registered nurse or indigenous health worker does not ***manufacture*** a controlled or restricted drug or a poison only by packing or repacking it under a written policy about packing or repacking controlled or restricted drugs or poisons that is certified by the chief executive and published by the department.’.

4 Amendment of s 54 (Bases and outposts of Royal Flying Doctor Service)

Section 54(2)(b), ‘instruction’—

omit, insert—

‘oral or written instruction’.

5 Amendment of s 59A (Indigenous health worker)

Section 59A(b), ‘a doctor’s oral or written instruction’—

omit, insert—

‘the oral or written instruction of a doctor or nurse practitioner’.

6 Amendment of s 62 (Midwives)

Section 62(a), ‘a doctor’s oral or written instruction’—

omit, insert—

‘the oral or written instruction of a doctor or nurse practitioner’.

7 Amendment of s 64 (Pharmacists)

Section 64(1)(e), ‘a doctor’s oral or written instruction’—

omit, insert—

‘the oral or written instruction of a doctor or nurse practitioner’.

8 Amendment of s 67 (Registered nurses)

(1) Section 67(1)—

omit, insert—

‘(1) To the extent necessary to practise nursing, a registered nurse is authorised to—

(a) possess a controlled drug at a place where he or she practises nursing; or

(b) administer a controlled drug—

(i) on the oral or written instruction of a dentist, doctor or nurse practitioner; or

(ii) to the person for whom it has been dispensed under the instructions stated by the dispenser.’.

(2) Section 67(2)(c), ‘a doctor’s instruction’—

omit, insert—

‘the oral or written instruction of a doctor or nurse practitioner’.

(3) Section 67(3), ‘a doctor’s oral or written instruction’—

omit, insert—

‘the oral or written instruction of a doctor or nurse practitioner’.

(4) Section 67—

insert—

- ‘(4) To the extent necessary to practise nursing, a nurse practitioner is authorised to—
- (a) obtain a controlled drug; or
 - (b) possess a controlled drug at a place where the nurse practitioner practises nursing; or
 - (c) under a drug therapy protocol—
 - (i) administer or supply a controlled drug; or
 - (ii) give a registered nurse, midwife or indigenous health worker an oral or written instruction to administer a controlled drug; or
 - (iii) give a pharmacist an oral or written instruction to supply a controlled drug; or
 - (iv) prescribe a controlled drug.’.

9 Amendment of s 68 (Certain registered nurses at rural hospitals)

Section 68(1), ‘a doctor’s oral or written instruction’—

omit, insert—

‘the oral or written instruction of a doctor or nurse practitioner’.

10 Amendment of s 82 (Conditions of dispensing)

Section 82(5), all words before paragraph (a)—

omit, insert—

- ‘(5) Subsection (6) applies to a dispenser in relation to a prescription if—
- (a) the dispenser is reasonably satisfied the prescription does not comply with division 1; or
 - (b) under subsection (2), the dispenser does not dispense a controlled drug on the prescription; or

(c) after checking under subsection (2A), the dispenser is reasonably satisfied a change to the prescription is incorrect.

‘(6) The dispenser must—’.

11 Amendment of s 157 (Bases and outposts of Royal Flying Doctor Service)

Section 157(2)(b), ‘instruction’—

omit, insert—

‘oral or written instruction’.

12 Amendment of s 159 (Dentists)

Section 159(e), ‘instruction’—

omit, insert—

‘oral or written instruction’.

13 Amendment of s 161 (Doctors)

Section 161(d), ‘instruction’—

omit, insert—

‘oral or written instruction’.

14 Amendment of s 162 (Enrolled nurses)

(1) Section 162(1)(b)(i)—

omit, insert—

‘(i) on the oral or written instruction of a dentist, doctor or nurse practitioner; and’.

(2) Section 162(3)(b)(i)—

omit, insert—

‘(i) on the oral or written instruction of a dentist, doctor or nurse practitioner; and’.

15 Amendment of s 164A (Indigenous health workers)

Section 164A(b), ‘a doctor’s instruction’—

omit, insert—

‘the oral or written instruction of a doctor or nurse practitioner’.

16 Amendment of s 167 (Midwives)

Section 167(a), ‘a doctor’s instruction’—

omit, insert—

‘the oral or written instruction of a doctor or nurse practitioner’.

17 Amendment of s 171 (Pharmacists)

Section 171(1)(e), ‘a doctor’s instruction’—

omit, insert—

‘the oral or written instruction of a doctor or nurse practitioner’.

18 Amendment of s 175 (Registered nurses)

(1) Section 175(1)—

omit, insert—

‘(1) To the extent necessary to practise nursing, a registered nurse is authorised to—

(a) possess a restricted drug at a place where he or she practises nursing; or

(b) administer a restricted drug—

(i) on the oral or written instruction of a dentist, doctor or nurse practitioner; or

(ii) to the person for whom it has been dispensed under the instructions stated by the dispenser.’.

(2) Section 175(2)(c), ‘a doctor’s instruction’—

omit, insert—

‘the oral or written instruction of a doctor or nurse practitioner’.

- (3) Section 175(2A), ‘a doctor’s instruction’—

omit, insert—

‘the oral or written instruction of a doctor or nurse practitioner’.

- (4) Section 175—

insert—

- ‘(5) To the extent necessary to practise nursing, a nurse practitioner is authorised to—

- (a) obtain a restricted drug; or
- (b) possess a restricted drug at a place where the nurse practitioner practises nursing; or
- (c) under a drug therapy protocol—
 - (i) administer or supply a restricted drug; or
 - (ii) give a nurse, midwife or indigenous health worker an oral or written instruction to administer a restricted drug; or
 - (iii) give a pharmacist an oral or written instruction to supply a restricted drug; or
 - (iv) prescribe a restricted drug.’.

19 Amendment of s 176 (Certain registered nurses at rural hospitals)

Section 176(1), ‘a doctor’s or dentist’s instruction’—

omit, insert—

‘the oral or written instruction of a dentist, doctor or nurse practitioner’.

20 Amendment of s 186B (Thalidomide)

Section 186B(b), ‘or internal medicine’—

omit, insert—

‘, internal medicine, clinical haematology or medical oncology’.

21 Amendment of s 193 (Conditions of dispensing)

Section 193(5), all words before paragraph (a)—

omit, insert—

‘(5) Subsection (6) applies to a dispenser in relation to a prescription if—

- (a) the dispenser is reasonably satisfied the prescription does not comply with division 1; or
- (b) under subsection (2), the dispenser does not dispense a restricted drug on the prescription; or
- (c) after checking under subsection (2A), the dispenser is reasonably satisfied a change to the prescription is incorrect.

‘(6) The dispenser must—’.

22 Amendment of s 194 (Emergency sale of restricted drugs by pharmacist)

Section 194(4)(e), after ‘doctor’—

insert—

‘or nurse practitioner’.

23 Amendment of s 246 (Bases and outposts of Royal Flying Doctor Service)

Section 246, ‘instruction’—

omit, insert—

‘oral or written instruction’.

24 Amendment of s 251 (Doctors)

Section 251(b), ‘instruction’—

omit, insert—

‘oral or written instruction’.

25 Amendment of s 255 (Midwives)

Section 255(2), ‘a doctor’s instruction’—

omit, insert—

‘the oral or written instruction of a doctor or nurse practitioner’.

26 Amendment of s 263 (Registered nurses)

(1) Section 263(3), ‘a doctor’s instruction’—

omit, insert—

‘the oral or written instruction of a doctor or nurse practitioner’.

(2) Section 263—

insert—

‘(4) To the extent necessary to practise nursing under a sexual health program, a registered nurse whose annual licence certificate is endorsed under the *Nursing Act 1992* for practice in a sexual health program is authorised to supply an S2 or S3 poison under a drug therapy protocol.

‘(5) To the extent necessary to practise nursing, a nurse practitioner is authorised to—

(a) administer an S2 or S3 poison; or

(b) under a drug therapy protocol—

(i) supply an S2 or S3 poison; or

(ii) give a nurse, midwife or indigenous health worker an oral or written instruction to administer an S2 or S3 poison; or

(iii) give a registered nurse practising nursing at a hospital in an isolated practice area an oral or written instruction to supply an S2 or S3 poison to

a person being discharged from the hospital or an outpatient of the hospital; or

- (iv) give a pharmacist an oral or written instruction to supply an S2 or S3 poison; or
- (v) prescribe an S2 or S3 poison.’.

27 Amendment of s 263A (Certain registered nurses at rural hospitals)

Section 263A(1), ‘a doctor’s instruction’—

omit, insert—

‘the oral or written instruction of a doctor or nurse practitioner’.

28 Amendment of s 286 (Prohibition on dispensing or supplying poisons to child under 16)

Section 286(3), ‘instruction’—

omit, insert—

‘oral or written instruction’.

29 Amendment of appendix 2A (Drugs an ambulance officer may obtain, possess and administer)

- (1) Appendix 2A, part 1, column 2, before ‘paramedic 3 (ECP)’—

insert—

‘paramedic 3,’.

- (2) Appendix 2A, part 2, before item 1—

insert—

‘1AA atropine paramedic 3 (ECP), paramedic 4’.

30 Amendment of appendix 7 (Regulated poisons)

Appendix 7, items 3 and 5, ‘certified’—
omit.

31 Amendment of appendix 9 (Dictionary)

(1) Appendix 9, definitions *midwife*, *registered nurse* and *pharmacy*—

omit.

(2) Appendix 9—

insert—

‘enrolled nurse see the *Nursing Act 1992*, section 4.

midwife see the *Nursing Act 1992*, section 4.

nurse means a registered nurse or enrolled nurse.

nurse practitioner means a registered nurse whose annual licence certificate is endorsed under the *Nursing Act 1992* to show an authorisation to practise as a nurse practitioner.

registered nurse see the *Nursing Act 1992*, section 4.’.

(3) Appendix 9, definition *rural and isolated practice endorsed nurse*, ‘for practice’—

omit, insert—

‘to show an authorisation to practise’.

ENDNOTES

- 1 Made by the Governor in Council on 16 December 2004.
- 2 Notified in the gazette on 17 December 2004.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Health.