

Queensland

## Health Legislation Amendment Regulation (No. 1) 2007

## Subordinate Legislation 2007 No. 18

made under the

Chiropractors Registration Act 2001 Dental Practitioners Registration Act 2001 Dental Technicians and Dental Prosthetists Registration Act 2001 Health Act 1937 Medical Practitioners Registration Act 2001 Medical Radiation Technologists Registration Act 2001 Occupational Therapists Registration Act 2001 Optometrists Registration Act 2001 Optometrists Registration Act 2001 Pharmacists Registration Act 2001 Physiotherapists Registration Act 2001 Podiatrists Registration Act 2001 Psychologists Registration Act 2001 Speech Pathologists Registration Act 2001

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Health Legislation* Amendment Regulation (No. 1) 2007.

## Part 2 Amendment of Chiropractors Registration Regulation 2002

2	Regulation	amended	in pt 2
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This part amends the *Chiropractors Registration Regulation 2002.* 

## 3 Amendment of sch 2 (Fees)

(1) Schedule 2, item 1—

omit, insert—

<b>'</b> 1	Application fee for general registration or special purpose registration—	
	(a) for a period of not more than 5 weeks	nil
	(b) otherwise	138.00'
	(2) Schedule 2, item $2(a)$ —	
	omit, insert—	
	(a) for a period of registration of not more than 5 weeks .	nil
	(aa) for a period of registration of more than 5 weeks but	
	not more than 3 months	71.00'.
	(3) Schedule 2, item 2(aa) to (c)—	
	<i>renumber</i> as item 2(b) to (d).	

## Part 3 Amendment of Dental Practitioners Registration Regulation 2001

## 4 Regulation amended in pt 3

s 4

This part amends the *Dental Practitioners Registration Regulation 2001*.

# 5 Amendment of sch 2 (Qualifications for specialist registration)

Schedule 2, entry for Oral and maxillofacial surgery-

omit, insert—

'Oral and maxillofacial surgery	Fellowship of Royal Australasian College of Dental Surgeons in Oral and Maxillofacial Surgery	Oral and maxillofacial surgeon'.
	Master of Dental Science, University of Melbourne	
	Master of Dental Surgery (Oral and Maxillofacial Surgery), Bachelor of Medicine and Bachelor of Surgery. University of Otago, New Zealand	

## 6 Amendment of sch 3 (Fees)

Schedule 3, items 1 to 5—

omit, insert—

'1	Application fee for general registration, special purpose registration or dental auxiliary registration—	
	(a) for a period of not more than 5 weeks	nil
	(b) otherwise	113.00
2	Application fee for specialist registration—	
	(a) for a period of not more than 5 weeks	nil
	(b) otherwise	134.00

3		istration fee for general registration or special purpose stration—	
	(a)	for a period of not more than 5 weeks	nil
	(b)	for a period of registration of more than 5 weeks but not more than 3 months	67.00
	(c)	for a period of registration of more than 3 months but not more than 6 months	134.00
	(d)	for a period of registration of more than 6 months but not more than 1 year	267.00
4	Reg	istration fee for specialist registration—	
	(a)	for a period of not more than 5 weeks	nil
	(b)	for a period of registration of more than 5 weeks but not more than 3 months	23.00
	(c)	for a period of registration of more than 3 months but not more than 6 months	45.00
	(d)	for a period of registration of more than 6 months but not more than 1 year	89.00
5	Reg	istration fee for dental auxiliary registration—	
	(a)	for a period of not more than 5 weeks	nil
	(b)	for a period of registration of more than 5 weeks but not more than 3 months	57.00
	(c)	for a period of registration of more than 3 months but not more than 6 months	113.00
	(d)	for a period of registration of more than 6 months but not more than 1 year	226.00'.

## Part 4

## Amendment of Dental Technicians And Dental Prosthetists Registration Regulation 2002

### 7 Regulation amended in pt 4

This part amends the *Dental Technicians and Dental Prosthetists Registration Regulation 2002.* 

	Amendment of sch 2 (Fees)	8
	(1) Schedule 2, item 1—	
	omit, insert—	
	Application fee for general registration or special purpose registration—	<b>'</b> 1
nil	(a) for a period of not more than 5 weeks	
116.00'.	(b) otherwise	
	(2) Schedule 2, item 2(a)—	
	omit, insert—	
nil	(a) for a period of registration of not more than 5 weeks.	
	(aa) for a period of registration of more than 5 weeks but	
	not more than 3 months	

(3) Schedule 2, item 2(aa) to (c)—*renumber* as item 2(b) to (d).

## Part 5 Amendment of Health (Drugs And Poisons) Regulation 1996

## 9 Regulation amended in pt 5

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

# 10 Amendment of s 8 (References to entering details, signing or dating entries etc.)

Section 8(3)—

omit, insert—

(3) This section does not apply to a person when the person uses a computer to keep records or make an electronic prescription.'.

## 11 Amendment of s 79 (Prescribing controlled drugs)

(1) Section 79(4), 'the prescription' *omit, insert*—

'a paper prescription or in an electronic prescription'.

- (2) Section 79(4)(b), 'written'—*omit, insert*—'made'.
- (3) Section 79(4)(h), from 'a direction' omit, insert—
  - (i) for a paper prescription—a direction, to dispense the higher dose, that is underlined and initialled by the doctor or nurse practitioner; or
  - (ii) for an electronic prescription—an indication that the prescription is for a dose that is more than the official dose;'.
- (4) Section 79(5), 'on the' omit, insert—

'on a paper'.

(5) Section 79(6), 'a prescription'—

omit, insert—

'a paper prescription'.

(6) Section 79(7) and (8)—

omit, insert—

- (7) The prescriber must sign a paper prescription or electronically sign an electronic prescription.
- (8) If the prescriber amends a prescription—
  - (a) for a paper prescription—the prescriber must initial and date the amendment; or
  - (b) for an electronic prescription—the prescriber must make the amendment in the approved way.'.
- (7) Section 79—

insert—

(10) In this section—

*approved way* means the way approved by the chief executive.'.

# 12 Amendment of s 80 (Restrictions on writing prescriptions)

- (1) Section 80, heading, 'writing' omit, insert—
  'making'.
- (2) Section 80(1), 'write on'— *omit, insert*—
  'make an entry in'.
- (3) Section 80(2) and (3), 'write' omit, insert— 'make'.

## 13 Amendment of s 81 (Oral prescriptions)

- (1) Section 81(2), 'write'— *omit, insert*—
  'make'.
- (2) Section 81(3), 'written prescription'— *omit, insert*—
  'paper or electronic prescription'.

## 14 Amendment of s 82 (Conditions of dispensing)

- (1) Section 82(1)(b) renumber as section 82(1)(c).
- (2) Section 82(1) *insert*—

- '(b) if the prescription is an electronic prescription, the prescription is sent by the prescriber and received by the dispenser by electronic means approved by the chief executive; and'.
- (3) Section 82(2)(a), 'written'—
   *omit, insert*—
   'made'.
- (4) Section 82(2)(e)—

omit, insert—

- (e) it includes an indication that it has been dispensed or is not to be dispensed; or'.
- (5) Section 82(2)(h) and (i), 'written' omit.
- (6) Section 82(2A), before 'prescription'—

insert—

'paper'.

(7) Section 82(6)(a) and (b)—

omit, insert—

- '(a) cancel the prescription by legibly and permanently indicating on a paper prescription, or entering in an electronic prescription, the following information—
  - (i) the prescription is not to be dispensed;
  - (ii) the date;
  - (iii) the name or initials of the dispenser;
  - (iv) the name and address of the dispensary; and
- (b) send the prescription to the chief executive within 14 days after cancelling it under paragraph (a).'.

## 15 Amendment of s 83 (Dispensing generic drugs)

Section 83(3)—

omit, insert—

s 16

(3) If a generic drug is dispensed, the dispenser must enter the brand name of the generic drug in the prescription.

11

Maximum penalty—20 penalty units.'.

# 16 Amendment of s 84 (Dealing with prescriptions and certain written instructions)

(1) Section 84, heading, before 'prescriptions'—

insert—

'paper'.

(2) Section 84(1) and (2)—

omit, insert—

- (1) This section applies to a dispenser who dispenses a controlled drug on a paper prescription or administers or supplies a controlled drug on a written instruction.
- (2) The dispenser must, when dispensing, administering or supplying the controlled drug, legibly and permanently indicate the following information on the prescription or written instruction—
  - (a) for a prescription—the prescription has been dispensed;
  - (b) for a written instruction—the drug has been administered or supplied;
  - (c) the date;
  - (d) the name or initials of the dispenser;
  - (e) the name and address of the dispensary;
  - (f) for a repeat prescription—the repeat number.

Maximum penalty-40 penalty units.'.

(3) Section 84(6) and (12), 'a prescription'—

omit, insert—

'a paper prescription'.

### 17 Insertion of new s 84A

After section 84—

insert—

## **'84A** Dealing with electronic prescriptions

- (1) This section applies to a dispenser who dispenses a controlled drug on an electronic prescription.
- (2) The dispenser must, when dispensing the controlled drug, enter the following information in the prescription—
  - (a) the prescription has been dispensed;
  - (b) the date;
  - (c) the name or initials of the dispenser;
  - (d) the name and address of the dispensary;
  - (e) for a repeat prescription—the repeat number.

Maximum penalty—40 penalty units.

- (3) The dispenser must send the chief executive the prescription by electronic means—
  - (a) for a repeat prescription—within 14 days after the end of each month in which the controlled drug is dispensed on a repeat, including the final repeat, of the prescription; or
  - (b) for another prescription—within 14 days after the end of the month in which the controlled drug is dispensed.

Maximum penalty—40 penalty units.

- (4) If a dispenser is asked to dispense more of a controlled drug for a person than appears to be reasonably necessary, or more frequently than appears to be reasonably necessary, the dispenser must immediately give the chief executive a written notice about—
  - (a) the circumstances in which the dispenser has been asked to dispense the controlled drug; and
  - (b) the quantity of the drug dispensed or when it has been dispensed for the person.

(5) Subsection (2)(a) applies to a repeat prescription only if the last repeat of the prescription is dispensed.'.

# 18 Amendment of s 85 (Labelling dispensed and supplied medicines)

(1) Section 85(4)(b), 'wrote on'—

*omit, insert*— 'entered in'.

(2) Section 85(4)(e), 'written'—

omit, insert—

'entered'.

# 19 Amendment of s 87 (Entries to be made in controlled drugs record)

Section 87(3)(f), 'wrote' *omit, insert*—

'made'.

## 20 Amendment of s 190 (Prescribing restricted drugs)

(1) Section 190(2), 'the prescription' *omit, insert*—

'a paper prescription or in an electronic prescription'.

- (2) Section 190(2)(b), 'written' omit, insert— 'made'.
- (3) Section 190(2)(h), from 'a direction'—

omit, insert—

(i) for a paper prescription—a direction, to dispense the higher dose, that is underlined and initialled by the doctor or nurse practitioner; or

- (ii) for an electronic prescription—an indication that the prescription is for a dose that is more than the official dose;'.
- (4) Section 190(3), 'on the'— *omit, insert*—
  'on a paper'.
- (5) Section 190(4), 'a prescription' *omit, insert*—

'a paper prescription'.

- (6) Section 190(5) and (6) *omit, insert*—
- (5) The prescriber must sign a paper prescription or electronically sign an electronic prescription.
- (6) If the prescriber amends a prescription—
  - (a) for a paper prescription—the prescriber must initial and date the amendment; or
  - (b) for an electronic prescription—the prescriber must make the amendment in the approved way.'.
- (7) Section 190—

insert—

(7) In this section—

*approved way* means the way approved by the chief executive.'.

## 21 Amendment of s 191 (Restrictions on writing prescriptions)

(1) Section 191, heading, 'writing'—

omit, insert—

'making'.

(2) Section 191(1), 'write on' omit, insert'make an entry in'.

(3) Section 191(2) and (3), 'write' omit, insert— 'make'.

### 22 Amendment of s 192 (Oral prescription)

- (1) Section 192(2), 'write' omit, insert—
  'make'.
- (2) Section 192(3), 'written prescription'— *omit, insert*—
  'paper or electronic prescription'.

## 23 Amendment of s 193 (Conditions of dispensing)

(1) Section 193(1)(b)—

*renumber* as section 193(1)(c).

(2) Section 193(1)—

omit, insert—

- (b) if the prescription is an electronic prescription, the prescription is sent by the prescriber and received by the dispenser by electronic means approved by the chief executive; and'.
- (3) Section 193(2)(a), 'written'—

omit, insert—

'made'.

(4) Section 193(2)(e)—

omit, insert—

- (e) it includes an indication that it has been dispensed or is not to be dispensed; or'.
- (5) Section 193(2)(h)—

omit, insert—

- '(h) if 'Approved' must appear on it under section 190 because it is a regulated restricted drug—'Approved' does not appear on it.'.
- (6) Section 193(2A), before 'prescription'—

insert—

'paper'.

(7) Section 193(6)(a) and (b)—

omit, insert—

- '(a) cancel the prescription by legibly and permanently indicating on a paper prescription, or entering in an electronic prescription, the following information—
  - (i) the prescription is not to be dispensed;
  - (ii) the date;
  - (iii) the name or initials of the dispenser;
  - (iv) the name and address of the dispensary; and
- (b) send the prescription to the chief executive within 14 days after cancelling it under paragraph (a).'.

## 24 Amendment of s 195 (Dispensing generic drugs)

Section 195(3)—

omit, insert—

(3) If a generic drug is dispensed, the dispenser must enter the brand name of the generic drug in the prescription.

Maximum penalty-20 penalty units.'.

## 25 Amendment of s 196 (Interstate prescriptions)

Section 196(1)(a), 'written'—

omit, insert—

'made'.

## 26 Amendment of s 197 (Dealing with prescriptions)

- (1) Section 197(1) and (2) *omit, insert*—
- (1) A dispenser must, when dispensing a restricted drug on a paper prescription, legibly and permanently indicate the following information on the prescription—
  - (a) the prescription has been dispensed;
  - (b) the date;
  - (c) the name or initials of the dispenser;
  - (d) the name and address of the dispensary;
  - (e) for a repeat prescription—the repeat number.
  - (f) for the last repeat of a repeat prescription, other than a duplicate of a prescription issued under the National Health Act or Veterans Entitlements Act—the prescription is not to be dispensed; and

Maximum penalty—40 penalty units.

- (2) A dispenser must, when dispensing a restricted drug on an electronic prescription, enter the following information in the prescription—
  - (a) the prescription has been dispensed;
  - (b) the date;
  - (c) the name or initials of the dispenser;
  - (d) the name and address of the dispensary;
  - (e) for a repeat prescription—the repeat number.

Maximum penalty—40 penalty units.'.

- (2) Section 197(3) omit, insert—
- (3) If the prescription—

- (a) is for a regulated restricted drug to which sections 185 to 188B<sup>1</sup> apply; and
- (b) is not a repeat prescription or is the last repeat of a repeat prescription;

the dispenser must send the prescription to the chief executive within 14 days after dispensing the drug.

Maximum penalty-40 penalty units.'.

(3) Section 197(5) and (6) *omit.* 

## 27 Amendment of s 198 (Labelling dispensed medicines)

- (1) Section 198(4)(b), 'wrote on'— *omit, insert*—
  'entered in'.
- (2) Section 198(4)(e), 'written'—
   *omit, insert*—
   'entered'.

## 28 Amendment of s 199 (Records of restricted drugs dispensed to be kept)

Section 199(3)(d), 'written'—

omit, insert—

'entered'.

## 29 Amendment of appendix 1 (Provisions not applying to morphine or opium in compounded preparations)

(1) Appendix 1, entry for 'section 84(3)'—

<sup>1</sup> Sections 185 (Dinoprost and dinoprostone), 186 (Acitretin, etretinate, isotretinoin and tretinoin), 186A (Bexarotene), 186B (Thalidomide), 187 (Clomiphene, cyclofenil, luteinising hormone and urofollitrophin), 188 (Clozapine), 188A (Bosentan) and 188B (Teriparatide)

omit.

(2) Appendix 1—

insert—

'section 84(3) (Dealing with paper prescriptions and certain written instructions)

section 84A (Dealing with electronic prescriptions)'.

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

Appendix 2A, part 2-

insert—

'1AAA amiodarone paramedic 4'.

## 31 Amendment of appendix 4 (Computer generated prescriptions)

(1) Appendix 4, heading, before 'prescriptions'—

insert—

'paper'.

(2) Appendix 4, sections 1(1), 2, 6 and 7, 'computer generated prescription'—

omit, insert—

'computer generated paper prescription'.

(3) Appendix 4, section 4, 'a prescription' *omit, insert*—

'a paper prescription'.

(4) Appendix 4, sections 6 and 7, heading, 'a prescription' *omit, insert*—

'a paper prescription'.

### 32 Amendment of appendix 9 (Dictionary)

Appendix 9—

insert—

*'electronically sign*, for an electronic prescription, means to use an electronic form of signature approved by the chief executive.

*electronic prescription* means a prescription in an approved electronic form for transfer by electronic communication.

*paper prescription* means a prescription in paper form whether or not the prescription was generated by a computer or hand written.'.

## Part 6 Amendment of Medical Practitioners Registration Regulation 2002

## 33 Regulation amended in pt 6

This part amends the *Medical Practitioners Registration Regulation 2002.* 

# 34 Amendment of sch 1(Qualifications for specialist registration)

Schedule 1-

insert—

'Oral and maxillofacial surgery Fellowship of RoyalOralAustralasian College of DentalmaxSurgeons in Oral andsurgMaxillofacial Surgery, ifawarded on or after 1 January20002000

Oral and maxillofacial surgeon'.

## Part 7 Amendment of Medical Radiation Technologists Registration Regulation 2002

## 35 Regulation amended in pt 7

s 35

This part amends the *Medical Radiation Technologists Registration Regulation* 2002.

## 36 Amendment of sch 2 (Fees)

(1) Schedule 2, item 1—

omit, insert—

<b>'</b> 1	Application fee for general registration or special purpose registration—		
	<ul><li>(a) for a period of not more than 5 weeks</li><li>(b) otherwise</li></ul>	nil 100.00'.	
	(2) Schedule 2, item 2(a)—		
	omit, insert—		
	(a) for a period of registration of not more than 5 weeks . (aa) for a period of registration of more than 5 weeks but	nil	
	not more than 3 months	55.00'.	
	(3) Schedule 2, item 2(aa) to (c)—		

*renumber* as item 2(b) to (d).

## Part 8 Amendment of Occupational Therapists Registration Regulation 2002

## 37 Regulation amended in pt 8

This part amends the Occupational Therapists Registration Regulation 2002.

## 38 Amendment of sch 2 (Fees)

(1) Schedule 2, item 1—

omit, insert—

<b>'</b> 1	Application fee for general registration or special purpose registration—		
	(a) for a period of not more than 5 weeks	nil	
	(b) otherwise	134.00'.	
	(2) Schedule 2, item 2(a)—		
	omit, insert—		
	(a) for a period of registration of not more than 5 weeks.	nil	
	(aa) for a period of registration of more than 5 weeks but not more than 3 months	50.00'.	
	(3) Schedule 2, item 2(aa) to (c)—		

*renumber* as item 2(b) to (d).

## Part 9 Amendment of Optometrists Registration Regulation 2001

23

### 39 Regulation amended in pt 9

This part amends the *Optometrists Registration Regulation 2001.* 

### 40 Amendment of sch 2 (Fees)

(1) Schedule 2, item 1—

omit, insert—

'1	<ul> <li>Application fee for general registration or special purpose registration—</li> <li>(a) for a period of not more than 5 weeks</li></ul>	nil 138.00'.
	(2) Schedule 2, item 2(a)— <i>omit, insert</i> —	
	<ul><li>'(a) for a period of registration of not more than 5 weeks .</li><li>(aa) for a period of registration of more than 5 weeks but not more than 3 months</li></ul>	nil 48.00'.

### **Part 10 Amendment of Osteopaths Registration Regulation 2002**

#### 41 **Regulation amended in pt 10**

This Osteopaths Registration part amends the Regulation 2002.

#### Amendment of sch 2 (Fees) 42

(1) Schedule 2, item 1—

omit, insert—

'1	<ul> <li>Application fee for general registration or special purpose registration—</li> <li>(a) for a period of not more than 5 weeks</li> <li>(b) otherwise</li> </ul>	nil 138.00'.
	(2) Schedule 2, item 2(a)— <i>omit, insert</i> —	
	<ul><li>'(a) for a period of registration of not more than 5 weeks .</li><li>(aa) for a period of registration of more than 5 weeks but not more than 3 months</li></ul>	nil 196.00'.

#### **Part 11 Amendment of Pharmacists Registration Regulation 2001**

#### **Regulation amended in pt 11** 43

Registration This the Pharmacists part amends Regulation 2001.

#### Amendment of sch 2 (Fees) 44

Schedule 2, item 1— (1)

omit, insert—

'1	Application fee for general registration or special purpose registration—	
	(a) for a period of not more than 5 weeks	nil
	(b) otherwise	138.00'.
	(2) Schedule 2, item $2(a)$ —	
	omit, insert—	
	(a) for a period of registration of not more than 5 weeks .	nil
	(aa) for a period of registration of more than 5 weeks but not more than 3 months	38.00'.

## Part 12 Amendment of Physiotherapists Registration Regulation 2001

## 45 Regulation amended in pt 12

This part amends the *Physiotherapists Registration Regulation 2001*.

## 46 Amendment of sch 2 (Fees)

(1) Schedule 2, item 1—

omit, insert—

<b>'</b> 1	Application fee for general registration or special purpose registration—	
	<ul><li>(a) for a period of not more than 5 weeks</li><li>(b) otherwise</li></ul>	nil 116.00'.
	(2) Schedule 2, item $2(a)$ —	
	omit, insert—	
	(a) for a period of registration of not more than 5 weeks . (aa) for a period of registration of more than 5 weeks but	nil
	not more than 3 months	33.00'.
	(3) Schedule 2, item 2(aa) to (c)—	

*renumber* as item 2(b) to (d).

#### **Part 13 Amendment of Podiatrists Registration Regulation 2002**

#### **Regulation amended in pt 13** 47

This part Podiatrists Registration amends the Regulation 2002.

#### Amendment of sch 2 (Fees) 48

Schedule 2, item 1— (1)

omit, insert—

<b>'</b> 1	Application fee for general registration or special purpose registration—	
	<ul> <li>(a) for a period of not more than 5 weeks</li> <li>(b) otherwise</li> </ul>	nil 116.00'.
	(2) Schedule 2, item 2(a)— <i>omit, insert</i> —	
	<ul><li>'(a) for a period of registration of not more than 5 weeks .</li><li>(aa) for a period of registration of more than 5 weeks but not more than 3 months</li></ul>	nil 48.00'.

#### Part 14 **Amendment of Psychologists Registration Regulation 2002**

#### **Regulation amended in pt 14** 49

**Psychologists** This *Registration* part amends the Regulation 2002.

#### 50 Amendment of sch 1 (Fees)

Schedule 1, item 1— (1)

omit, insert—

<b>'</b> 1	<ul> <li>Application fee for general registration or special purpose registration—</li> <li>(a) for a period of not more than 5 weeks</li></ul>	nil 138.00'.
	(2) Schedule 1, item 2(a)— <i>omit, insert</i> —	
	<ul><li>'(a) for a period of registration of not more than 5 weeks .</li><li>(aa) for a period of registration of more than 5 weeks but not more than 3 months</li></ul>	nil 64.00'.

## Part 15 Amendment of Speech Pathologists Registration Regulation 2001

## 51 Regulation amended in pt 15

This part amends the Speech Pathologists Registration Regulation 2001.

## 52 Amendment of sch 2 (Fees)

(1) Schedule 2, item 1—

omit, insert—

'1	Application fee for general registration or special purpose registration—	
	<ul><li>(a) for a period of not more than 5 weeks</li><li>(b) otherwise</li></ul>	nil 116.00'.
	(2) Schedule 2, item 2(a)— <i>omit, insert</i> —	
	<ul><li>(a) for a period of registration of not more than 5 weeks .</li><li>(aa) for a period of registration of more than 5 weeks but not more than 3 months</li></ul>	nil 57.00'.
	(3) Schedule 2, item 2(aa) to (c)—	

*renumber* as item 2(b) to (d).

## ENDNOTES

- 1 Made by the Governor in Council on 1 March 2007.
- 2 Notified in the gazette on 2 March 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Health.

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