



Queensland

# Health and Other Legislation Amendment Regulation (No. 1) 2010

## Subordinate Legislation 2010 No. 108

made under the

*Births, Deaths and Marriages Registration Act 2003*

*Child Employment Act 2006*

*Child Protection (Offender Reporting) Act 2004*

*Coal Mining Safety and Health Act 1999*

*Cooperatives Act 1997*

*Dental Technicians and Dental Prosthetists Registration Act 2001*

*Fair Trading Act 1989*

*Guide, Hearing and Assistance Dogs Act 2009*

*Health Act 1937*

*Medical Radiation Technologists Registration Act 2001*

*Private Health Facilities Act 1999*

*Queensland Civil and Administrative Tribunal Act 2009*

*Radiation Safety Act 1999*

*Statutory Bodies Financial Arrangements Act 1982*

*Supreme Court of Queensland Act 1991*

*Transplantation and Anatomy Act 1979*

*Workers' Compensation and Rehabilitation Act 2003*

*Workplace Health and Safety Act 1995*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Health and Other Legislation Amendment Regulation (No. 1) 2010*.

### **2 Commencement**

This regulation commences on 1 July 2010.

## **Part 2 Amendment of Births, Deaths and Marriages Registration Regulation 2003**

### **3 Regulation amended**

This part amends the *Births, Deaths and Marriages Registration Regulation 2003*.

### **4 Amendment of sch 4 (Dictionary)**

Schedule 4, definition *doctor*, from ‘State’—

*omit, insert—*

‘country corresponding to the Health Practitioner Regulation National Law.’.



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**8 Amendment of s 13 (Reports not made in person—Act, s 29(5))**

(1) Section 13(3)(h), from ‘under’ to ‘1992’—

*omit.*

(2) Section 13(4)—

*insert—*

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

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

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

**Part 5 Amendment of Coal Mining Safety and Health Regulation 2001**

**9 Regulation amended**

This part amends the *Coal Mining Safety and Health Regulation 2001*.

**10 Amendment of s 16 (Giving notice of incidents)**

(1) Section 16(1)(a)(i), from ‘as defined’ to ‘1992’—

*omit.*

(2) Section 16—

*insert—*

‘(3) In this section—



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

## **Part 6   Amendment of Cooperatives Regulation 1997**

### **11           Regulation amended**

This part amends the *Cooperatives Regulation 1997*.

### **12           Amendment of sch 5 (Undesirable matter for names)**

- (1) Schedule 5, item 12, second, third, fourth, sixth, eighth, ninth, tenth, eleventh, twelfth and fourteenth dot points—

*omit.*

- (2) Schedule 5, item 12—

*insert—*

- *Dental Technicians Registration Act 2001*
- Health Practitioner Regulation National Law’.

## **Part 7   Amendment of Dental Technicians and Dental Prosthetists Registration Regulation 2002**

### **13           Regulation amended**

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

**14 Amendment of s 1 (Short title)**

Section 1, ‘*and Dental Prosthetists*’—  
*omit.*

**15 Amendment of s 3 (Qualifications for general registration—Act, s 44)**

Section 3, from ‘Act’—  
*omit, insert—*

‘Act, a qualification stated in schedule 1, column 1, and conferred or awarded by the educational institution stated in column 2 for the qualification, is a qualification for general registration.’.

**16 Omission of pt 4 (Miscellaneous)**

Part 4—  
*omit.*

**17 Amendment of sch 1 (Qualifications for general registration)**

(1) Schedule 1, part 1, heading—

*omit.*

(2) Schedule 1, part 2—

*omit.*

**18 Amendment of sch 2 (Fees)**

(1) Schedule 2, part 1, heading—

*omit.*

(2) Schedule 2, part 2—

*omit.*

## **Part 8**

# **Amendment of Fair Trading (Code of Practice—Fitness Industry) Regulation 2003**

### **19 Regulation amended**

This part amends the *Fair Trading (Code of Practice—Fitness Industry) Regulation 2003*.

### **20 Amendment of s 4 (Meaning of *fitness service*)**

(1) Section 4(2)(a)(ii), ‘registered under the *Physiotherapists Registration Act 2001*’—

*omit.*

(2) Section 4(3)—

*insert—*

*‘physiotherapist* means a person registered under the Health Practitioner Regulation National Law to practise in the physiotherapy profession, other than as a student.’.

## **Part 9**

# **Amendment of Guide, Hearing and Assistance Dogs Regulation 2009**

### **21 Regulation amended**

This part amends the *Guide, Hearing and Assistance Dogs Regulation 2009*.

### **22 Amendment of schedule (Dictionary)**

Schedule, definition *registered health practitioner—*

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*omit, insert—*

*‘registered health practitioner* means—

- (a) a person registered under the Health Practitioner Regulation National Law to practise, other than as a student, in any of the following—
  - (i) the medical profession;
  - (ii) the physiotherapy profession;
  - (iii) the psychology profession; or
- (b) a person registered under any of the following Acts or under similar legislation of another State—
  - (i) *Occupational Therapists Registration Act 2001*;
  - (ii) *Speech Pathologists Registration Act 2001*.

## **Part 10                      Amendment of Health (Drugs and Poisons) Regulation 1996**

### **23            Regulation amended**

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

### **24            Amendment of s 4A (Quality standards for dispensing certain drugs and selling certain poisons)**

- (1) Section 4A(3)—

*omit, insert—*

- ‘(3) If the Pharmacy Board of Australia recognises a quality standard (a **PBA standard**) for an activity, the quality standard prepared or adopted by a pharmacist, for the activity, must be at least equivalent to the PBA standard for the activity.’.

- (2) Section 4A—

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*insert—*

‘(5) In this section—

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

## **25 Amendment of s 58A (Enrolled nurses)**

(1) Section 58A(1), from ‘endorsed’ to ‘controlled drugs’—

*omit.*

(2) Section 58A—

*insert—*

‘(1A) Subsection (1) does not apply if the registration of the enrolled nurse under the Health Practitioner Regulation National Law is subject to a condition that the enrolled nurse is not qualified to administer controlled drugs.’.

(3) Section 58A(2), ‘subsection (3)’—

*omit, insert—*

‘subsection (4)’.

(4) Section 58A(4)—

*omit.*

(5) Section 58A(1A) to (3)—

*renumber* as section 58A(2) to (4).

## **26 Amendment of s 67 (Registered nurses)**

(1) Section 67(2)(b) and (c)—

*omit, insert—*

‘(b) supply a controlled drug to a person—

(i) on the oral or written instruction of a doctor, nurse practitioner or physician’s assistant; or

(ii) under a drug therapy protocol; or

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(c) administer a controlled drug to a person under a drug therapy protocol.’.

(2) Section 67(4)(b)—

*omit.*

(3) Section 67(4)(c)—

*renumber* as section 67(4)(b).

**27 Amendment of s 78 (Specified condition drugs—amphetamine, dexamphetamine, methylamphetamine, methylphenidate, phenmetrazine)**

Section 78(1)(ba), ‘child’, first mention—

*omit.*

**28 Amendment of s 82 (Conditions of dispensing)**

(1) Section 82(2)(a)—

*omit.*

(2) Section 82(2)(b) to (i)—

*renumber* as section 82(2)(a) to (h).

**29 Insertion of new s 82A**

After section 82—

*insert—*

**‘82A Prescription made by person authorised under regulation**

‘A dispenser must not dispense a controlled drug on a prescription unless the dispenser reasonably believes the prescription was made by a person who, under this regulation, is endorsed to prescribe the drug.

Maximum penalty—60 penalty units.’.

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**30 Amendment of s 158A (Dental hygienists)**

- (1) Section 158A(1), from ‘under’ to ‘(ii)’—  
*omit, insert—*  
‘as a dental hygienist’.
- (2) Section 158A(4)—  
*omit.*
- (3) Section 158A(5), definitions *code of practice* and *relevant course of training*—  
*omit.*
- (4) Section 158A(5)—  
*insert—*  
‘**relevant course of training** means a course of training—
  - (a) for performing a dental hygienist’s function involving the administration of a restricted drug mentioned in subsection (1)(a) to (d); and
  - (b) that is approved by the chief executive.’.
- (5) Section 158A(5)—  
*renumber* as section 158A(4).

**31 Amendment of s 158B (Dental therapists)**

- (1) Section 158B(1), from ‘under’ to ‘(ii)’—  
*omit, insert—*  
‘as a dental therapist’.
- (2) Section 158B(4)—  
*omit.*

**32 Insertion of new s 158C**

After section 158B—  
*insert—*

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### **‘158C Oral health therapists**

- ‘(1) 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.
- ‘(2) Subsection (3) applies to a person (a *trainee*) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as an oral health therapist.
- ‘(3) To the extent necessary to undergo the course of training, the trainee is authorised to administer the restricted drugs mentioned in subsection (1)(a) to (f).’.

### **33 Amendment of s 162 (Enrolled nurses)**

- (1) Section 162(1), from ‘endorsed’ to ‘restricted drugs’—  
*omit.*
- (2) Section 162—  
*insert—*
- ‘(1A) Subsection (1) does not apply if the registration of the enrolled nurse under the Health Practitioner Regulation National Law is subject to a condition that the enrolled nurse is not qualified to administer restricted drugs.’.
- (3) Section 162(2), ‘subsection (3)’—  
*omit, insert—*  
‘subsection (4)’.



- 
- (4) Section 162(4)—  
*omit.*
  - (5) Section 162(1A) to (3)—  
*renumber* as section 162(2) to (4).

### **34 Amendment of s 175 (Registered nurses)**

- (1) Section 175(2)(b) and (c)—  
*omit, insert—*
  - ‘(b) supply a restricted drug to a person—
    - (i) on the oral or written instruction of a doctor, nurse practitioner or physician’s assistant; or
    - (ii) under a drug therapy protocol; or
  - (c) administer a restricted drug to a person under a drug therapy protocol.’.
- (2) Section 175(3) and (4)—  
*omit, insert—*
  - ‘(3) To the extent necessary to practise nursing under an immunisation program, an immunisation program nurse is authorised to administer a vaccine or other restricted drug under a drug therapy protocol.
  - ‘(4) To the extent necessary to practise nursing under a sexual health program, a sexual health program nurse is authorised to administer or supply a restricted drug under a drug therapy protocol.’.
- (3) Section 175(5)(b)—  
*omit.*
- (4) Section 175(5)(c)—  
*renumber* as section 175(5)(b).

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**35 Amendment of s 185 (Dinoprost and dinoprostone)**

Section 185, ‘specialist in’—

*omit, insert—*

‘specialist health practitioner in the specialty of’.

**36 Amendment of s 186 (Acitretin, etretinate, isotretinoin and tretinoin)**

- (1) Section 186(1)(b) and (2)(b), ‘specialist in dermatology or internal medicine’—

*omit, insert—*

‘specialist health practitioner in the specialty of dermatology or a specialist physician’.

- (2) Section 186(2)(b)(ii), after ‘specialist’—

*insert—*

‘health practitioner or specialist physician’.

**37 Amendment of s 186A (Bexarotene)**

Section 186A(b) and (c)—

*omit, insert—*

(b) is a specialist health practitioner in the specialty of haematology or medical oncology; or

(c) is 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.’.

**38 Amendment of s 186B (Thalidomide)**

- (1) Section 186B(1)(b), ‘specialist in a prescribed specialty’—

*omit, insert—*

‘specialist health practitioner in a prescribed specialty or a specialist physician’.

(2) Section 186B(1)(c)—

*omit, insert—*

‘(c) is either—

- (i) a registrar in a prescribed specialty working directly under the supervision of a specialist health practitioner in the prescribed specialty; or
- (ii) a registrar training to be a specialist physician working directly under the supervision of a specialist physician.’

(3) Section 186B(2), definition *prescribed specialty*—

*omit, insert—*

‘*prescribed specialty* means the specialty of haematology, dermatology, infectious diseases or medical oncology.’

**39 Amendment of s 187 (Clomiphene, cyclofenil, luteinising hormone and urofollitrophin)**

Section 187(1)(b) and (c)—

*omit, insert—*

- ‘(b) is a specialist health practitioner in the specialty of obstetrics and gynaecology or a specialist physician; or
- (c) is either—
  - (i) a registrar in the specialty of obstetrics and gynaecology working directly under the supervision of a specialist health practitioner in the specialty of obstetrics and gynaecology; or
  - (ii) a registrar training to be a specialist physician working directly under the supervision of a specialist physician.’

**40 Amendment of s 188 (Clozapine)**

Section 188, ‘specialist in’—

[s 41]

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*omit, insert—*

‘specialist health practitioner in the specialty of’.

#### **41 Amendment of s 188A (Bosentan)**

Section 188A(b)—

*omit, insert—*

‘(b) is a specialist health practitioner in the specialty of cardiology, rheumatology or respiratory and sleep medicine.’.

#### **42 Amendment of s 188B (Teriparatide)**

(1) Section 188B(b)—

*omit, insert—*

‘(b) is a specialist health practitioner in the specialty of endocrinology, geriatric medicine or rheumatology or a specialist physician; or’.

(2) Section 188B(c), from ‘specialist’ to ‘rheumatology’—

*omit, insert—*

‘specialist health practitioner in the specialty of endocrinology, geriatric medicine or rheumatology or a specialist physician’.

(3) Section 188B(c)(ii), after ‘specialist’—

*insert—*

‘health practitioner or specialist physician’.

#### **43 Amendment of s 193 (Conditions of dispensing)**

(1) Section 193, heading, ‘Conditions’—

*omit, insert—*

‘**General conditions**’.

(2) Section 193(2)(a)—

*omit.*

- (3) Section 193(2)(b) to (h)—  
*renumber* as section 193(2)(a) to (g).

#### 44 Insertion of new s 193A

After section 193—

*insert—*

##### **'193A Authorised prescriber**

- '(1) A dispenser must not dispense a restricted drug on a prescription unless—
- (a) the dispenser reasonably believes the prescription was made by a person (an *authorised prescriber*) who, under this regulation, is endorsed to prescribe the drug; and
  - (b) if the drug is a specified restricted drug—the address of the authorised prescriber on the prescription is in Queensland.

Maximum penalty—60 penalty units.

- '(2) In this section—
- specified restricted drug* means the following restricted drugs—
- (a) a regulated restricted drug;
  - (b) anabolic steroidal agents;
  - (c) ephedrine;
  - (d) pseudoephedrine.'

#### 45 Omission of s 196 (Interstate prescriptions)

Section 196—

*omit.*

[s 46]

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**46 Amendment of s 201 (Sale of restricted drugs to authorised persons)**

Section 201(3)—

*omit.*

**47 Insertion of new s 201A**

After section 201—

*insert—*

**‘201A Interstate orders of specified restricted drugs**

‘(1) A person, other than a restricted drug wholesaler, must not sell a specified restricted drug to an authorised person unless the address of the authorised person on the purchase order for the drug is in Queensland.

Maximum penalty—60 penalty units.

‘(2) Subsection (1) does not apply if the authorised person is a ship’s master.

‘(3) In this section—

*specified restricted drug* means any of the following—

- (a) a regulated restricted drug;
- (b) anabolic steroidal agents;
- (c) ephedrine;
- (d) pseudoephedrine.’.

**48 Amendment of s 248 (Dental hygienists)**

(1) Section 248(1), from ‘under’ to ‘(ii)’—

*omit, insert—*

‘as a dental hygienist’.

(2) Section 248(2)—

*omit.*

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**49 Amendment of s 248A (Dental therapists)**

- (1) Section 248A(1), from ‘under’ to ‘use’, first mention—  
*omit, insert—*  
‘as a dental therapist, a dental therapist is authorised to administer’.
- (2) Section 248A(3), ‘use’—  
*omit, insert—*  
‘administer’.
- (3) Section 248A(4)—  
*omit.*

**50 Insertion of new s 248B**

After section 248A—

*insert—*

**‘248B Oral health therapists**

- ‘(1) 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.
- ‘(2) Subsection (3) applies to a person (a *trainee*) who is undergoing a course of training, the successful completion of which will qualify the trainee to practise as an oral health therapist.

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- ‘(3) To the extent necessary to undergo the course of training, the trainee is authorised to administer the following poisons—
- (a) fluorides that are S3 poisons;
  - (b) the S2 poisons mentioned in subsection (1)(a) to (f).’.

## 51 Amendment of s 263 (Registered nurses)

- (1) Section 263(4), from ‘registered’ to ‘program’, second mention—  
*omit, insert—*  
‘sexual health program nurse’.
- (2) Section 263(5)(a), ‘administer or’—  
*omit.*

## 52 Amendment of appendix 9 (Dictionary)

- (1) Appendix 9, 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, standard, supervising medical officer, surgical podiatrist* and *trainee pharmacist*—  
*omit.*
- (2) Appendix 9—  
*insert—*  
‘***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.

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***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 is endorsed under the Health Practitioner Regulation National Law as being qualified to obtain, supply and administer S2, S3, S4 and S8 drugs or poisons for practising nursing 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 registrant in the specialty of physician.

***standard*** means the Standard for the Uniform Scheduling of Drugs and Poisons set out in schedule 1 of the *Poisons Standard 2009* (Cwlth).

***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 registrant 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.'.

## **Part 11**                      **Amendment of Medical Radiation Technologists Registration Regulation 2002**

### **53**      **Regulation amended**

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

[s 54]

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#### **54 Amendment of sch 4 (Dictionary)**

- (1) Schedule 4, definitions *nuclear physician* and *specialist in nuclear medicine*—

*omit.*

- (2) Schedule 4—

*insert—*

‘*nuclear physician* means a specialist health practitioner in the specialty of physician—nuclear medicine.

*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 in nuclear medicine* means a specialist health practitioner in the specialty of radiology—nuclear medicine.’.

## **Part 12 Amendment of Private Health Facilities Regulation 2000**

#### **55 Regulation amended**

This part amends the *Private Health Facilities Regulation 2000*.

#### **56 Amendment of s 6 (Notification of change of circumstances—Act, ss 23(4), 48(6), 154(5), 155(4) and 156(7))**

Section 6(2), definition *nurse*—

*omit, insert—*

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



[s 59]

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*omit, insert—*  
, 338(1) or 398F’.

## **Part 14                      Amendment of Radiation Safety Regulation 1999**

### **59      Regulation amended**

This part amends the *Radiation Safety Regulation 1999*.

### **60      Replacement of sch 3 (Qualifications)**

Schedule 3—  
*omit, insert—*

## **‘Schedule 3              Qualifications**

section 27

### **Column 1**

#### **Radiation practice**

intra-oral, or extra-oral, dental  
diagnostic radiography of a  
person

plain-film diagnostic  
radiography of a person

### **Column 2**

#### **Qualification**

general registration under the Health  
Practitioner Regulation National  
Law as a dentist

general registration under the Health  
Practitioner Regulation National  
Law as a medical practitioner

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<b>Column 1</b>	<b>Column 2</b>
<b>Radiation practice</b>	<b>Qualification</b>
plain-film diagnostic radiography of the spine, pelvis or extremities of a person	general registration under the Health Practitioner Regulation National Law as a chiropractor
plain-film diagnostic radiography of an animal	registration under the <i>Veterinary Surgeons Act 1936</i> .

## **61 Replacement of sch 3A (Authorised persons)**

Schedule 3A—

*omit, insert—*

### **‘Schedule 3A Authorised persons**

section 39A

### **‘Part 1 Diagnostic procedures**

	<b>Diagnostic procedure</b>	<b>Authorised person</b>
1	intra-oral and extra-oral dental diagnostic radiography of the teeth and facial bones	a dentist or oral health therapist
2	intra-oral bitewing dental diagnostic radiography	a dental therapist if the intra-oral bitewing dental radiography is to be performed under a protocol for intra-oral bitewing dental radiography approved by the chief executive

[s 61]

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	<b>Diagnostic procedure</b>	<b>Authorised person</b>
3	plain film diagnostic radiography	a person who is— (a) a medical practitioner; or (b) a nurse practitioner if the person requests the plain film diagnostic radiography under the diagnostic radiography protocol; or (c) a registered nurse if the person— (i) has successfully completed a training course approved by the chief executive; and (ii) has successfully passed an assessment of practical competence approved by the chief executive; and (iii) requests the plain film diagnostic radiography under the diagnostic radiography protocol
4	plain film diagnostic radiography of the hand and wrist or lateral plain film diagnostic radiography projections of the cervical spine	a dentist
5	plain film diagnostic radiography of the foot and ankle	a person registered under the Health Practitioner Regulation National Law to practise in the podiatry profession, other than as a student
6	plain film diagnostic radiography of the neuromusculoskeletal system	a chiropractor



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	<b>Diagnostic procedure</b>	<b>Authorised person</b>
7	plain film diagnostic radiography of the chest	the chief executive, for screening for tuberculosis, under a protocol for tuberculosis screening approved by the chief executive, of a person who presents at a public sector health service facility which undertakes screening procedures for tuberculosis
8	mammography	the chief executive, for mammography, under a protocol for breast cancer screening approved by the chief executive, of a woman who— (a) presents at a BreastScreen Queensland Service for the purpose of breast cancer screening; and (b) is eligible to participate in the Queensland Health BreastScreen Queensland Program; and (c) signs the “BreastScreen Queensland Consent for Screening Mammogram” form
9	computed tomography, and mammography	a person who is— (a) a specialist health practitioner in the specialty of radiology—diagnostic radiology; or (b) a medical practitioner undergoing a period of training in the specialty of radiology—diagnostic radiology

[s 61]

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	<b>Diagnostic procedure</b>	<b>Authorised person</b>
10	computed tomography, mammography and bone mineral densitometry	a person who is either of the following if the computed tomography, mammography or bone mineral densitometry is part of a radiation oncology procedure— (a) a specialist health practitioner in the specialty of radiation oncology; (b) a medical practitioner undergoing a period of training in the specialty of radiation oncology
11	fluoroscopy	a person who is— (a) a specialist health practitioner in a recognised specialty; or (b) a medical practitioner undergoing a period of training in a recognised specialty

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<b>Diagnostic procedure</b>	<b>Authorised person</b>
12 bone mineral densitometry	a person who is— (a) a specialist health practitioner in the specialty of— (i) radiology—diagnostic radiology; or (ii) radiology—nuclear medicine; or (iii) physician—endocrinology; or (iv) physician—nuclear medicine; or (b) a medical practitioner undergoing a period of training in a specialty mentioned in paragraph (a); or (c) the holder of a written approval from the chief executive stating the person is competent to carry out the procedure, and who is— (i) a specialist health practitioner in a specialty other than a specialty mentioned in paragraph (a); or (ii) a medical practitioner undergoing a period of training in a specialty other than a specialty mentioned in paragraph (a)

[s 61]

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	<b>Diagnostic procedure</b>	<b>Authorised person</b>
13	diagnostic nuclear medicine	a person who is— (a) a specialist health practitioner in the specialty of radiology—nuclear medicine; or (b) a medical practitioner undergoing a period of training in the specialty of radiology—nuclear medicine; or (c) a specialist health practitioner in the specialty of physician—nuclear medicine; or (d) a medical practitioner undergoing a period of training in the specialty of physician—nuclear medicine
14	in vivo tests for pathology involving the use of unsealed radioactive substances	a person who is— (a) a specialist health practitioner in the specialty of pathology; or (b) a medical practitioner undergoing a period of training in the specialty of pathology
15	diagnostic procedures involving the use of laser apparatus	a person who is— (a) a medical practitioner; or (b) a dentist



[s 61]

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	<b>Therapeutic procedure</b>	<b>Authorised person</b>
19	treatment of eye lesions involving the use of sealed radioactive substances	a person who is— (a) a specialist health practitioner in the specialty of ophthalmology; or (b) a medical practitioner undergoing a period of training in the specialty of ophthalmology
20	treatment of vascular stenosis	a person— (a) who is— (i) a specialist health practitioner in the specialty of— (A) physician—cardiology; or (B) surgery—vascular surgery; or (C) radiology—diagnostic radiology; or (ii) a medical practitioner undergoing a period of training in the specialty of— (A) physician—cardiology; or (B) surgery—vascular surgery; or (C) radiology—diagnostic radiology; and (b) whose decision to prescribe the procedure is in accordance with a decision about the desired outcome of the treatment, made by the person and another person— (i) who is a specialist health practitioner in the specialty of radiology—nuclear medicine and holds a written approval from the chief executive stating the person is competent to carry out the procedure; or

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**Therapeutic procedure    Authorised person**

- 21    therapeutic procedures involving the use of laser apparatus    a person who is—
- (ii) who is a specialist health practitioner in the specialty of radiation oncology; or
  - (iii) who is a specialist health practitioner in the specialty of physician—nuclear medicine
- (a) a medical practitioner; or
- (b) a dentist<sup>2</sup>.

**62    Amendment of sch 6 (Dictionary)**

- (1) Schedule 6—

*insert—*

***‘chiropractor*** means a person registered under the Health Practitioner Regulation National Law to practise in the chiropractic profession, other than as a student.

***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.

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

- (a) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
- (b) whose registration is endorsed under that law as being qualified to practise as a nurse practitioner.







[s 67]

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**‘13 Prescribed qualifications for medical practitioners certifying death**

‘For section 45(2) of the Act, the prescribed qualifications are registration as a specialist health practitioner under the Health Practitioner Regulation National Law in any of the following specialties or specialty fields—

- (a) anaesthesia;
- (b) emergency medicine;
- (c) intensive care medicine;
- (d) paediatrics and child health—general paediatrics;
- (e) paediatrics and child health—paediatric emergency medicine;
- (f) paediatrics and child health—paediatric intensive care medicine;
- (g) physician—cardiology;
- (h) physician—general medicine;
- (i) physician—respiratory and sleep medicine;
- (j) surgery—general surgery;
- (k) surgery—paediatric surgery.’.

**67 Amendment of schedule (Dictionary)**

(1) Schedule, definition *authority*, footnotes 5 and 6—  
*omit.*

(2) Schedule, definition *authority*—  
*insert—*

*‘Notes—*

- sections 31(2) and 32(1) of the Act provide for particular persons to authorise the retention and use, for particular purposes, of the body of a deceased person
- section 33 of the Act provides for a person to consent to the retention and use, for particular purposes, of the person’s body after the person’s death.’.

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## **Part 17**                      **Amendment of Uniform Civil Procedure (Fees) Regulation 2009**

### **68**      **Regulation amended**

This part amends the *Uniform Civil Procedure (Fees) Regulation 2009*.

### **69**      **Amendment of s 19 (When additional amount may be paid)**

Section 19(2), from ‘specialist registrant’—

*omit, insert—*

‘specialist health practitioner under the Health Practitioner Regulation National Law.’.

## **Part 18**                      **Amendment of Workers’ Compensation and Rehabilitation Regulation 2003**

### **70**      **Regulation amended**

This part amends the *Workers’ Compensation and Rehabilitation Regulation 2003*.

### **71**      **Amendment of ss 118B, 118D and 118F**

Sections 118B(2), 118D(2) and 118F(3), ‘speciality under the *Medical Practitioners Registration Act 2001*’—

*omit, insert—*

‘recognised specialty under the Health Practitioner Regulation National Law’.

[s 72]

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## Part 19                      **Amendment of Workplace Health and Safety Regulation 2008**

### 72      **Regulation amended**

This part amends the *Workplace Health and Safety Regulation 2008*.

### 73      **Amendment of sch 18 (Dictionary)**

(1) Schedule 18—

*insert—*

*‘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.’.

(2) Schedule 18, definition *designated doctor*, paragraph (a)—

*omit, insert—*

‘(a) who is a specialist health practitioner in the specialty of occupational and environmental medicine; or’.

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#### ENDNOTES

- 1 Made by the Governor in Council on 10 June 2010.
- 2 Notified in the gazette on 11 June 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Health.

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