



Queensland

# Health Legislation Amendment Regulation (No. 1) 2016

## Subordinate Legislation 2016 No. 17

made under the

*Food Act 2006*

*Health Act 1937*

*Hospital and Health Boards Act 2011*

*Private Health Facilities Act 1999*

*Radiation Safety Act 1999*

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[s 1]

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Health Legislation Amendment Regulation (No. 1) 2016*.

## **Part 2 Amendment of Food Regulation 2006**

### **2 Regulation amended**

This part amends the *Food Regulation 2006*.

### **3 Replacement of s 3 (Sale of prescribed food—Act, s 48)**

Section 3—

*omit, insert—*

#### **3 Sale of prescribed food—Act, s 48**

(1) For section 48(2)(k) of the Act—

- (a) food mentioned in schedule 1AA, part 1 is prescribed; and
- (b) meals sold by a non-profit organisation are prescribed if—
  - (i) the organisation is a surf lifesaving club; and
  - (ii) a member of the club is involved in the preparation of the meal; and
  - (iii) the meal is sold to a member of the club for a nominal amount.

(2) However, food mentioned in schedule 1AA, part 1 is not included for subsection (1)(a) if the food

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is in a form that makes it potentially hazardous food.

*Examples—*

pasta that is cooked, couscous in a salad

- (3) For section 48(3) of the Act, definition *snack food*, paragraph (d), the food mentioned in schedule 1AA, part 2 is prescribed.

#### **4 Amendment of s 7 (Fees for applications)**

- (1) Section 7(1)(a), after ‘auditor’—

*insert—*

(a *section 128 application*)

- (2) Section 7(1)(b), after ‘auditor’—

*insert—*

(a *section 138 application*)

- (3) Section 7(2)—

*omit, insert—*

- (2) For section 151(2)(c) of the Act, the fee is—

(a) for a section 128 application—the total of the following—

- (i) the application fee of \$114.50;  
(ii) an approval fee of \$247.00 for each year of the approval; or

(b) for a section 138 application—an approval fee of \$247.00 for each year of the approval.

#### **5 Insertion of new sch 1AA**

Before schedule 1—

*insert—*

## Schedule 1A Prescribed food

section 3

### Part 1 Food other than snack food

cereals

cocoa

coconut

couscous

crushed, puffed or toasted nuts, grains and seeds

edible oil

*Examples—*

olive oil, vegetable oil, macadamia oil

flour

legumes

lentils

noodles

oats

pasta

preparations for spreading on bread

*Examples—*

honey, peanut butter, hazelnut spread, vegemite, jam, marmalade

quinoa

sugar

syrups

*Examples—*

golden syrup, maple syrup, rice syrup, malt syrup,  
glucose syrup, coconut syrup

## **Part 2                      Snack food**

carob  
chocolate bars  
chocolates  
churros  
crackers  
croissants  
doughnuts  
dried vegetable chips  
friands  
meat jerky  
muesli bars  
muffins  
popcorn  
pretzels  
puffed rice  
soy chips  
toasted corn



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**11 Amendment of s 66 (Queensland Ambulance Service)**

Section 66(4)(c)(ii)—

*omit, insert—*

- (ii) under the isolated practice area paramedic DTP.

**12 Amendment of s 67 (Registered nurses)**

- (1) Section 67(2), before ‘endorsed’—

*insert—*

area

- (2) Section 67(2)(b)(ii), ‘a drug therapy protocol’—

*omit, insert—*

the rural and isolated practice area endorsed nurse  
DTP

- (3) Section 67(2)(c), ‘a drug therapy protocol’—

*omit, insert—*

the rural and isolated practice area endorsed nurse  
DTP

- (4) Section 67(4)—

*omit, insert—*

- (4) To the extent necessary to practise nursing, a nurse practitioner is authorised to—
  - (a) obtain a controlled drug; or
  - (b) under the nurse practitioner DTP—
    - (i) administer, supply or prescribe a controlled drug; or
    - (ii) give a registered nurse or midwife an oral or written instruction to administer a controlled drug; or

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- (iii) give an indigenous health worker an oral or written instruction to administer a controlled drug; or
- (iv) give a rural and isolated practice area endorsed nurse an oral or written instruction to administer or supply a controlled drug; or
- (v) for subsection (3), give a registered nurse an oral or written instruction to supply a controlled drug; or
- (vi) give a pharmacist an oral or written instruction to supply a controlled drug; or
- (vii) give an isolated practice area paramedic an oral or written instruction to administer or supply a controlled drug.

**13 Amendment of s 84 (Dealing with paper prescriptions and certain written instructions)**

- (1) Section 84, heading, ‘certain’—

*omit, insert—*

**particular**

- (2) Section 84(10)(b), ‘or when’—

*omit, insert—*

and when

**14 Amendment of s 87 (Entries to be made in controlled drugs record)**

Section 87(2)(a), ‘a drug therapy protocol’—

*omit, insert—*

the pharmacist opioid DTP

**15 Amendment of s 89 (Authorised persons to obtain controlled drugs on purchase order)**

Section 89(3)—

*omit, insert—*

- (3) A dentist, doctor, midwife, nurse practitioner, pharmacist or veterinary surgeon who places a purchase order must sign the order.

**16 Amendment of s 93 (Dealing with purchase orders)**

Section 93(2)(d), after ‘doctor’—

*insert—*

, midwife, nurse practitioner

**17 Amendment of s 109 (Records of controlled drugs supplied to be kept)**

Section 109(4)(e)—

*omit, insert—*

- (e) the name and address of the doctor, nurse practitioner or physician’s assistant who gave the oral or written instruction to supply the controlled drug; and

**18 Amendment of s 112 (Records—ambulance officers, indigenous health workers, midwives and rural and isolated practice endorsed nurses)**

- (1) Section 112, heading and subsections (1), (2) and (3), before ‘endorsed’—

*insert—*

area

- (2) Section 112(3)(e)—

*omit, insert—*

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- (e) if the controlled drug is administered to a person other than by a rural and isolated practice area endorsed nurse or midwife under the particular drug therapy protocol under which the drug is administered—the name of the doctor, nurse practitioner or physician’s assistant authorising the administration of the drug;

**19 Amendment of s 113 (Record keeping for certain nursing practices and Queensland Ambulance Service stations)**

- (1) Section 113, heading, ‘certain’—

*omit, insert—*

**particular**

- (2) Section 113(1)(a), before ‘endorsed’—

*insert—*

area

**20 Amendment of s 119 (Storage of controlled drugs generally)**

Section 119(4) and (5), from ‘doctor’ to ‘endorsed’—

*omit, insert—*

doctor, nurse practitioner, rural and isolated practice area endorsed

**21 Replacement of s 164A (Indigenous health workers)**

Section 164A—

*omit, insert—*

**164A Indigenous health workers**

An indigenous health worker, while practising in an Aboriginal or Torres Strait Islander community in an isolated practice area in a

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specified Hospital and Health Service, is authorised—

- (a) to obtain and possess a restricted drug; or
- (b) to administer or supply a restricted drug, under the indigenous health worker isolated practice area DTP, on the oral or written instruction of a doctor, nurse practitioner or physician's assistant; or
- (c) during a declared public health emergency relating to an infectious medical condition—to administer or supply a restricted drug under the communicable diseases DTP; or
- (d) while an influenza epidemic proclamation is in force—to administer or supply a restricted drug under the pandemic influenza program DTP.

## **22 Amendment of s 167 (Midwives)**

Section 167(1)(d)(ii)—

*omit, insert—*

- (ii) under the midwives DTP.

## **23 Amendment of s 170A (Orthoptists)**

Section 170A, 'a drug therapy protocol'—

*omit, insert—*

the orthoptist DTP

## **24 Amendment of s 171 (Pharmacists)**

(1) Section 171(1)—

*insert—*

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*Note—*

For an approved pharmacist under the *National Health Act 1953* (Cwlth), see also the *National Health (Continued Dispensing) Determination 2012* (Cwlth).

(2) Section 171(3)—

*omit, insert—*

(3) During a declared public health emergency relating to an infectious medical condition, a pharmacist is authorised to administer or supply a restricted drug under the communicable diseases DTP.

(3A) While an influenza epidemic proclamation is in force, a pharmacist is authorised to administer or supply a restricted drug under the pandemic influenza program DTP.

(3) Section 171(3A) and (4)—

*renumber* as section 171(4) and (5).

## **25 Amendment of s 174 (Queensland Ambulance Service)**

(1) Section 174(2A)(c)(ii)—

*omit, insert—*

(ii) under the isolated practice area paramedic DTP.

(2) Section 174(4)—

*omit, insert—*

(4) During a declared public health emergency relating to an infectious medical condition—

(a) an ambulance officer who is a paramedic 1, 2, 3, 3 (ECP) or 4 is authorised to obtain, possess, administer or supply a restricted drug under the communicable diseases DTP; and

- 
- (b) an ambulance officer who is a paramedic 3, 3 (ECP) or 4 is authorised to obtain, possess or administer a restricted drug that is a vaccine for the infectious medical condition under the communicable diseases DTP.
- (5) While an influenza epidemic proclamation is in force—
- (a) an ambulance officer who is a paramedic 1, 2, 3, 3 (ECP) or 4 is authorised to obtain, possess, administer or supply a restricted drug under the pandemic influenza program DTP; and
  - (b) an ambulance officer who is a paramedic 3, 3 (ECP) or 4 is authorised to obtain, possess or administer a restricted drug that is a vaccine for influenza under the pandemic influenza program DTP.

## **26 Replacement of s 175 (Registered nurses)**

Section 175—

*omit, insert—*

### **175 Registered nurses**

- (1) To the extent necessary to practise nursing, a registered nurse is authorised to—
  - (a) possess a restricted drug at a place where the registered nurse practises nursing; or
  - (b) administer a restricted drug—
    - (i) on the oral or written instruction of a dentist, doctor, nurse practitioner or physician's assistant; or
    - (ii) on the written instruction of a surgical podiatrist; or

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- (iii) to the person for whom it has been dispensed under the instructions stated by the dispenser.
- (2) To the extent necessary to practise nursing in a rural hospital or an isolated practice area, a rural and isolated practice area endorsed nurse is authorised to—
  - (a) obtain a restricted drug; or
  - (b) supply a restricted drug to a person—
    - (i) on the oral or written instruction of a dentist, doctor, nurse practitioner or physician’s assistant; or
    - (ii) under the rural and isolated practice area endorsed nurse DTP; or
  - (c) administer a restricted drug to a person under the rural and isolated practice area endorsed nurse DTP.
- (3) To the extent necessary to practise nursing at a hospital within an isolated practice area, a registered nurse is authorised to supply a restricted drug, on the oral or written instruction of a doctor, nurse practitioner or physician’s assistant, to a person being discharged from the hospital or to an outpatient of the hospital.
- (4) To the extent necessary to practise nursing under an immunisation program, an immunisation program nurse is authorised to—
  - (a) obtain a vaccine or other restricted drug; or
  - (b) administer a vaccine or other restricted drug under the immunisation program nurse DTP.
- (5) 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 the sexual health program nurse DTP.

- (6) During a declared public health emergency relating to an infectious medical condition, a registered nurse is authorised to obtain, administer or supply a restricted drug under the communicable diseases DTP.
- (7) While an influenza epidemic proclamation is in force, a registered nurse is authorised to obtain, administer or supply a restricted drug under the pandemic influenza program DTP.
- (8) To the extent necessary to practise nursing, a nurse practitioner is authorised, without limiting subsection (2), (4), (6) or (7)—
  - (a) to obtain a restricted drug; or
  - (b) under the nurse practitioner DTP—
    - (i) to administer, supply or prescribe a restricted drug; or
    - (ii) to give a nurse or midwife an oral or written instruction to administer a restricted drug; or
    - (iii) to give an indigenous health worker an oral or written instruction to administer a restricted drug; or
    - (iv) to give a rural and isolated practice area endorsed nurse an oral or written instruction to administer or supply a restricted drug; or
    - (v) for subsection (3), to give a registered nurse an oral or written instruction to supply a restricted drug; or
    - (vi) to give a pharmacist an oral or written instruction to supply a restricted drug; or
    - (vii) to give an isolated practice area paramedic an oral or written instruction

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to administer or supply a restricted drug.

(9) In this section—

*immunisation program nurse DTP* means the drug therapy protocol called ‘Drug Therapy Protocol–Immunisation Program Nurse’.

**27 Amendment of s 200 (Authorised persons to obtain restricted drugs on purchase order)**

(1) Section 200(3), ‘podiatrist, optometrist’—

*omit, insert—*

podiatrist, midwife, nurse practitioner,  
optometrist,

(2) Section 200(3)(a), after ‘doctor,’—

*insert—*

endorsed podiatrist, midwife, nurse practitioner,

(3) Section 200(3)(b)(i) to (iv)—

*omit, insert—*

- (i) by an endorsed podiatrist—must have ‘Section 172B’ written on it; or
- (ii) by a midwife—must have ‘Section 167’ written on it; or
- (iii) by a nurse practitioner—must have ‘Section 175’ written on it; or
- (iv) by an optometrist—must have ‘Section 170’ written on it; or
- (v) by a podiatrist—must have ‘Section 172’ written on it; or
- (vi) by a surgical podiatrist—must have ‘Section 172A’ written on it.

**28 Amendment of s 207 (Records of restricted drugs supplied to be kept)**

(1) Section 207(1), ‘section 175(2A)’—

*omit, insert—*

section 175(3)

(2) Section 207(1A)(a), before ‘endorsed’—

*insert—*

area

**29 Amendment of s 211 (Storage of restricted drugs generally)**

Section 211(2) and (3), before ‘endorsed’—

*insert—*

area

**30 Amendment of s 235 (Wholesale and retail sales by manufacturers and wholesalers)**

(1) Section 235(2)(b)(i), after ‘endorsed podiatrist’—

*insert—*

, nurse practitioner

(2) Section 235(2)(b)(iii), before ‘endorsed’—

*insert—*

area

**31 Amendment of s 243 (Endorsement needed for S2, S3 or S7 poison)**

Section 243(4)—

*omit, insert—*

(4) A person must not give an oral or written instruction for an S2, S3 or S7 poison unless the

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person is, under this regulation, endorsed to give the instruction.

Maximum penalty—40 penalty units.

**32 Amendment of s 252B (Indigenous health workers)**

Section 252B, ‘a drug therapy protocol’—

*omit, insert—*

the indigenous health worker isolated practice area DTP

**33 Amendment of s 256AA (Orthoptists)**

Section 256AA, ‘a drug therapy protocol’—

*omit, insert—*

the orthoptist DTP

**34 Amendment of s 262 (Queensland Ambulance Service)**

Section 262(2)(c), ‘a drug therapy protocol’—

*omit, insert—*

the isolated practice area paramedic DTP

**35 Amendment of s 263 (Registered nurses)**

(1) Section 263(2), before ‘endorsed’—

*insert—*

area

(2) Section 263(3), before ‘doctor’—

*insert—*

dentist,

(3) Section 263(4), ‘a drug therapy protocol’—

*omit, insert—*

the sexual health program nurse DTP

(4) Section 263(5)—

*omit, insert—*

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

- (a) supply an S2 or S3 poison; or
- (b) under the nurse practitioner DTP—
  - (i) prescribe an S2 or S3 poison; or
  - (ii) give an indigenous health worker, midwife or nurse 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.

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

Appendix 1, entry for section 84(3) (Dealing with paper prescriptions and certain written instructions), ‘certain’—

*omit, insert—*

particular

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**37 Amendment of appendix 3 (Who must sign certain purchase orders for controlled or restricted drugs)**

Appendix 3, heading, ‘certain’—

*omit, insert—*

**particular**

**38 Amendment of appendix 9 (Dictionary)**

(1) Appendix 9—

*insert—*

*communicable diseases DTP* means the drug therapy protocol called ‘Drug Therapy Protocol–Communicable Diseases Program’.

*indigenous health worker isolated practice area DTP* means the drug therapy protocol called ‘Drug Therapy Protocol–Indigenous Health Worker Isolated Practice Area’.

*influenza epidemic proclamation* means a proclamation under the *Quarantine Act 1908* (Cwlth), section 2B declaring the existence in Queensland of an influenza epidemic or the danger of an influenza epidemic.

*isolated practice area paramedic DTP* means the drug therapy protocol called ‘Drug Therapy Protocol–Queensland Ambulance Service Isolated Practice Area Paramedic’.

*midwives DTP* means the drug therapy protocol called ‘Drug Therapy Protocol–Midwives’.

*nurse practitioner DTP* means the drug therapy protocol called ‘Drug Therapy Protocol–Nurse Practitioners’.

*orthoptist DTP* means the drug therapy protocol called ‘Drug Therapy Protocol–Orthoptist’.

*pandemic influenza program DTP* means the

drug therapy protocol called ‘Drug Therapy Protocol–Pandemic Influenza Program’.

**pharmacist opioid DTP** means the drug therapy protocol called ‘Drug Therapy Protocol–Pharmacist Opioid Treatment Program’.

**private hospital** see the *Private Health Facilities Act 1999*, section 9.

**rural and isolated practice area endorsed nurse DTP** means the drug therapy protocol called ‘Drug Therapy Protocol–Rural and Isolated Practice Area Endorsed Nurse’.

**sexual health program nurse DTP** means the drug therapy protocol called ‘Drug Therapy Protocol–Sexual Health Program Nurse (including Reproductive Health)’.

- (2) Appendix 9, definition *dispensed medicine*, paragraph (e), after ‘dispensing’—

*insert—*

or supply

- (3) Appendix 9, definition *drug therapy protocol*—

*insert—*

*Editor’s note—*

Copies of the drug therapy protocols published by the department are available on the department’s website.

- (4) Appendix 9, definition *rural and isolated practice endorsed nurse*, after ‘*practice*’—

*insert—*

**area**



reviewing patterns of health services delivery and projecting the future demand for, and supply of, health services.

## **Part 6**                      **Amendment of Radiation Safety Regulation 2010**

### **43**      **Regulation amended**

This part amends the *Radiation Safety Regulation 2010*.

### **44**      **Amendment of sch 6 (Authorised persons)**

Schedule 6, part 1, item 3, column 2, paragraphs (b) and (c)—  
*omit, insert*—

- (b) a nurse practitioner; or
- (c) a registered nurse; or

ENDNOTES

- 1 Made by the Governor in Council on 17 March 2016.
- 2 Notified on the Queensland legislation website on 18 March 2016.
- 3 The administering agency is Queensland Health.

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