



Queensland

Health (Drugs and Poisons) Amendment Regulation 2018

Subordinate Legislation 2018 No. 156

made under the

Health Act 1937

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1 Short title

This regulation may be cited as the *Health (Drugs and Poisons) Amendment Regulation 2018*.

2 Commencement

This regulation commences on 1 November 2018.

3 Regulation amended

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

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

Section 4(4), ‘nurse or indigenous health worker’—
omit, insert—

nurse, indigenous health worker or Aboriginal
and Torres Strait Islander health practitioner

5 Insertion of new s 59B

Chapter 2, part 2, division 2—
insert—

59B Aboriginal and Torres Strait Islander health practitioners

- (1) An Aboriginal and Torres Strait Islander health practitioner, while practising in an isolated practice area in a Hospital and Health Service or Aboriginal and Torres Strait Islander community controlled health service, is authorised—
 - (a) to obtain and possess a controlled drug; or
 - (b) to administer a controlled drug—
 - (i) under the Aboriginal and Torres Strait Islander health practitioner DTP and

the practice plan for the practitioner;
and

- (ii) on the oral or written instruction of a doctor or nurse practitioner.
- (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 Aboriginal and Torres Strait Islander health practitioner.
- (3) To the extent necessary to undergo the course of training, the trainee is authorised to—
- (a) possess a controlled drug under the direction of an authorised person carrying out a relevant occupation; or
 - (b) administer a controlled drug under the personal supervision of an authorised person carrying out a relevant occupation.
- (4) However, a trainee may possess or administer a controlled drug under subsection (3) only if—
- (a) the authorised person is authorised under this regulation to possess or administer the drug; and
 - (b) the trainee possesses or administers the drug under—
 - (i) the conditions, if any, that would apply to the possession or administration of the drug by the authorised person; and
 - (ii) the Aboriginal and Torres Strait Islander health practitioner DTP.
- (5) In this section—
- relevant occupation*** means an occupation as an Aboriginal and Torres Strait Islander health practitioner, an indigenous health worker, a doctor, a registered nurse or a midwife.

6 Amendment of s 64AA (Physician’s assistants)

Section 64AA, ‘developed’—

omit.

7 Amendment of s 67 (Registered nurses)

(1) Section 67(4)(b)—

insert—

(iia) give an Aboriginal and Torres Strait Islander health practitioner an oral or written instruction to administer a controlled drug;
or

(2) Section 67(4)(b)(iia) to (vii)—

renumber as section 67(4)(b)(iv) to (viii).

8 Amendment of s 97 (Oral instruction must be put in writing)

Section 97(2), after ‘worker,’—

insert—

Aboriginal and Torres Strait Islander health practitioner,

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

(1) Section 112, heading, before ‘midwives’—

insert—

Aboriginal and Torres Strait Islander health practitioners,

(2) Section 112(1) to (3), ‘health worker, midwife’—

omit, insert—

health worker, Aboriginal and Torres Strait

Islander health practitioner, midwife

- (3) Section 112(2)(b)—

insert—

(ia) for an Aboriginal and Torres Strait Islander health practitioner—full details of each transaction involving a controlled drug administered, obtained or used by the practitioner; or

- (4) Section 112(2)(b)(ia) to (iv)—

renumber as section 112(2)(b)(iii) to (v).

- (5) Section 112(2)(c), before ‘midwife’—

insert—

practitioner,

- (6) Section 112(3)(d) and (f), before ‘midwife’s’—

insert—

practitioner’s,

10 Amendment of s 164A (Indigenous health workers)

- (1) Section 164A(b)—

omit, insert—

(b) to administer or supply a restricted drug—

(i) under the indigenous health worker isolated practice area DTP; and

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

- (2) Section 164A—

insert—

(2) Despite subsection (1)(b)(ii), an indigenous health worker may administer or supply the following restricted drugs without the oral or

written instruction of a doctor, nurse practitioner or physician's assistant—

- (a) box jellyfish antivenom;
- (b) S4 ipratropium;
- (c) S4 salbutamol.

11 Insertion of new s 164B

Chapter 3, part 2, division 3—

insert—

164B Aboriginal and Torres Strait Islander health practitioners

- (1) An Aboriginal and Torres Strait Islander health practitioner, while practising in an isolated practice area in a Hospital and Health Service or Aboriginal and Torres Strait Islander community controlled health service, is authorised—
 - (a) to obtain and possess a restricted drug; or
 - (b) to administer or supply a restricted drug—
 - (i) under the Aboriginal and Torres Strait Islander health practitioner DTP and the practice plan for the practitioner; and
 - (ii) on the oral or written instruction of a dentist, doctor or nurse practitioner; 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 emergency declaration is in force—to administer or supply a restricted drug under the pandemic influenza program DTP.
- (2) Despite subsection (1)(b)(ii), an Aboriginal and

Torres Strait Islander health practitioner may administer or supply the following restricted drugs without the oral or written instruction of a dentist, doctor or nurse practitioner—

- (a) a fluoride varnish;
 - (b) box jellyfish antivenom;
 - (c) S4 ipratropium;
 - (d) S4 salbutamol.
- (3) Subsection (4) 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 Aboriginal and Torres Strait Islander health practitioner.
- (4) To the extent necessary to undergo the course of training, the trainee is authorised to—
- (a) possess a restricted drug under the direction of an authorised person carrying out a relevant occupation; or
 - (b) administer a restricted drug under the personal supervision of an authorised person carrying out a relevant occupation.
- (5) However, a trainee may possess or administer a restricted drug under subsection (4) only if—
- (a) the authorised person is authorised under this regulation to possess or administer the drug; and
 - (b) the trainee possesses or administers the drug under—
 - (i) the conditions, if any, that would apply to the possession or administration of the drug by the authorised person; and
 - (ii) the Aboriginal and Torres Strait Islander health practitioner DTP.
- (6) In this section—

fluoride varnish means an S4 fluoride applied directly to a tooth's surface.

relevant occupation means an occupation as an Aboriginal and Torres Strait Islander health practitioner, an indigenous health worker, a doctor, a dentist, a registered nurse or a midwife.

12 Amendment of s 171A (Physician's assistants)

Section 171A, 'developed'—

omit.

13 Amendment of s 175 (Registered nurses)

(1) Section 175(8)(b)(iii), after 'administer'—

insert—

or supply

(2) Section 175(8)(b)—

insert—

(iia) to give an Aboriginal and Torres Strait Islander health practitioner an oral or written instruction to administer or supply a restricted drug; or

(3) Section 175(8)(b)(iia) to (vii)—

renumber as section 175(8)(b)(iv) to (viii).

14 Insertion of new s 252C

Chapter 4, part 3, division 2—

insert—

252C Aboriginal and Torres Strait Islander health practitioners

(1) An Aboriginal and Torres Strait Islander health practitioner, while practising in an isolated practice area in a Hospital and Health Service or

Aboriginal and Torres Strait Islander community controlled health service, is authorised to administer or supply an S2 or S3 poison under the Aboriginal and Torres Strait Islander health practitioner DTP and the practice plan for the practitioner.

- (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 Aboriginal and Torres Strait Islander health practitioner.
- (3) To the extent necessary to undergo the course of training, the trainee is authorised to administer an S2 or S3 poison under the personal supervision of an authorised person carrying out a relevant occupation.
- (4) However, a trainee may administer a poison under subsection (3) only if—
 - (a) the authorised person is authorised under this regulation to administer the poison; and
 - (b) the trainee administers the poison under—
 - (i) the conditions, if any, that would apply to the administration of the poison by the authorised person; and
 - (ii) the Aboriginal and Torres Strait Islander health practitioner DTP.
- (5) In this section—

relevant occupation means an occupation as an Aboriginal and Torres Strait Islander health practitioner, an indigenous health worker, a doctor, a dentist, a registered nurse or a midwife.

15 Amendment of s 258A (Physician's assistants)

Section 258A, 'developed'—

omit.

16 Amendment of s 263 (Registered nurses)

Section 263(5)(b)(ii), from ‘midwife’ to ‘administer’—

omit, insert—

Aboriginal and Torres Strait Islander health practitioner, midwife or nurse an oral or written instruction to administer or supply

17 Amendment of appendix 9 (Dictionary)

(1) Appendix 9, definitions *practice plan* and *supervising medical officer*—

omit.

(2) Appendix 9—

insert—

Aboriginal and Torres Strait Islander community controlled health service means a service for maintaining, improving, restoring or managing the health of Aboriginal people or Torres Strait Islanders provided by—

(a) an Aboriginal and Torres Strait Islander corporation; or

(b) a registered entity under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth).

Aboriginal and Torres Strait Islander corporation means a corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cwlth).

Aboriginal and Torres Strait Islander health practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the Aboriginal and Torres Strait Islander health practice profession, other than as a student.

Aboriginal and Torres Strait Islander health

practitioner DTP means the drug therapy protocol called ‘Drug Therapy Protocol–Aboriginal and Torres Strait Islander Health Practitioner–Isolated Practice Area’.

clinical supervisor, for an Aboriginal and Torres Strait Islander health practitioner, means a person who has primary responsibility for the supervision of the work performed by the practitioner in the practitioner’s employment in the department, a Hospital and Health Service or an Aboriginal and Torres Strait Islander community controlled health service.

practice plan means a document in the approved form that—

- (a) for a physician’s assistant—
 - (i) states the circumstances and conditions for the assistant to use a controlled drug, restricted drug or poison; and
 - (ii) is developed and signed by the assistant and the assistant’s supervising medical officer; or
- (b) for an Aboriginal and Torres Strait Islander health practitioner—
 - (i) states the circumstances and conditions for the practitioner to administer or supply a controlled drug, restricted drug or poison; and
 - (ii) is developed and signed by the practitioner and the practitioner’s clinical supervisor.

- (3) Appendix 9, definition *dispensed medicine*—

insert—

- (bb) supplied for human therapeutic use by an Aboriginal and Torres Strait Islander health practitioner who may supply the medicine while practising; or

(bc) supplied for human therapeutic use by an indigenous health worker who may supply the medicine while practising; or

- (4) Appendix 9, definition *specified Hospital and Health Service*, second and fourth dot points—

omit.

- (5) Appendix 9, definition *specified Hospital and Health Service*—

insert—

- Torres and Cape Hospital and Health Service.

ENDNOTES

- 1 Made by the Governor in Council on 18 October 2018.
- 2 Notified on the Queensland legislation website on 19 October 2018.
- 3 The administering agency is Queensland Health.

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