

Queensland



Subordinate Legislation 1997 No. 323

*Health Act 1937*

**HEALTH (DRUGS AND POISONS)  
AMENDMENT REGULATION (No. 2) 1997**

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## **PART 1—PRELIMINARY**

### **Short title**

1. This regulation may be cited as the *Health (Drugs and Poisons) Amendment Regulation (No. 2) 1997*.

## **PART 2—AMENDMENT OF HEALTH (DRUGS AND POISONS) REGULATION 1996**

### **Regulation amended**

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

### **Amendment of s 18 (How chief health officer may deal with applications)**

3.(1) Section 18(4)—

*renumber* as section 18(7).

(2) Section 18—

*insert*—

‘(4) However, if the authority is an approval under section 122 or 213 that is subject to a condition, the chief health officer need only give the applicant—

(a) the approval; and

(b) notice that the applicant may, within 28 days of the approval, make a written request for the reasons for the condition and appeal against the imposition of the condition within 28 days after the day the applicant is given the reasons.

‘(5) If the applicant makes a written request for the reasons for the condition, the chief health officer must, within 14 days of receiving the request, give a statement of the reasons to the applicant.

‘(6) However, if the approval mentioned in subsection (4) is subject to a condition relating to the treatment of a drug dependent person to ensure the treatment under the approval continues to be for the welfare of the person, including, for example, one or more of the following conditions, the applicant may not appeal against the imposition of the condition—

- (a) the way in which the controlled or restricted drug is to be dispensed or prescribed for, or administered or supplied to or for, the drug dependent person;
- (b) the applicant must, at stated times, examine the drug dependent person or conduct tests in relation to the drug dependent person—
  - (i) to ensure the controlled or restricted drug is being used in the way the applicant has directed; or
  - (ii) for the use or presence of other drugs or poisons.’.

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

**4.(1)** Section 67(2) and (3)—

*renumber* as section 67(3) and (4).

**(2)** Section 67—

*insert*—

‘(2) To the extent necessary to practise nursing in an isolated practice area, an isolated practice endorsed registered nurse is authorised to—

- (a) obtain a controlled drug; or
- (b) possess a controlled drug at a place in the isolated practice area where the person practises nursing; or
- (c) administer or supply a controlled drug, on a doctor’s instruction or under an approved drug therapy protocol, to a person.’.

**(3)** Section 67(4) (as renumbered), ‘Subsection (2)’—

*omit, insert*—

‘Subsection (3)’.

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

5. Section 109(1), ‘section 67(2)’—  
*omit, insert—*  
‘section 67(3)’.

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

- 6.(1) Section 175(2)—  
*renumber* as section 175(2A).

- (2) Section 175—  
*insert—*

‘(2) To the extent necessary to practise nursing in an isolated practice area, an isolated practice endorsed registered nurse is authorised to—

- (a) obtain a restricted drug; or
- (b) possess a restricted drug at a place in the isolated practice area where the person practices nursing; or
- (c) administer or supply a restricted drug, on a doctor’s instruction or under an approved drug therapy protocol, to a person.’

- (3) Section 175(5), ‘Subsection (2)’—  
*omit, insert—*  
‘Subsection (2A)’.

**Amendment of s 190 (Writing prescriptions)**

7. Section 190(2)(e), ‘words and’—  
*omit.*

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

- 8.(1) Section 207(1), ‘section 175(2)’—

*omit, insert—*

‘section 175(2A)’.

(2) Section 207(1A)—

*omit, insert—*

‘(1A) Each of the following nurses must keep records, as required by this section, of all restricted drugs supplied by the nurse under section 175—

- (a) an isolated practice endorsed registered nurse;
- (b) a registered nurse practising nursing under a sexual health program.

Maximum penalty—40 penalty units.’.

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

9. Section 235(2)(a)(vi)—

*omit, insert—*

‘(vi) an isolated practice endorsed registered nurse; or’.

### **Amendment of s 255 (Midwives)**

10. Section 255(2)—

*omit.*

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

11.(1) Section 263(2) and (3)—

*renumber* as section 263(3) and (4).

(2) Section 263—

*insert—*

‘(2) To the extent necessary to practise nursing in an isolated practice area, an isolated practice endorsed nurse is authorised to supply an S2 or

S3 poison to or for a person requiring treatment in the isolated practice area.’.

(3) Section 263(4) (as renumbered), ‘Subsection (2)’—  
*omit, insert—*  
‘Subsection (3)’.

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

12. Appendix 9, definition “**private practice endorsed midwife**”—  
*omit.*

## **PART 3—REPEAL**

### **Regulation repealed**

13. The *Health (Drugs and Poisons) Amendment Regulation (No. 1) 1997* is repealed.

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#### ENDNOTES

1. Made by the Governor in Council on 2 October 1997.
2. Notified in the gazette on 3 October 1997.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Health.