



Queensland

Health Legislation Amendment Regulation (No. 3) 2006

Subordinate Legislation 2006 No. 91

made under the

Health Act 1937

Public Health Act 2005

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Health Legislation Amendment Regulation (No. 3) 2006*.

2 Commencement

Sections 4, 6, 11, 12 and 14 commence on 1 July 2006.

Part 2 Amendment of Health (Drugs and Poisons) Regulation 1996

3 Regulation amended in pt 2

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

4 Insertion of new s 4A

After section 4—

insert—

‘4A Quality standards for dispensing certain drugs and selling certain poisons

- ‘(1) A *quality standard*, for dispensing controlled drugs, dispensing restricted drugs or selling S2 or S3 poisons (each an *activity*), is a document that states, for the activity—
- (a) the standard for carrying out the activity; and
 - (b) how the standard is met.
- ‘(2) A pharmacist may, for an activity—
- (a) prepare a quality standard; or
 - (b) adopt a quality standard prepared by another entity.

- ‘(3) If the Pharmacists Board of Queensland recognises a quality standard (a **PBQ standard**) for an activity,¹ the quality standard prepared or adopted by a pharmacist, for the activity, must be at least equivalent to the PBQ standard for the activity.
- ‘(4) A quality standard must be consistent with the following principles—
- (a) in selecting a way to manage a person’s condition, a pharmacist should consider appropriate options, including, for example, medicinal and non-medicinal options;
 - (b) for a medicinal option, the pharmacist should choose the medicine the pharmacist considers is the most appropriate having regard to relevant matters, including, for example, potential risks and benefits of using the medicine;
 - (c) a medicine should be used in a way that—
 - (i) maximises the efficacy of the medicine; and
 - (ii) minimises misuse of the medicine.’.

5 Insertion of new ss 58A and 58B

After section 58—

insert—

‘58A Enrolled nurses

- ‘(1) To the extent necessary to practise nursing, an enrolled nurse endorsed for the administration of controlled drugs is authorised to—
- (a) possess a controlled drug at the place where the enrolled nurse practises nursing; or
 - (b) administer a controlled drug, other than an anaesthetic—

¹ Details of quality standards recognised by the Pharmacists Board of Queensland are available on the Board’s website at <www.pharmacyboard.qld.gov.au>.

- (i) on the written instruction of a dentist, doctor or nurse practitioner; and
 - (ii) under the supervision of a dentist, doctor or registered nurse; or
 - (c) administer a controlled drug to a person for whom it has been dispensed and under the supervision of a dentist, doctor or registered nurse.
- ‘(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 enrolled nurse.
- ‘(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 a registered nurse at the place where the registered nurse practises nursing; or
 - (b) administer a controlled drug, other than an anaesthetic—
 - (i) on the written instruction of a dentist, doctor or nurse practitioner; and
 - (ii) under the personal supervision of a dentist, doctor or registered nurse; or
 - (c) administer a controlled drug to a person for whom it has been dispensed and under the personal supervision of a dentist, doctor or registered nurse.
- ‘(4) In this section—
- endorsed* means endorsed under the *Nursing Act 1992*.

‘58B Hospital pharmaceutical assistants

‘To the extent necessary to perform the person’s pharmaceutical impost duties in a hospital, a hospital pharmaceutical assistant acting under the supervision of a pharmacist in the hospital, is authorised to—

- (a) possess a controlled drug at the hospital; or

- (b) issue a controlled drug to an authorised person for treatment of the hospital's patients.’.

6 Insertion of new s 81A

Chapter 2, part 4, division 2, before section 82—

insert—

‘81A Quality standard for dispensing controlled drugs

‘A pharmacist must not dispense a controlled drug unless the pharmacist—

- (a) has prepared or adopted a quality standard for dispensing controlled drugs; and
- (b) in dispensing the controlled drug, complies with the quality standard.

Maximum penalty—60 penalty units.’.

7 Amendment of s 158A (Dental hygienists)

- (1) Section 158A(1)—

insert—

‘(d) mepivacaine.’.

- (2) Section 158A(3), ‘(c)’—

omit, insert—

‘(d)’.

8 Amendment of s 158B (Dental therapists)

- (1) Section 158B(1)—

insert—

‘(f) mepivacaine.’.

- (2) Section 158B(3), ‘(e)’—

omit, insert—

‘(f)’.

9 Amendment of s 163A (Hospital pharmaceutical assistants)

Section 163A(a) and (b), ‘(other than a restricted drug of dependency or a regulated restricted drug)’—

omit.

10 Amendment of s 174 (Queensland Ambulance Service)

Section 174(4), from ‘oseltamivir’—

omit, insert—

‘the following under a drug therapy protocol—

- (a) oseltamivir or zanamivir;
- (b) a vaccine for the infectious medical condition.’.

11 Insertion of new s 192A

Chapter 3, part 4, division 2, before section 193—

insert—

‘192A Quality standard for dispensing restricted drugs

‘A pharmacist must not dispense a restricted drug unless the pharmacist—

- (a) has prepared or adopted a quality standard for dispensing restricted drugs; and
- (b) in dispensing the restricted drug, complies with the quality standard.

Maximum penalty—60 penalty units.’.

12 Insertion of new s 273A

Chapter 4, part 5, before section 274—

insert—

'273A Quality standard for selling S2 or S3 poisons

'A pharmacist must not sell an S2 or S3 poison unless the pharmacist—

- (a) has prepared or adopted a quality standard for selling S2 or S3 poisons; and
- (b) in selling the S2 or S3 poison, complies with the quality standard.

Maximum penalty—60 penalty units.'

13 Amendment of appendix 8A (Rural hospitals)

Appendix 8A—

insert—

'Caboolture, Gladstone,'.

14 Amendment of appendix 9 (Dictionary)

Appendix 9—

insert—

'*quality standard* see section 4A.'

Part 3 Amendment of Public Health Regulation 2005

15 Regulation amended in pt 3

This part amends the *Public Health Regulation 2005*.

16 Renumbering of s 19 (Human research ethics committee—Act, sch 2, definition *human research ethics committee*)

Section 19—

renumber as section 20.

17 Insertion of new pt 7, s 19

Part 7—

insert—

‘19 Emergency officers (general)—Act, s 333(1)(e)

‘(1) For section 333(1)(e) of the Act, an ambulance officer is a prescribed person.

‘(2) In this section—

ambulance officer see the *Ambulance Service Act 1991*, schedule.’.

18 Amendment of sch 1 (Notifiable conditions)

(1) Schedule 1, column 4, entry for dengue fever, ‘•’—
omit.

(2) Schedule 1, column 1, ‘varicella - zoster virus infection (chickenpox)’—

omit, insert—

‘varicella - zoster virus infection (chickenpox, shingles or unspecified)’.

ENDNOTES

- 1 Made by the Governor in Council on 18 May 2006.
- 2 Notified in the gazette on 19 May 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Health.