



Queensland

Health Legislation Amendment Regulation (No. 7) 2006

Subordinate Legislation 2006 No. 308

made under the

Health Act 1937

Health Services Act 1991

Pest Management Act 2001

Pharmacists Registration Act 2001

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. 7) 2006*.

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

2 Regulation amended in pt 2

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

3 Amendment of s 58A (Enrolled nurses)

Section 58A(1)(b)(i), ‘doctor or nurse practitioner’—
omit, insert—
‘doctor, nurse practitioner or surgical podiatrist’.

4 Insertion of new s 64A

After section 64—
insert—

‘64A Surgical Podiatrists

- ‘(1) To the extent necessary to practise podiatry, a surgical podiatrist is authorised to—
- (a) prescribe oxycodone (in short-acting form) as an oral preparation; or
 - (b) give someone, who may administer oxycodone (in short-acting form), a written instruction to administer the drug as an oral preparation.

- ‘(2) A surgical podiatrist must not prescribe or give a written instruction to administer more than 10 doses of 5mg each to a person for a relevant condition.’.

5 Amendment of s 67 (Registered nurses)

Section 67(1)(b)(ii)—

omit, insert—

- ‘(ii) on the written instruction of a surgical podiatrist;
or
- (iii) to the person for whom it has been dispensed under the instructions stated by the dispenser.’.

6 Amendment of s 79 (Prescribing controlled drugs)

Section 79(4)—

insert—

- ‘(n) if the prescriber is a surgical podiatrist—‘For treatment of foot conditions only’.’.

7 Amendment of s 120 (Notice required if lengthy treatment with controlled drug)

Section 120, ‘doctor’—

omit, insert—

‘doctor or nurse practitioner’.

8 Amendment of s 121 (Controlled drugs not to be obtained unless information disclosed to dentist or doctor)

Section 121, ‘dentist or doctor’—

omit, insert—

‘dentist, doctor, nurse practitioner or surgical podiatrist’.

9 Amendment of s 122 (Approval needed for treating drug dependent person with controlled drugs)

(1) Section 122, ‘doctor’—

omit, insert—

‘relevant practitioner’.

(2) Section 122—

insert—

‘(10) In this section—

relevant practitioner means a doctor, nurse practitioner or surgical podiatrist.’.

10 Amendment of s 162 (Enrolled nurses)

Section 162(1)—

insert—

‘(d) administer a restricted drug on the written instruction of a surgical podiatrist.’.

11 Amendment of s 172 (Podiatrists)

Section 172(a) and (b)—

omit, insert—

‘(a) obtain the following restricted drugs, other than when combined with adrenalin or another vasoconstrictor drug—

- (i) bupivacaine of a strength of 0.5% or less;
- (ii) levobupivacaine of a strength of 0.5% or less;
- (iii) lignocaine of a strength of 2% or less;
- (iv) prilocaine of a strength of 2% or less; or

(b) administer a restricted drug mentioned in paragraph (a), other than when used together with adrenalin or another vasoconstrictor drug; or’.

12 Insertion of new s 172A

After section 172—

insert—

‘172A Surgical podiatrists

‘To the extent necessary to practise podiatry, a surgical podiatrist is authorised to—

- (a) obtain—
 - (i) dexamethasone, for local injection only; or
 - (ii) ropivacaine of a strength of 1% or less; or
- (b) administer a restricted drug mentioned in paragraph (a);
or
- (c) possess a restricted drug mentioned in paragraph (a) at the place where the podiatrist practises podiatry; or
- (d) prescribe a restricted drug mentioned in appendix 2B, part 1, column 1, on the conditions mentioned opposite the drug in columns 2 and 3; or
- (e) give someone who may administer a restricted drug mentioned in appendix 2B, part 1, column 1, a written instruction to administer the drug on the conditions mentioned opposite the drug in columns 2 and 3.’.

13 Amendment of s 175 (Registered nurses)

Section 175(1)(b)(ii)—

omit, insert—

- ‘(ii) on the written instruction of a surgical podiatrist;
or
- (iii) to the person for whom it has been dispensed under the instructions stated by the dispenser.’.

14 Amendment of s 190 (Prescribing restricted drugs)

Section 190(2)—

insert—

‘(n) if the prescriber is a surgical podiatrist—‘For treatment of foot conditions only’.’.

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

Section 200(3)(b)—

insert—

‘(iii) by a surgical podiatrist—have ‘section 172A’ written on it.’.

16 Amendment of s 212 (Restricted drugs of dependency not to be obtained unless information disclosed to dentist or doctor)

Section 212, ‘dentist or doctor’—

omit, insert—

‘dentist, doctor, nurse practitioner or surgical podiatrist’.

17 Amendment of s 213 (Approval needed for treatment by doctor of drug dependent person with restricted drugs of dependency)

(1) Section 213, heading ‘treatment by doctor of’—

omit, insert—

‘treating’.

(2) Section 213, ‘doctor’—

omit, insert—

‘relevant practitioner’.

(3) Section 213—

insert—

‘(9) In this section—

relevant practitioner means a doctor, nurse practitioner or surgical podiatrist.’.

18 Amendment of s 260 (Podiatrists)

- (1) Section 260(1), ‘administer an S2 poison’—

omit, insert—

‘administer—

- (a) an S2 poison; or
- (b) adrenalin of a strength of 0.1% or less, if administered by a pre-loaded device for the management of anaphylaxis.

Example for paragraph (b)—

an EpiPen’.

- (2) Section 260(3), from ‘administer’—

omit, insert—

‘administer the following under the personal supervision of a podiatrist—

- (a) an S2 poison;
- (b) adrenalin of a strength of 0.1% or less, if administered by a pre-loaded device for the management of anaphylaxis.’.

19 Insertion of new s 260A

After section 260—

insert—

‘260A Surgical podiatrists

‘To the extent necessary to practise podiatry, a surgical podiatrist is authorised to—

- (a) administer—
 - (i) adrenalin when combined with lignocaine, bupivacaine or prilocaine; or
 - (ii) felypressin when combined with prilocaine; or
- (b) prescribe a poison mentioned in appendix 2B, part 2, column 1, on the conditions mentioned opposite the poison in columns 2 and 3; or

- (c) give someone who may administer a poison mentioned in appendix 2B, part 2, column 1, a written instruction to administer the poison on the conditions mentioned opposite the poison in columns 2 and 3.’.

20 Amendment of s 290 (Unsafe disposal of poisons)

Section 290(3)(c)—

omit.

21 Insertion of new appendix 2B

After appendix 2A—

insert—

‘Appendix 2B Restricted drugs and poisons for surgical podiatrists

sections 172A and 260A

‘Part 1 Restricted drugs

Column 1	Column 2	Column 3
Restricted Drugs	Preparation type	Total dosage for a person’s condition
amoxicillin or amoxicillin with clavulanic acid	oral	not exceeding that usually required for a 10 day course of treatment for the relevant condition
cephalexin	oral	not exceeding that usually required for a 10 day course of treatment for the relevant condition
codeine	oral	not exceeding 20 doses for the relevant condition with each dose being not more than 30mg in combination with each 500mg of paracetamol

Column 1	Column 2	Column 3
Restricted Drugs	Preparation type	Total dosage for a person's condition
diazepam	oral	not exceeding 10 doses of 5mg each for the relevant condition
diclofenac	oral	not exceeding that usually required for a 10 day course of treatment for the relevant condition
dicloxacillin	oral	not exceeding that usually required for a 10 day course of treatment for the relevant condition
doxycycline	oral	not exceeding that usually required for a 10 day course of treatment for the relevant condition
erythromycin	oral	not exceeding that usually required for a 10 day course of treatment for the relevant condition
ibuprofen	oral	not exceeding that usually required for a 10 day course of treatment for the relevant condition
metronidazole	oral	not exceeding that usually required for a 10 day course of treatment for the relevant condition
mupirocin	topical	not exceeding that usually required for a 10 day course of treatment for the relevant condition
naproxen	oral	not exceeding that usually required for a 10 day course of treatment for the relevant condition
roxithromycin	oral	not exceeding that usually required for a 10 day course of treatment for the relevant condition
temazepam	oral	not exceeding 2 doses of 10mg each for the relevant condition

‘Part 2 Poisons

Column 1	Column 2	Column 3
Poisons	Preparation type	Total dosage for a person’s condition
fexofenadine	oral	not exceeding that usually required for a 10 day course of treatment for the relevant condition
hydrocortisone	topical	not exceeding that usually required for a 10 day course of treatment for the relevant condition with each dose being of a strength of 1% or less
loratadine	oral	not exceeding that usually required for a 10 day course of treatment for the relevant condition
promethazine	oral	not exceeding that usually required for a 10 day course of treatment for the relevant condition’.

22 Amendment of appendix 9 (Dictionary)

- (1) Appendix 9—

insert—

‘**relevant condition**, for giving a prescription or written instruction, means the condition for which the prescription or instruction is given.

surgical podiatrist means a podiatrist who is shown on the register kept under the *Podiatrists Registration Act 2001*, section 193, as holding a qualification in podiatric surgery.’.

- (2) Appendix 9, definition *written instruction*, paragraph (a), ‘doctor or nurse practitioner’—

omit, insert—

‘doctor, nurse practitioner or surgical podiatrist’.

Part 3 Amendment of Health Regulation 1996

23 Regulation amended in pt 3

This part amends the *Health Regulation 1996*.

24 Omission of pt 15 (Skin penetration)

Part 15—
omit.

Part 4 Amendment of Health Services Regulation 2002

25 Regulation amended in pt 4

This part amends the *Health Services Regulation 2002*.

26 Insertion of new ss 34A, 34B and 34C

After section 34—
insert—

‘34A Administrative units—Act, s 24(1)

‘Each of the following is an administrative unit of the department prescribed for section 24(1) of the Act—

- central, southern and northern area health services;
- clinical and statewide services division;
- information division;
- Queensland health shared service provider;
- reform and development division;
- corporate services division;

- office of the chief health officer;
- office of the director-general;
- policy, planning and resourcing division.

‘34B Criteria for prescribed public hospitals—Act, s 38A

‘(1) For section 38A, definition *prescribed public hospital*, of the Act, the criterion is having provided acute care to relevant patients on more than 2000 occasions during the previous financial year.

‘(2) In this section—

acute care means care of which the principal clinical intent or treatment goal is one or more of the following—

- (a) curing illness or providing definitive treatment of an injury;
- (b) managing labour or perinatal care;
- (c) protecting against exacerbation or complication of an illness or injury that could threaten life or normal function;
- (d) performing diagnostic or therapeutic procedures.

relevant patient means a patient who has been admitted to a public sector hospital.

‘34C Disclosure for purposes relating to health services—Act, s 62H(b)

‘(1) For section 62H(b) of the Act, the University of Queensland is a prescribed entity for evaluating, managing, monitoring or planning health services by collecting data about a relevant trauma patient for use in the Queensland Trauma Registry.

‘(2) In this section—

relevant trauma patient means a person who attends a public sector hospital for treatment of a physical injury and—

- (a) is admitted for 24 hours or more; or

- (b) dies within 24 hours of receiving treatment in the hospital's emergency department; or
- (c) dies within 24 hours of being admitted.'.

27 Amendment of sch 2 (Agreements)

Schedule 2, item 5—

omit, insert—

- '5 Hospital Services Arrangement between the Commonwealth of Australia and the Repatriation Commission and the Military Rehabilitation and Compensation Commission and the State of Queensland for the treatment and care in Queensland Public Hospitals of persons eligible for treatment under the *Veterans' Entitlements Act 1986* (Cwlth) and the *Military Rehabilitation and Compensation Act 2004* (Cwlth), made on 28 February 2006.'

Part 5 Amendment of Public Health Regulation 2005

28 Regulation amended in pt 5

This part amends the *Public Health Regulation 2005*.

29 Insertion of new pt 2A

After section 12—

insert—

'Part 2A Infection control

'12A Prescribed facilities—Act, s 149(3)(b)

'For section 149(3)(b) of the Act, a facility where a declared health service is provided by the Brisbane City Council immunisation service is a prescribed facility.'

Part 6 **Amendment of Pest Management Regulation 2003**

30 **Regulation amended in pt 6**

This part amends the *Pest Management Regulation 2003*.

31 **Omission of pt 1A, div 2, hdg (Dengue mosquito prevention, control or eradication)**

Part 1A, division 2, heading—

omit.

32 **Insertion of new s 3A**

Part 1A—

insert—

‘3A Exemption for electric or fire ant prevention, control or eradication—Act, s 10

‘(1) This section applies if an inspector or other person is authorised under the *Plant Protection Act 1989* to treat electric or fire ants, or land or another thing infested with electric or fire ants.

‘(2) The use by the inspector or other person of an exempted pesticide for the treatment of electric or fire ants, or land or another thing infested with electric or fire ants, is a pest management activity exempted from section 11 and part 2, division 12¹, of the Act.

‘(3) In this section—

electric ant means *Wasmannia auropunctata*.

exempted pesticide means either of the following—

- (a) ground corn baits containing either 0.5% of methoprene or 0.5% of pyriproxyfen as the only active ingredient,

1 Section 11 (Licence is required to carry out pest management activity) and part 2 (Licences), division 12 (Offences) of the Act

applied at a rate of not less than 1.6kg, and not more than 2.0kg, of baits a hectare;

- (b) ground corn baits containing 0.73% of hydramethylnon as the only active ingredient, applied at a rate of not more than 2.5kg of baits a hectare.

fire ant means the tropical fire ant (*Solenopsis geminata*) or red imported fire ant (*Solenopsis invicta*).

inspector means a person appointed under the *Plant Protection Act 1989* as an inspector.’.

33 Omission of pt 6 (Transitional provisions)

Part 6—

omit.

Part 7 Amendment of Pharmacists Registration Regulation 2001

34 Regulation amended in pt 7

This part amends the *Pharmacists Registration Regulation 2001*.

35 Amendment of sch 1 (Qualifications for general registration)

Schedule 1, after second entry for Bachelor of Pharmacy—

insert—

‘Master of Pharmacy

University of Sydney’.

ENDNOTES

- 1 Made by the Governor in Council on 14 December 2006.
- 2 Notified in the gazette on 15 December 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Health.