



Queensland

Health (Drugs and Poisons) Amendment Regulation 2020

Subordinate Legislation 2020 No. 74

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 2020*.

2 Regulation amended

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

3 Amendment of s 81 (Oral prescription)

- (1) Section 81(2), from ‘a paper’ to ‘transmission’—

omit, insert—

an acceptable electronic copy of a paper prescription for the drug is sent

- (2) Section 81(3), ‘a paper prescription’—

omit, insert—

the paper prescription

- (3) Section 81(4), ‘a paper or’—

omit, insert—

the paper prescription or an

4 Amendment of s 81AA (Faxed prescription)

- (1) Section 81AA, heading—

omit, insert—

81AA Acceptable electronic copies of prescriptions

- (2) Section 81AA(1), ‘a faxed prescription’—

omit, insert—

an acceptable electronic copy of a paper prescription

- (3) Section 81AA(2) and (5)—

omit.

- (4) Section 81AA(3), from ‘faxed prescription’ to ‘send a’—

omit, insert—

acceptable electronic copy, the prescriber must send the

- (5) Section 81AA(4), from ‘a paper’ to ‘faxed prescription’—

omit, insert—

the paper prescription or an electronic prescription for the drug from the prescriber within 14 days after being given the acceptable electronic copy

- (6) Section 81AA(3) and (4)—

renumber as section 81AA(2) and (3).

5 Amendment of s 84 (Dealing with paper prescriptions and particular written instructions)

- (1) Section 84(1)—

omit, insert—

- (1) This section applies to a dispenser who—

- (a) dispenses a controlled drug on a paper prescription; or
- (b) dispenses a controlled drug on an acceptable electronic copy of a paper prescription and later receives the paper prescription; or
- (c) administers or supplies a controlled drug on a written instruction.

- (2) Section 84(2), ‘when’—

omit, insert—

at the relevant time for

- (3) Section 84(13)—

insert—

relevant time, for dispensing, administering or supplying a controlled drug, means—

- (a) if the drug is dispensed on a paper prescription—when the drug is dispensed; or
- (b) if the drug is dispensed on an acceptable electronic copy of a paper prescription that is later received by a dispenser—as soon as practicable after the paper prescription is received by the dispenser; or
- (c) if the drug is administered or supplied—when the drug is administered or supplied.

6 Amendment of s 84A (Dealing with electronic prescriptions)

(1) Section 84A(1)—

omit, insert—

- (1) This section applies to a dispenser who—
 - (a) dispenses a controlled drug on an electronic prescription; or
 - (b) dispenses a controlled drug on an acceptable electronic copy of a paper prescription and later receives an electronic prescription for the controlled drug.

(2) Section 84A(2), from ‘when’ to ‘in the prescription’—

omit, insert—

at the relevant time for dispensing the controlled drug, enter the following information in the electronic prescription

(3) Section 84A(3)—

omit, insert—

- (3) The dispenser must send the chief executive the electronic prescription by electronic means—

-
- (a) within 7 days after—
 - (i) the end of the week in which the controlled drug is dispensed; or
 - (ii) if subsection (1)(b) applies—the dispenser receives the electronic prescription; and
 - (b) if it is a repeat prescription—within 7 days after the end of each other week in which the controlled drug is dispensed on a repeat, including the final repeat, of the prescription.
- (4) Section 84A—
insert—
- (6) In this section—
relevant time, for dispensing a controlled drug, means—
 - (a) if the drug is dispensed on an electronic prescription—when the drug is dispensed; or
 - (b) if the drug is dispensed on an acceptable electronic copy of a paper prescription and an electronic prescription for the drug is later received by a dispenser—as soon as practicable after the electronic prescription is received by the dispenser.

7 Amendment of s 192 (Oral prescription)

- (1) Section 192(2), from ‘a paper’ to ‘transmission’—
omit, insert—
an acceptable electronic copy of a paper prescription for the drug is sent
- (2) Section 192(3), ‘a paper prescription’—
omit, insert—

the paper prescription

- (3) Section 192(4), ‘a paper or’—

omit, insert—

the paper prescription or an

8 Amendment of s 192AA (Faxed prescription)

- (1) Section 192AA, heading—

omit, insert—

192AA Acceptable electronic copies of prescriptions

- (2) Section 192AA(1), ‘a faxed prescription’—

omit, insert—

an acceptable electronic copy of a paper prescription

- (3) Section 192AA(2) and (5)—

omit.

- (4) Section 192AA(3), from ‘faxed prescription’ to ‘send a’—

omit, insert—

acceptable electronic copy, the prescriber must send the

- (5) Section 192AA(4), from ‘a paper’ to ‘faxed prescription’—

omit, insert—

the paper prescription or an electronic prescription for the drug from the prescriber within 14 days after being given the acceptable electronic copy

- (6) Section 192AA(3) and (4)—

renumber as section 192AA(2) and (3).

9 Insertion of new s 192AB

After section 192AA—

insert—

192AB Keeping particular prescriptions during special arrangement period

- (1) This section applies if, during the special arrangement period, a prescriber gives an acceptable electronic copy of a paper prescription for a low-risk restricted drug to a dispenser.
- (2) The prescriber and dispenser are not required to comply with section 192AA(2) and (3) during the special arrangement period.
- (3) However, if the prescriber does not comply with section 192AA(2), the prescriber must keep the paper prescription for 2 years after the acceptable electronic copy is given.

Maximum penalty—40 penalty units.

- (4) Subsection (3) applies even if the special arrangement is repealed or expires before the end of the 2 years.
- (5) In this section—

low-risk restricted drug means a restricted drug other than an anabolic steroidal agent or a restricted drug of dependency.

special arrangement means the *National Health (COVID-19 Supply of Pharmaceutical Benefits) Special Arrangement 2020* (Cwlth).

special arrangement period means the period—

- (a) starting on the commencement of this section; and
- (b) ending at the end of the day the special arrangement is repealed or expires.

10 Amendment of s 197 (Dealing with prescriptions)

- (1) Section 197(1), from ‘when dispensing’ to ‘on the prescription’—

omit, insert—

at the relevant time for dispensing a restricted drug, legibly and permanently indicate the following information on a paper prescription for the drug

- (2) Section 197(2), from ‘when dispensing’ to ‘in the prescription’—

omit, insert—

at the relevant time for dispensing a restricted drug, enter the following information in an electronic prescription for the drug

- (3) Section 197(5)—

insert—

relevant time, for dispensing a restricted drug, means—

- (a) if the drug is dispensed on an acceptable electronic copy of a paper prescription that is later received by a dispenser—as soon as practicable after the paper prescription is received by the dispenser; or
- (b) if the drug is dispensed on an acceptable electronic copy of a paper prescription and an electronic prescription for the drug is later received by a dispenser—as soon as practicable after the electronic prescription is received by the dispenser; or
- (c) otherwise—when the drug is dispensed.

11 Amendment of ch 5, pt 2, hdg (Transitional provisions)

Chapter 5, part 2, heading, after ‘Transitional’—

insert—

and validation

12 Insertion of new ch 5, pt 2, div 6

Chapter 5, part 2—

insert—

**Division 6 Validation provision for
Health (Drugs and
Poisons) Amendment
Regulation 2020**

**320 Validation of giving, and dispensing on, digital
images of prescriptions during relevant period**

- (1) This section applies if, during the relevant period and under the special arrangement—
 - (a) a prescriber gave a dispenser a digital image of a paper prescription for a controlled drug or restricted drug; or
 - (b) a dispenser dispensed a controlled drug or restricted drug on a digital image of a paper prescription for the drug.
- (2) The prescriber is taken to have lawfully given the digital image to the dispenser under this regulation.
- (3) The dispenser is taken to have lawfully dispensed the controlled drug or restricted drug on the digital image under this regulation.
- (4) In this section—

relevant period means the period—

 - (a) starting on the commencement of the special arrangement; and
 - (b) ending on the commencement of this section.

special arrangement means the *National Health (COVID-19 Supply of Pharmaceutical Benefits) Special Arrangement 2020* (Cwlth).

13 Amendment of appendix 9 (Dictionary)

Appendix 9—

insert—

acceptable electronic copy, of a paper prescription, means a digital image or facsimile copy of the prescription sent by electronic transmission.

Examples—

- a scan of the prescription sent in an email
- a digital photograph of the prescription sent from a smart phone
- a copy of the prescription sent on a fax machine

ENDNOTES

- 1 Made by the Governor in Council on 18 May 2020.
- 2 Notified on the Queensland legislation website on 18 May 2020.
- 3 The administering agency is Queensland Health.

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