Poisons Amendment Regulations (No. 6) 2010

Made by the Governor in Executive Council.

1. Citation

These regulations are the Poisons Amendment Regulations (No. 6) 2010.

2. Commencement

These regulations come into operation as follows —

(a) regulations 1 and 2 — on the day on which these regulations are published in the Gazette;

(b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the Poisons Regulations 1965.

4. Regulation 2 amended

In regulation 2(1) insert in alphabetical order:

endorsed optometrist means a person registered under the Health Practitioner Regulation National Law (Western Australia) in the optometry profession whose registration is endorsed under section 94 of that Law;

optometrist means a person registered under the Health Practitioner Regulation National Law (Western Australia) in the optometry profession;

5. Part 2A inserted

After regulation 2A insert:

Part 2A — Endorsed health practitioners

3A. Optometrists

(1) For the purpose of section 23(4B) of the Act, endorsed optometrist is prescribed as a class of endorsed health practitioner.
(2) For the purpose of section 23(4B) of the Act, in relation to the class prescribed under subregulation (1), a medicine listed in the Endorsement for Scheduled Medicines Registration Standard for Optometrists Table 1 approved by the Australian Health Workforce Ministerial Council on 31 March 2010 is prescribed (a prescribed medicine).

(3) Under section 23(4C)(a) of the Act, the authorisation given by section 23(4B) of the Act is restricted —

(a) in relation to a prescribed medicine, to possession, use, supply, sale or prescription in relation to topical use in the eye; and

(b) in relation to phenylephrine, to phenylephrine with a maximum concentration of 5%.

3B. Supply

An endorsed optometrist is not to be taken to be supplying within the meaning of these regulations if the endorsed optometrist uses a medicine prescribed under regulation 3A(2) in the lawful practice of his or her profession.

6. Regulation 8A amended

In regulation 8A(5):

(a) in paragraph (d) delete “a pharmacist.” and insert:

a pharmacist; or

(b) after paragraph (d) insert:

(c) an endorsed optometrist.

(c) after each of paragraphs (a) and (b) insert:

or

7. Regulation 21 amended

In regulation 21(1)(b) delete “post or dentist.” and insert:

post, dentist or endorsed optometrist,
8. **Regulation 36 amended**

In regulation 36(1)(b) delete “dentist” and insert:

dentist, endorsed optometrist

9. **Regulation 36A amended**

(1) In regulation 36A(2):

(a) delete “dentist” and insert:

dentist, endorsed optometrist

(b) in paragraph (a) delete “dentist’s” and insert:

dentist’s, endorsed optometrist’s

(c) in paragraph (c) delete “dentist” and insert:

dentist, endorsed optometrist

(2) In regulation 36A(3):

(a) delete “dentist” and insert:

dentist, endorsed optometrist

(b) in paragraph (b) delete “dentist” and insert:

dentist, endorsed optometrist

(3) In regulation 36A(4) in the definition of *emergency supplies*

paragraph (b):

(a) delete “dentist” and insert:

dentist, endorsed optometrist

(b) delete “dentists” and insert:

dentists, endorsed optometrists

10. **Regulation 36B amended**

In regulation 36B(1) delete “dentist” and insert:

dentist, optometrist
11. Regulation 37 amended

(1) In regulation 37(1):
   (a) after paragraph (c) insert:

   (da) a prescription issued by an endorsed
        optometrist must include the words “For
        optometrical treatment only”;

   (b) after paragraphs (a), (b) and (e) delete “and”.

(2) In regulation 37(2) delete “dentist” and insert:

   dentist, endorsed optometrist

12. Regulation 38 amended

In regulation 38:
   (a) delete “dentist” and insert:

   dentist, endorsed optometrist

   (b) delete “or telegram” (first occurrence) and insert:

   or other electronic means

   (c) delete “telephone or telegram,” and insert:

   telephone or other electronic means,

13. Regulation 38AA amended

(1) In regulation 38AA(1):
   (a) delete “practitioner or a dentist,” and insert:

   practitioner, dentist or endorsed optometrist.

   (b) delete “practitioner or a dentist.” and insert:

   practitioner, dentist or an endorsed optometrist.

(2) In regulation 38AA(2) delete “practitioner or dentist” and insert:

   practitioner, dentist or endorsed optometrist
14. Regulation 40 amended

After regulation 40(1)(c) insert:

(da) an endorsed optometrist;

15. Regulation 64 amended

(1) In regulation 64(2), (3) and (4) delete “practitioner or a dentist” and insert:

practitioner, dentist or an endorsed optometrist

(2) In regulation 64(5) delete “practitioner or nurse practitioner” and insert:

practitioner, nurse practitioner or an endorsed optometrist

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.