

HE302*

Poisons Act 1964

Poisons Amendment Regulations 2001

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Poisons Amendment Regulations 2001*.

2. Regulation 36AA inserted

After regulation 36 of the *Poisons Regulations 1965** the following regulation is inserted —

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36AA. Provision of “approved starter packs” by registered nurses

(1) In this regulation —

“**approved health service**” means a health service (as defined in section 3(1) of the *Health Services (Conciliation and Review) Act 1995*, other than a health service provided by way of medical or epidemiological research) that —

- (a) operates outside the metropolitan region (as defined in section 6 of the *Metropolitan Region Town Planning Scheme Act 1959*); and
- (b) has been approved by the Commissioner of Health for the purposes of this regulation;

“**approved name**” has the same meaning as in regulation 35C;

“**approved starter pack**” means a starter pack approved by the Commissioner of Health for the purposes of this regulation;

“**brand name**” has the same meaning as in regulation 35C;

“**starter pack**” means a quantity of a poison included in Schedule 4, prepared by a pharmaceutical chemist and consisting of —

- (a) if the poison is supplied in prepacked individual packs, one individual standard pack;

- (b) if the poison is a liquid, the smallest pack of the poison available from the manufacturer;
or
- (c) otherwise, not more than 3 days medication of the poison;

“starter pack instruction” means an instruction of the kind described in subregulation (2).

- (2) A registered nurse at an approved health service may give an approved starter pack to a patient, other than an in-patient, at the health service if orally instructed to do so by a medical practitioner, who need not be present at the health service.
- (3) Before giving an approved starter pack to a patient a registered nurse must —
 - (a) ensure that the approved starter pack is labelled in accordance with subregulation (8); and
 - (b) record the details of the provision of the approved starter pack in accordance with subregulation (10).
- (4) A medical practitioner must not give a starter pack instruction unless satisfied that —
 - (a) the patient has an acute medical condition;
 - (b) there is no other medical practitioner at the health service who could reasonably attend to the patient in person; and
 - (c) the distance from the health service to the nearest pharmacy registered under the *Pharmacy Act 1964* that is open is more than 25 km.
- (5) For the purposes of subregulation (4), a medical practitioner may rely on information provided by the registered nurse as to the patient’s condition, the availability of other medical practitioners and the location of the nearest open pharmacy.
- (6) Within 72 hours of giving a starter pack instruction a medical practitioner must give to the registered nurse, or another registered nurse at the health service, written confirmation of the instruction including —
 - (a) the name of the medical practitioner;
 - (b) the name of the registered nurse to whom the starter pack instruction was given;
 - (c) the name of the patient;
 - (d) the date and time when the instruction was given;
 - (e) details of the approved starter pack;

- (f) any relevant directions for use that were to be given to the patient; and
 - (g) any other information that the medical practitioner considers relevant.
- (7) The person in charge of an approved health service must —
 - (a) keep all written confirmations given under subregulation (6) to registered nurses at the health service for at least 2 years; and
 - (b) produce them on demand to any person authorised under the Act to demand production of such records.
- (8) An approved starter pack must be labelled in English with —
 - (a) the words “Keep out of reach of children”;
 - (b) the name of the patient;
 - (c) the name and address of the health service;
 - (d) in relation to each poison in the approved starter pack —
 - (i) the approved name and strength or amount of the poison; or
 - (ii) if the brand name uniquely identifies the strength of the poison, that brand name;
 - (e) the total quantity of medication contained in the approved starter pack;
 - (f) the date on which the approved starter pack was given to the patient;
 - (g) any directions for use given by the medical practitioner;
 - (h) the number referred to in subregulation (10)(f) identifying the relevant entry in the health service’s Starter Pack Supply Book; and
 - (i) any relevant cautionary or advisory statements set out in Appendix K to the SUSDP.
- (9) The person in charge of an approved health service must —
 - (a) maintain a Starter Pack Supply Book for the health service consisting of —
 - (i) handwritten records in a bound book with sequentially numbered pages; or
 - (ii) records kept in another manner which has been specifically and individually approved in writing by the Commissioner of Health for the purposes of this paragraph;

- (b) keep the Starter Pack Supply Book for at least 2 years after the last entry is made in it; and
 - (c) produce the Starter Pack Supply Book on demand to any person authorised under the Act to demand production of such records.
- (10) Before giving an approved starter pack to a patient a registered nurse must record the following information in the health service's Starter Pack Supply Book —
- (a) the name and address of the patient;
 - (b) in relation to each poison in the approved starter pack —
 - (i) the approved name and strength or amount of the poison; or
 - (ii) if the brand name uniquely identifies the strength of the poison, that brand name;
 - (c) the date and time at which the approved starter pack is to be given to the patient;
 - (d) the name of the medical practitioner;
 - (e) any directions for use given by the medical practitioner;
 - (f) a unique number identifying the entry in the Book; and
 - (g) the registered nurse's name and signature.

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[* Reprinted as at 12 May 2000.]

By Command of the Lieutenant-Governor and
deputy of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
