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**HEALTH**

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HE301

Medicines and Poisons Act 2014

**Medicines and Poisons Amendment  
Regulations 2019**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Medicines and Poisons Amendment Regulations 2019*.

**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 *Medicines and Poisons Regulations 2016*.

**4. Regulation 3 amended**

In regulation 3(1) insert in alphabetical order:

*medical practitioner* means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

**5. Regulation 16A inserted**

After regulation 16 insert:

**16A. Direction by prescriber to supply medicine that is Schedule 2, 3 or 4 poison**

- (1) A prescriber may give a direction for an authorised health professional to supply a medicine that is a Schedule 2, 3 or 4 poison to a particular person (the *patient*).
- (2) The direction may be given —
  - (a) by entering in the clinical record of the patient any details referred to in regulation 10(1)(a)(i) to (vii) that are not already included in the clinical record and signing the entry; or
  - (b) to an authorised health professional orally or by telephone or other electronic means.
- (3) If a prescriber gives a direction to an authorised health professional in a form described in subregulation (2)(b), the prescriber must, within 24 hours of giving the direction, enter in the clinical record of the patient any details referred to in regulation 10(1)(a)(i) to (vii) that are not already included in the clinical record and sign the entry.

**6. Regulation 37 amended**

In regulation 37 insert in alphabetical order:

*PBS* means the document “Schedule of Pharmaceutical Benefits” published from time to time, for the purposes of the *National Health Act 1953* (Commonwealth), by the Department of State of the Commonwealth that is administered by the Commonwealth Minister administering that Act;

*PBS medicine* means a medicine that —

- (a) is listed in any of the following Schedules of the PBS —
  - (i) General Pharmaceutical Benefits;

(ii) Palliative Care;

but

(b) is not listed in any of the following Schedules of the PBS —

(i) Highly Specialised Drugs Program (Private Hospital);

(ii) Highly Specialised Drugs Program (Public Hospital);

(iii) Highly Specialised Drugs Program (Community Access);

**remote clinic** means a medical clinic, nursing post or similar facility —

(a) operated by a health service that satisfies the conditions specified in the *National Health (Remote Area Aboriginal Health Services Program) Special Arrangement 2017* (Commonwealth) section 9(2); or

(b) approved by the CEO under regulation 39A;

## 7. Regulation 39A inserted

At the end of Part 7 Division 1 insert:

### 39A. Approval of remote clinic

(1) In this regulation —

**ASGS** means the document “Australian Statistical Geography Standard (ASGS): Volume 5 - Remoteness Structure, July 2016” published by the Australian Bureau of Statistics.

(2) The CEO may approve a medical clinic, nursing post or similar facility as a remote clinic if it is in an area of the State classified as Remote Australia or Very Remote Australia under the ASGS.

(3) The approval —

(a) must be in writing; and

(b) may be subject to conditions; and

(c) may, at any time, be amended, suspended or revoked by the CEO.

## 8. Regulation 41 amended

Delete regulation 41(3) and insert:

(3) The supply by an Aboriginal and Torres Strait Islander health practitioner of a medicine that is a Schedule 2, 3

or 4 poison is subject to the condition that the supply is —

- (a) in the circumstances described in subregulation (3A); or
  - (b) in the circumstances identified in a SASA that applies to the Aboriginal and Torres Strait Islander health practitioner in respect of the medicine.
- (3A) For the purposes of subregulation (3)(a), the circumstances are as follows —
- (a) the medicine is a PBS medicine;
  - (b) the place of supply is a remote clinic;
  - (c) when the supply occurs there is no pharmacy within 25 km of the place of supply that is open and accessible by the person to whom the medicine is supplied;
  - (d) the supply is not for the purposes of acute care or treatment relating to the implementation of a public health programme;
  - (e) the person to whom the medicine is supplied has consulted with a medical practitioner, in the period of 6 months before the day on which the supply occurs, about the medical condition to which the supply relates;
  - (f) the supply is on a direction given under regulation 16A(1) in respect of that particular supply;
  - (g) the Aboriginal and Torres Strait Islander health practitioner has completed a course of training approved by the CEO for the purposes of this subregulation.

## 9. Regulation 42 amended

Delete regulation 42(3) and insert:

- (3) The supply by an Aboriginal and Torres Strait Islander health worker of a medicine that is a Schedule 2, 3 or 4 poison is subject to the condition that the supply is —
- (a) in the circumstances described in subregulation (3A); or
  - (b) in the circumstances identified in a SASA that applies to the Aboriginal and Torres Strait Islander health worker in respect of the medicine.

- (3A) For the purposes of subregulation (3)(a), the circumstances are as follows —
- (a) the medicine is a PBS medicine;
  - (b) the place of supply is a remote clinic;
  - (c) when the supply occurs there is no pharmacy within 25 km of the place of supply that is open and accessible by the person to whom the medicine is supplied;
  - (d) the supply is not for the purposes of acute care or treatment relating to the implementation of a public health programme;
  - (e) the person to whom the medicine is supplied has consulted with a medical practitioner, in the period of 6 months before the day on which the supply occurs, about the medical condition to which the supply relates;
  - (f) the supply is on a direction given under regulation 16A(1) in respect of that particular supply;
  - (g) the Aboriginal and Torres Strait Islander health worker has completed a course of training approved by the CEO for the purposes of this subregulation.

**10. Regulation 54 amended**

Delete regulation 54(4) and insert:

- (4) The supply by a registered nurse of a medicine that is a Schedule 2, 3 or 4 poison is subject to the condition that the supply is —
- (a) in the circumstances described in subregulation (4A); or
  - (b) in the circumstances identified in a SASA that applies to the registered nurse in respect of the medicine.
- (4A) For the purposes of subregulation (4)(a), the circumstances are as follows —
- (a) the medicine is a PBS medicine;
  - (b) the place of supply is a remote clinic;
  - (c) when the supply occurs there is no pharmacy within 25 km of the place of supply that is open and accessible by the person to whom the medicine is supplied;

- (d) the supply is not for the purposes of acute care or treatment relating to the implementation of a public health programme;
- (e) the person to whom the medicine is supplied has consulted with a medical practitioner, in the period of 6 months before the day on which the supply occurs, about the medical condition to which the supply relates;
- (f) the supply is on a direction given under regulation 16A(1) in respect of that particular supply.

#### 11. Regulation 55 amended

Delete regulation 55(4) and insert:

- (4) The supply by an enrolled nurse of a medicine that is a Schedule 2, 3 or 4 poison is subject to the condition that the supply is —
  - (a) in the circumstances described in subregulation (4A); or
  - (b) in the circumstances identified in a SASA that applies to the enrolled nurse in respect of the medicine.
- (4A) For the purposes of subregulation (4)(a), the circumstances are as follows —
  - (a) the medicine is a PBS medicine;
  - (b) the place of supply is a remote clinic;
  - (c) when the supply occurs there is no pharmacy within 25 km of the place of supply that is open and accessible by the person to whom the medicine is supplied;
  - (d) the supply is not for the purposes of acute care or treatment relating to the implementation of a public health programme;
  - (e) the person to whom the medicine is supplied has consulted with a medical practitioner, in the period of 6 months before the day on which the supply occurs, about the medical condition to which the supply relates;
  - (f) the supply is on a direction given under regulation 16A(1) in respect of that particular supply.

**12. Regulation 56 amended**

Delete regulation 56(4) and insert:

- (4) The supply by a midwife of a medicine that is a Schedule 2, 3 or 4 poison is subject to the condition that the supply is —
  - (a) in the circumstances described in subregulation (4A); or
  - (b) in the circumstances identified in a SASA that applies to the midwife in respect of the medicine.
- (4A) For the purposes of subregulation (4)(a), the circumstances are as follows —
  - (a) the medicine is a PBS medicine;
  - (b) the place of supply is a remote clinic;
  - (c) when the supply occurs there is no pharmacy within 25 km of the place of supply that is open and accessible by the person to whom the medicine is supplied;
  - (d) the supply is not for the purposes of acute care or treatment relating to the implementation of a public health programme;
  - (e) the person to whom the medicine is supplied has consulted with a medical practitioner, in the period of 6 months before the day on which the supply occurs, about the medical condition to which the supply relates;
  - (f) the supply is on a direction given under regulation 16A(1) in respect of that particular supply.

R. NEILSON, Clerk of the Executive Council.

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