Poisons Amendment Regulations (No. 4) 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the Poisons Amendment Regulations (No. 4) 2012.

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 36 amended

(1) After regulation 36(1)(c) insert:

(da) in the case of a poison that is referred to in the National Health (Continued Dispensing) Determination 2012 (Commonwealth) Schedule 1 as in force on 1 July 2012 —

(i) the poison is sold or supplied by a pharmacist; and

(ii) the pharmacist selling or supplying the poison is satisfied on reasonable grounds that —

(I) the person to whom the poison is sold or supplied (the patient) is under regular medical treatment with the poison; and

(II) it is not practical for the patient to obtain a prescription for the poison in sufficient time to allow for the treatment to continue uninterrupted; and

(III) the patient has not been supplied with the poison without a prescription in the
period of 12 months preceding the day on which the poison is sold or supplied;

and

(iii) the quantity of the poison sold or supplied to the patient is not more than that required to provide 30 days treatment; and

(iv) the pharmacist notifies the person who is medically treating the patient with the poison within 24 hours of the sale or supply;

or

(2) After regulation 36(3) insert:

(4A) A pharmacist who sells or supplies a poison in Schedule 4 under subregulation (1)(da) must enter the following information into the Prescription Book referred to in subregulation 3(c) —

(a) the name and quantity of the poison;
(b) the direction for use (if applicable);
(c) the date of sale or supply of the poison;
(d) the name and address of the patient;
(e) the name and identifying initials of the person who is medically treating the patient with the poison;
(f) an identifying letter or combination of letter and number for the entry.

5. Regulation 37C inserted

After regulation 37B insert:

37C. Schedule 4 poisons, exemptions in connection with public health programmes

(1) Under section 21A of the Act, a Schedule 4 poison described in an item in the Table is exempt from the operation of sections 23(1) and 32(c) of the Act and regulations 33 and 36 if —

(a) the poison is administered for treatment of a condition referred to in the same item of the Table through a public health programme approved by the CEO; and
(b) the poison is administered to a person by a registered nurse who has qualifications approved by the CEO for the purposes of the public health programme; and

(c) the poison is administered in accordance with a code for the administration of the poison approved by the CEO in connection with the public health programme and published on the department’s website.

Note: The department's website address is <http://www.health.wa.gov.au>.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description of poisons</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>azithromycin, amoxicillin and probenecid contained in a single oral dose pack</td>
<td>sexually transmitted disease</td>
</tr>
<tr>
<td>2.</td>
<td>azithromycin</td>
<td>trachoma</td>
</tr>
</tbody>
</table>

(2) The exemption in subregulation (1) applies only to the extent that the provisions in respect of which it applies relate to the supply of a poison.

6. Regulation 38B inserted

After regulation 38A insert:

38B. NRMCs to be taken to be lawful prescriptions

(1) In this regulation —

NRMC means the National Residential Medication Chart developed by the Australian Council for Safety and Quality in Health Care;

residential care facility means any premises used to provide residential care to care recipients by an approved provider as defined in the Aged Care Act 1997 (Commonwealth).

(2) An NRMC for a person who is a care recipient in a residential care facility is to be taken to be a prescription for a Schedule 4 poison that complies with regulation 37 for the purposes of dispensing the poison for the use of the person if —

(a) all the details in respect of the person required by the NRMC have been completed; and

(b) a medical practitioner, nurse practitioner or authorised health practitioner has completed, in ink in his or her own hand writing all the details
in respect of the Schedule 4 poison required by the NRMC.

7. **Regulation 52 amended**
   (1) In regulation 52(2) delete “podiatrist” (each occurrence) and insert:
   podiatrist,

   (2) In regulation 52(3)(a)(ii) delete “podiatrist” and insert:
   podiatrist,

8. **Regulation 56 amended**
   (1) In regulation 56(2)(a) delete “42(1); or” and insert:
   42(1) or (2A); or

   (2) In regulation 56(3)(d) delete “midwife” (each occurrence) and insert:
   midwife,

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.