



New South Wales

Poisons and Therapeutic Goods Amendment (Nurse Practitioners) Regulation 2001

under the

Poisons and Therapeutic Goods Act 1966

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Poisons and Therapeutic Goods Act 1966*.

CRAIG KNOWLES, M.P.,
Minister for Health

Explanatory note

The *Poisons and Therapeutic Goods Act 1966* was amended by the *Nurses Amendment (Nurse Practitioners) Act 1998* to, among other things, allow the Director-General of the Department of Health to authorise a nurse practitioner, or class of nurse practitioners, to possess, use, supply or prescribe any poison or restricted substance (which excludes a drug of addiction) for the purposes of the practice of a nurse practitioner's profession. Such an authority is only to be given in accordance with guidelines approved by the Director-General.

The object of this Regulation is to amend the *Poisons and Therapeutic Goods Regulation 1994* to prescribe conditions to be complied with in respect of the possession, use, supply or prescription of poisons or restricted substances by a nurse practitioner holding an authority given under the Act.

Most of the amending provisions insert references to nurse practitioners in provisions that refer to medical practitioners or other prescribers. Other amendments insert corresponding provisions to provisions that refer to medical practitioners or other prescribers.

The Regulation also contains law revision amendments.

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Poisons and Therapeutic Goods Amendment (Nurse Practitioners) Regulation 2001

Explanatory note

This Regulation is made under the *Poisons and Therapeutic Goods Act 1966*, including sections 17 and 45C (the general regulation-making power).

Poisons and Therapeutic Goods Amendment (Nurse Practitioners) Regulation 2001

1 Name of Regulation

This Regulation is the *Poisons and Therapeutic Goods Amendment (Nurse Practitioners) Regulation 2001*.

2 Amendment of Poisons and Therapeutic Goods Regulation 1994

The *Poisons and Therapeutic Goods Regulation 1994* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 3B

Insert after clause 3A:

3B Authorisation of nurse practitioner under section 17A of the Act

Nothing in this Regulation authorises a nurse practitioner to possess, use, supply or prescribe any poison or restricted substance otherwise than in accordance with an authorisation in force under section 17A of the Act in respect of the nurse practitioner.

[2] Clauses 4, 12, 14, 15, 16, 17, 21, 23, 24, 27, 34, 36, 38, 40, 49, 51, 56, 57, 64, 70, 136B and 136L

Insert “, nurse practitioner” after “medical practitioner” wherever occurring in clauses 4 (2), 12 (2), 14, 15 (3), 16, 17 (2), 21 (2), 23, 24 (6), 27 (2) and (3), 34 (2), 36, 38 (1), 40 (1), 49 (b), 51 (1), 56, 57, 64 (1), 70 (2), 136B and 136L (2).

[3] Clause 35 Prescriptions may only be issued for certain purposes

Insert after clause 35 (1):

- (1A) A nurse practitioner must not issue a prescription for a restricted substance otherwise than in the course of practising as a nurse practitioner.

[4] Clause 42 Certain prescriptions not to be filled

Insert “, nurse practitioner, dentist or veterinary surgeon” after “medical practitioner” in clause 42 (1) (f).

[5] Clause 45 Supply by medical practitioners, nurse practitioners, dentists and veterinary surgeons

Insert after clause 45 (1):

(1A) A nurse practitioner must not supply a restricted substance to any person otherwise than in the course of practising as a nurse practitioner.

[6] Clause 46, heading

Insert “, nurse practitioners, dentists or veterinary surgeons” after “medical practitioners”.

[7] Clause 47 Emergency supply by pharmacists otherwise than on direction of medical practitioners or nurse practitioners

Omit clause 47 (1). Insert instead:

(1) A pharmacist may supply a person with a restricted substance (other than a prescribed restricted substance) if the pharmacist is satisfied:

- (a) that the person is undergoing treatment essential to the person’s well being, and
- (b) that the substance has previously been prescribed for the treatment, and
- (c) that the person is in immediate need of the substance for continuation of the treatment, and
- (d) that, in the circumstances, it is impracticable for the person to obtain a prescription for the substance from a medical practitioner or a nurse practitioner.

[8] Clause 49 Supply by pharmacists

Insert “, a nurse practitioner” after “a medical practitioner” in clause 49 (c).

[9] Clause 51 Administration by persons employed at a hospital

Insert “, a nurse practitioner” after “A medical practitioner” in clause 51 (3) and (4A).

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Schedule 1 Amendments

[10] **Clause 52 Administration of prescribed restricted substances**

Insert after clause 52 (1) (a):

- (a1) for the purposes of treatment prescribed by a nurse practitioner in the course of practising as a nurse practitioner, or

[11] **Clause 52 (2A)**

Insert after clause 52 (2):

- (2A) A nurse practitioner must not self-administer a prescribed restricted substance otherwise than in the course of practising as a nurse practitioner.

[12] **Clause 59 Records to be kept of supply of restricted substances by medical practitioners, nurse practitioners, dentists and veterinary surgeons**

Insert “, nurse practitioner” after “A medical practitioner”.

[13] **Clause 60 Emergency supplies of restricted substances to be separately recorded**

Insert “or nurse practitioner” after “medical practitioner” in clause 60 (2) (d).

[14] **Dictionary**

Insert “, nurse practitioner” after “medical practitioner” in the definition of *dealer*.

BY AUTHORITY