



New South Wales

# Poisons and Therapeutic Goods Amendment (Health Practitioners) Regulation 2006

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*.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Health

## Explanatory note

The object of this Regulation is to amend the *Poisons and Therapeutic Goods Regulation 2002* to prescribe conditions to be complied with in respect of the possession, use, supply or prescription of:

- (a) certain poisons and restricted substances by midwife practitioners and optometrists, and
- (b) drugs of addiction (being substances specified in Schedule Eight of the Poisons List) by nurse practitioners and midwife practitioners.

This Regulation is made under the *Poisons and Therapeutic Goods Act 1966*, including sections 16, 17, 24 and 45C (the general regulation-making power).

**2006 No 93**

Clause 1

Poisons and Therapeutic Goods Amendment (Health Practitioners)  
Regulation 2006

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**Poisons and Therapeutic Goods Amendment (Health Practitioners) Regulation 2006**

under the

Poisons and Therapeutic Goods Act 1966

**1 Name of Regulation**

This Regulation is the *Poisons and Therapeutic Goods Amendment (Health Practitioners) Regulation 2006*.

**2 Amendment of Poisons and Therapeutic Goods Regulation 2002**

The *Poisons and Therapeutic Goods Regulation 2002* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 2)

- [1] **Clauses 3 (1), definitions of “dealer” and “retail dealer”, 5 (2), 13 (2), 15, 16, 17 (2) (a) and (b), 20 (2), 22, 31 (2), 33, 35 (1), 37 (1), 39 (1) (f), 52, 53, 55, 66 (2), 132 and 142 (2)**  
Omit “dentist” wherever occurring.  
Insert instead “midwife practitioner, dentist, optometrist”.
- [2] **Clause 4 Authorisation of nurse practitioner or midwife practitioner under section 17A of the Act**  
Insert “or midwife practitioner” after “nurse practitioner” wherever occurring.
- [3] **Clauses 4A and 4B**  
Insert after clause 4:
- 4A Authorisation of nurse practitioner or midwife practitioner to possess, use, supply or prescribe drugs of addiction**
- (1) Nothing in this Regulation authorises a nurse practitioner or midwife practitioner to possess, use, supply or prescribe a drug of addiction otherwise than in accordance with an authorisation of the Director-General under this clause.
  - (2) The Director-General may, by means of a written authorisation, authorise a nurse practitioner or midwife practitioner, or a class of nurse practitioners or midwife practitioners, to possess, use, supply or prescribe any drug of addiction for the purposes of the practice of a nurse practitioner’s or midwife practitioner’s profession.
  - (3) Such an authority is to be given only if the Director-General approves guidelines, under section 78A of the *Nurses and Midwives Act 1991*, that provide for the possession, use, supply or prescription of drugs of addiction by nurse practitioners or midwife practitioners and is to be given in accordance with those guidelines.
  - (4) The Director-General may amend or revoke any authorisation given under this section.

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### **4B Authorisation of optometrist under section 17B of the Act**

Nothing in this Regulation authorises an optometrist to possess, use, supply or prescribe any poison or restricted substance unless:

- (a) the use of the poison or restricted substance in the practice of optometry has been approved under section 17B of the Act, and
- (b) the optometrist holds a drug authority issued by the Optometrists Registration Board allowing the optometrist to possess, use, supply or prescribe that poison or restricted substance.

**Note.** Section 21 (5) of the *Optometrists Act 2002* provides for a registered optometrist to possess and use certain drugs in the practice of optometry. That section is unaffected by this clause.

#### **[4] Clauses 17 (4) and 46 (1)**

Omit “dentist or nurse practitioner” wherever occurring.

Insert instead “nurse practitioner, dentist or optometrist”.

#### **[5] Clauses 25 (2) and 45**

Omit “dentist, veterinary surgeon or nurse practitioner” wherever occurring.

Insert instead “nurse practitioner, midwife practitioner, dentist, optometrist or veterinary surgeon”.

#### **[6] Clause 32 Prescriptions may only be issued for certain purposes**

Insert after clause 32 (2):

- (2A) A midwife practitioner must not issue a prescription for a restricted substance otherwise than in the course of practising as a midwife practitioner.

#### **[7] Clause 32 (3A)**

Insert after clause 32 (3):

- (3A) An optometrist must not issue a prescription for a restricted substance otherwise than in the course of practising as an optometrist, and must endorse any such prescription with the words “FOR OPTOMETRICAL TREATMENT ONLY”.

#### **[8] Clause 38 Prescriptions may be filled only if in proper form**

Omit “dentist” from clause 38 (2) (c).

Insert instead “nurse practitioner, midwife practitioner, dentist, optometrist”.

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**[9] Clause 42 Supply by medical practitioners, nurse practitioners, midwife practitioners, dentists, optometrists and veterinary surgeons**

Insert after clause 42 (2):

- (2A) A midwife practitioner must not supply a restricted substance to any person otherwise than in the course of practising as a midwife practitioner.

**[10] Clause 42 (3A)**

Insert after clause 42 (3):

- (3A) An optometrist must not supply a restricted substance to any person otherwise than in the course of practising as an optometrist.

**[11] Clauses 44 (1) (d) and 56 (1) (e)**

Omit “dentist or nurse practitioner” wherever occurring.

Insert instead “nurse practitioner, midwife practitioner, dentist or optometrist”.

**[12] Clauses 48 (b), 57 (1) and 62 (1)**

Omit “or dentist” wherever occurring.

Insert instead “, midwife practitioner, dentist or optometrist”.

**[13] Clause 48 (c)**

Omit “a nurse practitioner, a dentist”.

Insert instead “nurse practitioner, midwife practitioner, dentist, optometrist”.

**[14] Clause 57 (3) and (5)**

Omit “a nurse practitioner or a dentist” wherever occurring.

Insert instead “nurse practitioner, midwife practitioner, dentist or optometrist”.

**[15] Clause 58 Administration of prescribed restricted substances**

Insert at the end of 58 (1) (c):

, or

- (d) for the purposes of treatment prescribed by a midwife practitioner in the course of practising as a midwife practitioner, or
- (e) for the purposes of treatment prescribed by an optometrist in the course of practising as an optometrist.

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- [16] **Clause 58 (2)**  
Omit “(a), (b) or (c)”. Insert instead “(a) or (b)”.
- [17] **Clauses 68 (2), 70 (2) (a), (b) and (d), 72 (2), 76 (2), 79, 80 (1), 81 (1), 86 (1) (g), 97, 99 (1) (b) and (c), 101 (1) (a), 108 (2), 109, 112 (1) (d) (ii) and (e), 119 (1), 123 (2) (c)**  
Insert “, nurse practitioner, midwife practitioner” after “medical practitioner” wherever occurring.
- [18] **Clause 70 (2) (c)**  
Omit “a dentist”.  
Insert instead “nurse practitioner, midwife practitioner, dentist”.
- [19] **Clause 78 Prescriptions may only be issued for certain purposes**  
Insert after clause 78 (1):  
(1A) A nurse practitioner must not issue a prescription for a drug of addiction otherwise than in the course of practising as a nurse practitioner.  
(1B) A midwife practitioner must not issue a prescription for a drug of addiction otherwise than in the course of practising as a midwife practitioner.
- [20] **Clauses 82 (1), (2) (a), (3), (4) (except paragraph (a)) and (5) and 94 (1), (2) (a), (3), (4) (except paragraph (a)) and (5)**  
Insert “or nurse practitioner” after “medical practitioner” wherever occurring.
- [21] **Clauses 82 (2) and 94 (2)**  
Insert “or nurse practitioner” after “A medical practitioner” wherever occurring.
- [22] **Clause 82 (4) (a)**  
Omit the paragraph. Insert instead:  
(a) in the case of a medical practitioner, the medical practitioner is approved as a prescriber of drugs of addiction under section 28A of the Act and, in the case of a nurse practitioner, the nurse practitioner is authorised by the Director-General for the purposes of this clause, and
- [23] **Clauses 83 (3), 98 (3) and 101 (5)**  
Omit “dentist” wherever occurring.  
Insert instead “nurse practitioner, midwife practitioner, dentist”.

**[24] Clause 94 (4) (a)**

Omit the paragraph. Insert instead:

- (a) in the case of a medical practitioner, the medical practitioner is approved as a prescriber of drugs of addiction under section 28A of the Act and in the case of a nurse practitioner, the nurse practitioner is authorised by the Director-General for the purposes of this clause, and

**[25] Clause 103 Possession of drugs of addiction by chief nurses of private hospitals**

Insert “, nurse practitioner, midwife practitioner” after “medical practitioner” in clause 103 (2).

**[26] Clause 119 (3) and (5)**

Omit “or a dentist” wherever occurring.

Insert instead “, nurse practitioner, midwife practitioner or dentist”.