



New South Wales

# Poisons and Therapeutic Goods Amendment (National Residential Medication Chart and Influenza Vaccination) Regulation 2015

under the

Poisons and Therapeutic Goods Act 1966

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

JILLIAN SKINNER, MP  
Minister for Health

## Explanatory note

The objects of this Regulation are:

- (a) to allow prescriptions for most Schedule 4 (prescription only) medicines to be filled from prescriptions on National Residential Medication Charts (which are permitted by Commonwealth law to be used as a prescription for the supply of medicines to, and the claiming of most pharmaceutical benefits by, residents in all residential care facilities (nursing homes) funded under provisions of the *Aged Care Act 1997* of the Commonwealth), and
- (b) to require the keeping of records in relation to substances prescribed to residents of residential care facilities, in cases where prescriptions on National Residential Medication Charts are used, and
- (c) to allow pharmacists to administer influenza vaccinations on their own authority (without either a prescription or the direction of a medical practitioner or other authorised health practitioner).

This Regulation is made under the *Poisons and Therapeutic Goods Act 1966*, including sections 17 (1) (h) and (j1) (Regulations under Part 3) and 45C (the general regulation-making power).

## **Poisons and Therapeutic Goods Amendment (National Residential Medication Chart and Influenza Vaccination) Regulation 2015**

under the

Poisons and Therapeutic Goods Act 1966

### **1 Name of Regulation**

This Regulation is the *Poisons and Therapeutic Goods Amendment (National Residential Medication Chart and Influenza Vaccination) Regulation 2015*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## **Schedule 1      Amendment of Poisons and Therapeutic Goods Regulation 2008**

### **[1]    Clause 3 Definitions**

Insert in alphabetical order in clause 3 (1):

**medication chart** means a document, in a form that complies with the *National Health (Residential Medication Chart) Determination 2012* of the Commonwealth, that contains detailed information about an individual patient and the medication orders, administration record and other health care information related to that patient's care.

**medication chart prescription** means a prescription included in a medication chart kept at a residential care facility in relation to a resident of that facility.

**residential care facility** means a residential facility at which a person is provided with residential care, within the meaning of the *Aged Care Act 1997* of the Commonwealth, and includes a nursing home.

### **[2]    Clause 24 Supply of certain Schedule 2 or 3 substances to be recorded**

Insert after clause 24 (2):

- (2A) The operator of a residential care facility in which medication charts are used must ensure that an employee of the facility makes a record in the medication chart of a resident of the facility of the administration of any Schedule 2 or 3 substance to the resident.  
Maximum penalty: 10 penalty units.

### **[3]    Clause 34A**

Insert after clause 34:

#### **34A    Medication chart prescriptions**

- (1) The authority of a pharmacist to supply a restricted substance on prescription (other than for a special restricted substance or a substance listed in clause 37) extends, in the case of a medication chart prescription, to supply on a duplicate copy of the medication chart prescription.
- (2) Accordingly, a reference in this Regulation to a prescription (in the context of the supply on prescription of a restricted substance by a pharmacist) is a reference, in the case of supply on a medication chart prescription, to a duplicate copy of the prescription.

### **[4]    Clause 35 Form of prescription**

Omit clause 35 (1) (c). Insert instead:

- (c) the name, strength (if not readily apparent) and quantity of the substance to be supplied,  
(c1) the route of administration (if not readily apparent) of the substance to be supplied,

### **[5]    Clause 35 (1A)–(2B)**

Omit clause 35 (2). Insert instead:

- (1A) As an alternative to complying with subclause (1), a medication chart prescription authorising the supply of a substance that is not a special

restricted substance or a substance listed in clause 37 must include the following details:

- (a) the date on which it is issued,
  - (b) the name and address of the patient,
  - (c) the name and form (if not readily apparent) of the substance to be supplied,
  - (d) the strength (if not readily apparent) of the substance to be supplied,
  - (e) the route of administration (if not readily apparent) of the substance to be supplied,
  - (f) adequate directions for use,
  - (g) the frequency or times at which the substance is to be administered or used,
  - (h) the period during which the substance is to be used or administered (being a period that ends on a date that is no more than 4 months from the date of first use of the relevant chart for the resident),
  - (i) the name and designation of the person by whom it is issued,
  - (j) the name, address and telephone number of the relevant residential care facility.
- (2) The details referred to in subclause (1A) (b) and (j) can be made out by any person.
- (2A) The details referred to in subclause (1) or (1A) (a) or (c)–(i) must be made out:
- (a) in the handwriting of the person by whom the prescription is issued, or
  - (b) in such other manner as may be approved for the time being by the Director-General.
- (2B) A prescription must be signed by the person by whom it is issued (whether it complies with subclause (1) or (1A)).

**[6] Clause 39 Prescriptions may be filled only if in proper form**

Omit “on prescription” from clause 39 (2).

Insert instead “on a prescription that otherwise complies with clause 35 (1)”.

**[7] Clause 39 (2A)**

Insert after clause 39 (2):

- (2A) This clause does not prevent a pharmacist from supplying a substance on a medication chart prescription that otherwise complies with clause 35 (1A) merely because the prescription fails to specify the maximum number of times that the substance may be supplied.

**[8] Clause 40 Certain prescriptions not to be filled**

Omit clause 40 (1) (g). Insert instead:

- (g) if the prescription is dated:
  - (i) in the case of a medication chart prescription—more than 4 months before the date on which the supply is requested, or
  - (ii) in the case of a prescription, other than a medication chart prescription, for a prescribed restricted substance—more than 6 months before the date on which the supply is requested, or

- (iii) in any other case—more than 12 months before the date on which the supply is requested, or
- (h) in the case of a medication chart prescription—where it appears to the pharmacist that a sufficient quantity of the substance has already been supplied to the resident for the period indicated on the prescription.

**[9] Clause 41 Prescriptions to be endorsed**

Insert after clause 41 (4):

- (5) This clause does not apply to a medication chart prescription.

**[10] Clause 48A**

Insert after clause 48:

**48A Supply by pharmacists of influenza vaccine**

- (1) A pharmacist may supply and administer an influenza vaccine to a person who is 18 years old or older at a retail pharmacy otherwise than on prescription if:
  - (a) the pharmacist has completed a training course conducted by a provider of continuing professional development who is accredited by the Australian Pharmacy Council to provide the course, being a course that complies with any standards for the accreditation of programs to support pharmacist administration of vaccines that are published by the Australian Pharmacy Council from time to time, and
  - (b) the pharmacist acts in accordance with any practice standards approved by the Director-General.
- (2) A pharmacist who supplies an influenza vaccine to a person in accordance with this clause must record the following details:
  - (a) the person's name, address, date of birth and contact details,
  - (b) the name and contact details of the person's primary medical practitioner,
  - (c) the brand, batch number and expiry date of the vaccine,
  - (d) the part of the body to which the vaccine was administered,
  - (e) the date on which the vaccine was administered,
  - (f) the pharmacist's name and contact details and his or her certificate of accreditation number,
  - (g) the address of the pharmacy at which the vaccination was administered,
  - (h) a unique reference number for the supply and administration.

Maximum penalty: 15 penalty units.

**[11] Clause 55A**

Insert after clause 55:

**55A Records relating to medication chart prescriptions**

- (1) A pharmacist who supplies any substance to a person on a medication chart prescription must keep the prescription.

Maximum penalty: 15 penalty units.

- (2) A pharmacist who supplies any substance to a person on a medication chart prescription must endorse the following particulars (in ink) on the prescription on each occasion on which the substance is dispensed:
- (a) the date on which the substance was supplied,
  - (b) the address of, or number identifying, the pharmacy from which the substance was supplied,
  - (c) the prescription reference number,
  - (d) the quantity supplied.
- Maximum penalty: 15 penalty units.
- (3) The operator of a residential care facility in which medication charts are used must ensure that an employee of the facility makes a record in the medication chart of a resident of the facility of the administration of any restricted substance to the resident.
- Maximum penalty: 15 penalty units.

**[12] Clause 119A**

Insert after clause 119:

**119A Records relating to prescriptions for residents of residential care facilities**

The operator of a residential care facility in which medication charts are used must ensure that an employee of the facility makes a record in the medication chart of a resident of the facility of administration of any drug of addiction to the resident.

Maximum penalty: 20 penalty units.