

POISONS AND THERAPEUTIC GOODS REGULATION 2008

EXEMPTIONS

I, BRUCE BATTYE, Acting Chief Pharmacist, a duly appointed delegate of the Secretary, NSW Health, make this instrument under the Poisons and Therapeutic Goods Regulation 2008.



Bruce Battye
Acting Chief Pharmacist
(Delegation Numbers: PH359, PH488, PH363, PH489)

9 December 2022

Exemptions – Use of a Pharmaceutical Benefits Scheme Hospital Medication Chart (as published by Australian Commission on Safety and Quality in Health Care) as a form of prescription to supply Schedule 4 and Schedule 8 substances.

1. Application

This instrument applies to a Pharmaceutical Benefits Scheme Hospital Medication Chart as the form of prescription issued by an authorised practitioner under the Poisons and Therapeutic Goods Regulation 2008 in a hospital.

2. Definition

In this instrument:

“Pharmaceutical Benefits Scheme Hospital Medication Chart” means a form of medication chart published by the Australian Commission on Safety and Quality in Health Care described in Schedule 1.

“Hospital” means a public hospital within the meaning of the *Health Services Act 1997* and a private health facility licensed under the *Private Health Facilities Act 2007*.

3. Exemptions

Part 3 – Restricted Substances (Schedule 4), Division 3.

Subclause 35(5):

Exemption from the requirements of subclauses 35(1), (1A), (2), (2A) and (4) ‘Form of Prescription’ for all restricted substances.

Part 4 – Drugs of Addiction (Schedule 8), Division 3.

Subclause 80(5):

Exemption from the requirements of subclauses 80(1), (2) and (4) 'Form of Prescription' for all drugs of addiction.

4. Conditions

Subclauses 35(6), 80(6).

- 1) The prescription must be issued on a Pharmaceutical Benefits Scheme Hospital Medication Chart.
- 2) For the treatment of a patient at a hospital the prescription must be issued with the following details:
 - a) The patient's name and date of birth,
 - b) The patient's address,
 - c) The name of the hospital,
 - d) The name of the pharmacy from where the substance is to be supplied,
 - e) The authorised practitioner's name and contact telephone number,
 - f) The name, form (if not readily apparent) and strength (if not readily apparent) of the substance to be supplied,
 - g) The route of administration of the substance to be supplied,
 - h) The dose and frequency the substance is to be administered or used,
 - i) The date from which the substance is to be administered or used,
 - j) The period during which the substance is to be administered or used,
 - k) The date on which the prescription is issued, and
 - l) The authorised practitioner's signature.
- 3) The details referred to in Condition 2) at e) to l) above must be in the handwriting of the authorised practitioner by whom the prescription is issued.
- 4) For the treatment of a patient on discharge from a hospital the prescription must be issued with the following details:
 - a) The patient's name and date of birth,
 - b) The patient's address,
 - c) The name of the hospital,
 - d) The name of the pharmacy from where the substance is to be supplied,
 - e) The authorised practitioner's name and contact telephone number,
 - f) The name, form (if not readily apparent) and strength (if not readily apparent) of the substance to be supplied,
 - g) The route of administration of the substance to be supplied,
 - h) The dose and frequency the substance is to be administered or used,
 - i) The period during which the substance is to be administered or used or the quantity of the substance to be supplied,
 - j) The date on which the prescription is issued, and
 - k) The authorised practitioner's signature.
- 5) The details referred to in Condition 4) at e) to k) above must be in the handwriting of the authorised practitioner by whom the prescription is issued.

5. Guidance Notes

- a) The prescription must be issued with endorsements required under the Poisons and Therapeutic Goods Regulation 2008 such as an authority number issued by the Secretary, NSW Health.
- b) The prescription may be issued with any endorsements required under the National Health (Pharmaceutical Benefits) Regulations 2017.
- c) In accordance with subclauses 35(3) and 80(3) of the Poisons and Therapeutic Goods Regulation 2008 the person by whom the prescription is issued must confirm any dose that could be regarded as being dangerous or unusual by underlining the part of the prescription that specifies the intended dose and by initialing the prescription in the margin.
- d) The exemption from the requirement under subclause 80(4) of the Poisons and Therapeutic Goods Regulation 2008 allows for the prescription to include more than one preparation containing a drug of addiction or both a preparation containing drug of addiction and another preparation.

6. Duration

This instrument expires on 31 December 2025 or when repealed by another instrument.

7. Schedule 1

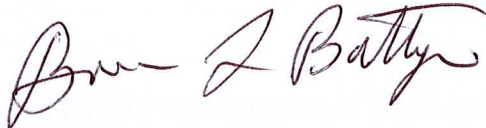
Pharmaceutical Benefits Scheme Hospital Medication Charts published by the Australian Commission on Safety and Quality in Health Care:

PBS HMC Medication Chart A – Acute – 2019
PBS HMC Medication Chart B – Acute – 2019
PBS HMC Medication Chart – Long Stay – 2019

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EXEMPTIONS

I, BRUCE BATTYE, Acting Chief Pharmacist, a duly appointed delegate of the Secretary, NSW Health, make this instrument under the Poisons and Therapeutic Goods Regulation 2008.



Bruce Battye
Acting Chief Pharmacist
(Delegation Numbers: PH513, PH514, PH515, PH519, PH520, PH521)

9 December 2022

Exemptions – Supply on prescription of Schedule 4 and Schedule 8 substances by a pharmacist using a duplicate copy of a Pharmaceutical Benefits Scheme Hospital Medication Chart (as published by Australian Commission on Safety and Quality in Health Care).

1. Application

This instrument applies to the supply of Schedule 4 and Schedule 8 substances by a pharmacist on a prescription issued by an authorised practitioner under the Poisons and Therapeutic Goods Regulation 2008 on a duplicate copy of a Pharmaceutical Benefits Scheme Hospital Medication Chart in a hospital.

2. Definition

In this instrument:

“Pharmaceutical Benefits Scheme Hospital Medication Chart” means a form of medication chart published by the Australian Commission on Safety and Quality in Health Care described in Schedule 1.

“Hospital” means a public hospital within the meaning of the *Health Services Act 1997* and a private health facility licensed under the *Private Health Facilities Act 2007*.

3. Exemptions

Part 3 – Restricted Substances (Schedule 4), Division 4.

Subclause 39(4):

Exemption from all requirements of clause 39 ‘Prescriptions may be filled only if in proper form’.

Subclause 41(3):

Exemption from the requirement of subclause 41(2) for the circumstances under subclauses 41(2)(a) to (c) when 'A person who supplies a substance on prescription must endorse (in ink) across the prescription the word "CANCELLED"'.

Subclause 42(3):

Exemption from all requirements of clause 42 'Prescriptions for certain substances to be kept'.

Part 4 – Drugs of Addiction (Schedule 8), Division 4.

Subclause 85(4):

Exemption from the requirement of subclause 85(1) 'A pharmacist may supply a drug of addiction on prescription if the prescription is in the form required by Division 3'.

Subclause 88(3):

Exemption from the requirement of subclause 88(2) for the circumstances under subclauses 88(2)(a) to (c) when 'A person who supplies a drug of addiction on prescription must endorse (in ink) across the prescription the word "CANCELLED"'.

Subclause 89(3):

Exemption from all requirements of clause 89 'Prescriptions and orders to be kept'.

4. Conditions

Subclauses 39(5), 41(4), 42(4), 85(5), 88(4), 89(4).

- 1) The prescription must be issued on a Pharmaceutical Benefits Scheme Hospital Medication Chart.
- 2) For the treatment of a patient at a hospital the prescription must be issued with the following details:
 - a) The patient's name and date of birth,
 - b) The patient's address,
 - c) The name of the hospital,
 - d) The name of the pharmacy from where the substance is to be supplied,
 - e) The authorised practitioner's name and contact telephone number,
 - f) The name, form (if not readily apparent) and strength (if not readily apparent) of the substance to be supplied,
 - g) The route of administration of the substance to be supplied,
 - h) The dose and frequency the substance is to be administered or used,
 - i) The date from which the substance is to be administered or used,
 - j) The period during which the substance is to be administered or used,
 - k) The date on which the prescription is issued, and
 - l) The authorised practitioner's signature.
- 3) The details referred to in Condition 2) at e) to l) above must be in the handwriting of the authorised practitioner by whom the prescription is issued.

- 4) For the treatment of a patient on discharge from a hospital the prescription must be issued with the following details:
 - a) The patient's name and date of birth,
 - b) The patient's address,
 - c) The name of the hospital,
 - d) The name of the pharmacy from where the substance is to be supplied,
 - e) The authorised practitioner's name and contact telephone number,
 - f) The name, form (if not readily apparent) and strength (if not readily apparent) of the substance to be supplied,
 - g) The route of administration of the substance to be supplied,
 - h) The dose and frequency the substance is to be administered or used,
 - i) The period during which the substance is to be administered or used or the quantity of the substance to be supplied,
 - j) The date on which the prescription is issued, and
 - k) The authorised practitioner's signature.
- 5) The details referred to in Condition 4) at e) to k) above must be in the handwriting of the authorised practitioner by whom the prescription is issued.
- 6) The supply by a pharmacist must be at the pharmacy named on the prescription.
- 7) The supply of the substance by a pharmacist must be on a clear and legible duplicate copy of the prescription.
- 8) The supply of the substance by a pharmacist is in accordance with supply requirements in the 'Pharmaceutical Benefits Scheme Hospital Medication Chart (PBS HMC) User Guide' published by the Australian Commission on Safety and Quality in Health Care and amended from time to time.

5. Guidance Notes

- a) The prescription must be issued with endorsements required under the Poisons and Therapeutic Goods Regulation 2008 such as an authority number issued by the Secretary, NSW Health.
- b) The prescription may be issued with any endorsements required under the National Health (Pharmaceutical Benefits) Regulations 2017.
- c) In accordance with subclauses 35(3) and 80(3) of the Poisons and Therapeutic Goods Regulation 2008 the person by whom the prescription is issued must confirm any dose that could be regarded as being dangerous or unusual by underlining the part of the prescription that specifies the intended dose and by initialing the prescription in the margin.
- d) An exemption from the requirement under subclause 80(4) of the Poisons and Therapeutic Goods Regulation 2008 allows for the prescription to include more than one preparation containing a drug of addiction or both a preparation containing drug of addiction and another preparation.

- e) The requirements for a pharmacist to endorse each prescription with the particulars required under clauses 41(1) and 88(1) of the Poisons and Therapeutic Goods Regulation 2008 for Schedule 4 and Schedule 8 substances respectively apply to the duplicate copy of a prescription issued on the Pharmaceutical Benefits Scheme Hospital Medication Chart.
- f) The duplicate copy of the Pharmaceutical Benefits Scheme Hospital Medication Chart must be retained by the pharmacist at the pharmacy under clause 176 of the Poisons and Therapeutic Goods Regulation 2008.

6. Duration

This instrument expires on 31 December 2025 or when repealed by another instrument.

7. Schedule 1

Pharmaceutical Benefits Scheme Hospital Medication Charts published by the Australian Commission on Safety and Quality in Health Care:

PBS HMC Medication Chart A – Acute – 2019
PBS HMC Medication Chart B – Acute – 2019
PBS HMC Medication Chart – Long Stay – 2019