NSW GOVERNMENT | Health

POISONS AND THERAPEUTIC GOODS REGULATION 2008

EXEMPTION

I, BRUCE BATTYE, Acting Chief Pharmacist, a duly appointed delegate of the Secretary, NSW Health, make this instrument pursuant to clause 35(5) of the Poisons and Therapeutic Goods Regulation 2008 (NSW) [the Regulation] for the purpose of clause 35(1) of the Regulation.

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

9 December 2022

Exemption granted to a class of persons from the requirements to comply with clause 35(1)(a)-(h) of the Regulation.

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1. Application

This instrument authorises any authorised practitioner, who falls within the class of persons outlined in 2 below, to be exempt from complying with requirements in clause 35(1)(a)-(h) of the Regulation relating to the form of prescription.

2. Exemption

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

Subclause 35(5):

The exemption applies to the following class of persons:

Any authorised practitioner who issues a prescription on a document 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 and that is in a form:

a) approved under regulation 41(5) of the National Health (Pharmaceutical Benefits) Regulations 2017 of the Commonwealth, or
b) that complies with the requirements of regulation 41(5) of the National Health (Pharmaceutical Benefits) Regulations 2017 of the Commonwealth and that is, in all material respects, equivalent to a form approved under that regulation.

The prescription must relate to a patient receiving treatment in, or at, a residential care service at which the patient is receiving residential care under the Aged Care Act 1997.

3. Conditions

Subclause 35(6)

1) As an alternative to complying with subclause 35(1), a 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, address and date of birth 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 1) (b)-(g) and (i)-(j) can be made out by any person and may be printed on the prescription.

3) The details referred to in 1) (a) and (h) must be made out in the handwriting of the person by whom the prescription is issued.

4) The prescription must be signed by the person by whom it is issued.

5) 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.

4. Duration

This instrument expires on 31 December 2025 or when repealed by another instrument.