



Victoria Government Gazette

No. S 158 Thursday 26 March 2020
By Authority of Victorian Government Printer

Drugs, Poisons and Controlled Substances Act 1981

NOTICE – SECTION 32A(3)

I, Anna Peatt, Delegate of the Secretary to the Department of Health and Human Services, acting under section 32A(2) of the **Drugs, Poisons and Controlled Substances Act 1981** (the Act) –

1. revoke the notice published at page 2077 of the Government Gazette G39 on 27 September 2018; and
2. declare the following for the purposes of section 32A(1) to be a reportable drug event:
 1. for a registered medical practitioner or a nurse practitioner, who is aware that a prisoner is to be released from custody, and has prescribed methadone or buprenorphine for opioid dependence to that prisoner –
 - (a) prior to that prisoner’s release from custody; or
 - (b) for a period not exceeding 7 days after that prisoner’s release from custody.

Under section 32A(1) of the Act a registered medical practitioner or nurse practitioner must notify the Secretary as soon as practicable of the reportable drug event.

This notice will take effect on 2 April 2020.

ANNA PEATT

Delegate of the Secretary to the
Department of Health and Human Services

Drugs, Poisons and Controlled Substances Act 1981

NOTICE – SECTION 35A(1)

I, Anna Peatt, Delegate of the Secretary to the Department of Health and Human Services, acting under section 35A of the **Drugs, Poisons and Controlled Substances Act 1981** (the Act) –

1. revoke all previous notices made under section 35A(1) of the Act, including, but not limited to, the following:
 - a) the section 35A(1) notice published at page 2077 of the Government Gazette G39 on 27 September 2018;
 - b) the section 35A(1) notice published at page 1653 of the Government Gazette G30 on 26 July 2018;
 - c) the section 35A(1) notice published at page 2863 of the Government Gazette G47 on 21 November 2013;
 - d) the section 35A(1) notice published at page 1838 of the Government Gazette G31 on 5 August 1999; and
2. declare the table published below, which specifies the circumstances, and the conditions applicable to those circumstances, for the purposes of section 34D of that Act.

This notice will take effect on 2 April 2020.

Section 34D of the Act authorises a registered medical practitioner or nurse practitioner to administer, supply or prescribe a Schedule 8 poison to or for a person who is not a drug-dependent person during a continuous period greater than 8 weeks without a Schedule 8 permit, if the administration, supply or prescription of that Schedule 8 poison is to treat that person in the

SPECIAL

circumstances and in accordance with the respective applicable conditions as specified in the below table:

Circumstance	Applicable Conditions
1. Pain caused by cancer or complications arising from cancer.	In relation to circumstance 1 – (a) the Schedule 8 poison administered, supplied or prescribed is an opioid analgesic; and (b) the diagnosis of pain caused by cancer or complications arising from cancer is made by a registered medical practitioner.
2. Attention deficit hyperactivity disorder where the person to be administered, supplied or prescribed a Schedule 8 poison is less than 18 years old.	In relation to circumstance 2 – (a) the Schedule 8 poison administered, supplied or prescribed is a psychostimulant drug approved by the Therapeutic Goods Administration for the treatment of attention deficit hyperactivity disorder; and (b) the registered medical practitioner is a paediatrician or psychiatrist.
3. Attention deficit hyperactivity disorder where the person to be administered, supplied or prescribed a Schedule 8 poison is 18 years old or older.	In relation to circumstance 3 – (a) the Schedule 8 poison administered, supplied or prescribed is a psychostimulant drug approved by the Therapeutic Goods Administration for the treatment of attention deficit hyperactivity disorder; and (b) the registered medical practitioner is a psychiatrist.
4. Palliative care.	In relation to circumstance 4 – (a) the person to be administered, supplied or prescribed the Schedule 8 poison is suffering an incurable, progressive, far-advanced disease or medical condition; and (b) the prognosis is of limited life expectancy due to the disease or medical condition; and (c) the administration, supply or prescribing of the Schedule 8 poison is intended to provide palliative treatment.
5. Medical conditions where an opioid analgesic is to be administered, supplied or prescribed.	In relation to circumstance 5 – (a) the Schedule 8 poison(s) administered, supplied or prescribed is one or more of the following: i. hydromorphone oral; ii. morphine oral; iii. oxycodone oral or suppository; iv. tapentadol oral; v. buprenorphine patch; vi. fentanyl patch; and (b) the total daily dose of opioid(s) does not exceed 100 milligrams in morphine equivalence.

ANNA PEATT

Delegate of the Secretary to the
Department of Health and Human Services

Drugs, Poisons and Controlled Substances Act 1981**PUBLIC HEALTH EMERGENCY ORDER UNDER SECTION 22D**

I, Kym Peake, Secretary to the Department of Health and Human Services, pursuant to section 22D of the **Drugs, Poisons and Controlled Substances Act 1981**, make this public health emergency order (Order) in the belief that it is necessary to do so in order to prevent a serious risk to public health and to respond to the public health emergency which is the demand on the health work force arising from coronavirus (COVID-19) in Victoria. Direct access to the health workforce to obtain a prescription may be more difficult given that self-isolation for persons impacted by COVID-19 is one mechanism for the prevention, management and treatment of human infection by COVID-19. The purpose of this Order is to enable persons in Victoria to obtain a Schedule 4 poison directly from a pharmacist, in certain circumstances, for the duration of this Order.

By this Order I authorise all pharmacists registered under the **Health Practitioner Regulation National Law (Victoria)** to practise in the pharmacy profession (other than as a student) to sell or supply a Schedule 4 poison without a prescription to a person ('the patient') in an emergency if –

- (a) the pharmacist considers that the sale or supply is necessary to ensure continuity of treatment; and
- (b) the pharmacist is satisfied that –
 - (i) there is an immediate need for the poison and it is impracticable for the patient to obtain a prescription in time to meet that need; and
 - (ii) treatment with the poison has previously been provided for by a prescription issued, or a chart instruction written for the patient by a registered medical practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist; and
 - (iii) the patient, or an agent of the patient, or a person who has the care of the patient, or a person who is assisting in the care of the patient, is aware of the appropriate dose of that poison for that patient; and
- (c) the quantity of the poison supplied does not exceed –
 - (i) for a poison that is on the Pharmaceutical Benefits Scheme, the standard Pharmaceutical Benefits maximum quantity; or
 - (ii) for a poison that is not on the Pharmaceutical Benefits Scheme, the quantity that is contained in the smallest commercially available pack; and
- (d) the pharmacist records that the sale or supply was made under the COVID-19 public health emergency order.

This Order comes into force on 26 March 2020 and continues in force until midnight 27 September 2020 unless earlier revoked.

KYM PEAKE
Secretary to the
Department of Health and Human Services

Drugs, Poisons and Controlled Substances Act 1981

PUBLIC HEALTH EMERGENCY ORDER UNDER SECTION 22D

I, Kym Peake, Secretary to the Department of Health and Human Services, pursuant to section 22D of the **Drugs, Poisons and Controlled Substances Act 1981** (the Act), make this public health emergency order (Order) in the belief that it is necessary to do so in order to respond to the public health emergency which is the demand on the workforce of registered medical practitioners and nurse practitioners dealing with prevention and treatment of human infection with coronavirus (COVID-19) in Victoria.

The purpose of this Order is to remove the requirement for a registered medical practitioner or nurse practitioner to apply to for a Schedule 8 permit in certain circumstances, for the duration of the Order.

By this Order, I authorise all registered medical practitioners and nurse practitioners registered under the **Health Practitioner Regulation National Law (Victoria)** to practise in their respective profession (other than as a student), to administer, supply or prescribe a Schedule 8 poison in the following circumstances:

Under this Order:

- (a) subject to paragraphs (c) and (d), despite section 34(2) of the Act, a registered medical practitioner or nurse practitioner **is not required** to apply for a Schedule 8 permit for a patient where treatment is for a continuous period greater than 8 weeks and the patient is **not** a drug dependent person;
- (b) a registered medical practitioner or nurse practitioner **is not required** to apply for a special Schedule 8 permit under Division 1 of Part 2 of the Drugs, Poisons and Controlled Substances Regulations 2017, if the practitioner issues a prescription or makes a supply for a maximum period of treatment of 30 days;
- (c) paragraphs (a) and (b) are conditional on the requirement that the registered medical practitioner or nurse practitioner **must take all reasonable steps to check the monitored poisons database** (SafeScript) for the patient's Schedule 8 medication history and Schedule 8 permit history **prior** to administering, supplying or prescribing the Schedule 8 poison;
- (d) the registered medical practitioner or nurse practitioner **must record** that the administration, supply or prescription of the Schedule 8 poison was made under accordance with this Order;
- (e) this Order does not affect the requirement that a registered medical practitioner or nurse practitioner must apply for a Schedule 8 permit for a drug-dependent person under section 34(1) of the Act.

This Order comes into force on 26 March 2020 and continues in force until midnight 27 September 2020 unless earlier revoked.

KYM PEAKE
Secretary to the
Department of Health and Human Services

This page was left blank intentionally

This page was left blank intentionally

This page was left blank intentionally

ive

The *Victoria Government Gazette* is published by IVE Group Limited with the authority of the Government Printer for the State of Victoria

© State of Victoria 2020

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria
Level 2, 1 Macarthur Street
Melbourne 3002
Victoria Australia

How To Order



**Retail &
Mail Sales**

Victoria Government Gazette

Ground Floor, Building 8,
658 Church Street,
Richmond 3121

DX 106 Melbourne



Telephone

(03) 8523 4601



Fax

(03) 9600 0478

email

gazette@ivegroup.com.au

Price Code A