



Victoria Government Gazette

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Drugs, Poisons and Controlled Substances Act 1981

PUBLIC HEALTH EMERGENCY ORDER UNDER SECTION 22D

I, Professor Euan Wallace, Secretary to the Department of Health, pursuant to section 22G of the **Drugs, Poisons and Controlled Substances Act 1981** (Act), extend and amend the public health emergency order (PHEO #4) published in the Victoria Government Gazette on 21 December 2021, in the belief that it is necessary to do so to prevent a serious risk to public health posed to the State of Victoria arising from severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**), being the virus that causes the coronavirus disease (**COVID-19**).

The purpose of this Order is:

- (1) to facilitate a registered medical practitioner, nurse practitioner, dentist, authorised midwife, authorised optometrist or authorised podiatrist (**practitioner**) to obtain and possess, use, sell or supply a Schedule 4 poison or Schedule 8 poison for a person (patient) who in the opinion of the practitioner is at risk of COVID-19; and
- (2) to enable a **pharmacist** in the State of Victoria to sell or supply a Schedule 4 poison or Schedule 8 poison on an electronically transmitted digital image of a paper-based prescription transmitted directly to the pharmacist from a practitioner; and
- (3) to restrict the sale or supply of a Schedule 4 poison or Schedule 8 poison on this Order to a **hospital** pharmacy only.

For the purposes of this Order, a digital image of a prescription means an unaltered photo image and includes an unaltered facsimile image of a paper-based prescription.

By this Order, I authorise a pharmacist employed or otherwise engaged by a hospital, to sell or supply (including repeats) a Schedule 4 poison or Schedule 8 poison without an original prescription to a patient if –

- (a) provided with a digital image of the paper-based prescription transmitted directly from the practitioner (or an employee acting in accordance with the instruction of the practitioner) but not via the patient or any other intermediary; and
- (b) the pharmacist records that the sale or supply was made under this Order; and
- (c) the pharmacist retains a copy of the digital image upon which the supply is made for two years from the date the supply is made; and
- (d) the pharmacist produces a copy of the digital image required to be retained under paragraph (c) at the request of an authorised officer under the Act.

Where the paper-based prescription includes directions for repeat supply, the pharmacist receiving the digital image of the original prescription transmitted directly from the practitioner (or an employee acting in accordance with the instruction of the practitioner) should generate and retain a repeat authorisation form so that the repeat supply can be dispensed at the same pharmacy. For the avoidance of doubt, a repeat authorisation may be dispensed from the same pharmacy that received the digital image of the original prescription in accordance with this Order, including if this Order is no longer in force.

A practitioner who transmits a digital image of a paper-based prescription for the purposes of this Order must –

- (a) record that a digital image of the paper-based prescription was transmitted under this Order; and
- (b) retain the paper-based prescription for two years from the date that the digital image of a paper-based prescription was transmitted; and

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- (c) produce the paper-based prescription required to be retained under paragraph (a) at the request of an authorised officer under the Act.

For the purposes of this Order, an original prescription must include the handwritten signature of the practitioner except where it is not possible for the prescription to include the handwritten signature due to operation of telehealth, in which case, the practitioner may –

- (a) include a digital image of their handwritten signature; or
(b) give access to the digital image of their handwritten signature to an employee, where the employee acts in accordance with the instruction of the practitioner to apply the digital image of the practitioner’s signature to the original prescription.

Definitions

Health Practitioner Regulation National Law (Victoria) means the **Health Practitioner Regulation National Law (Victoria) Act 2009**.

hospital means an approved hospital authority under section 94 of the **National Health Act 1953** for the purposes of supplying pharmaceutical benefits to patients.

pharmacist means a pharmacist registered under the **Health Practitioner Regulation National Law (Victoria)** to practise in the pharmacy profession (other than as a student).

practitioner means a medical practitioner, nurse practitioner, dentist, authorised midwife, authorised optometrist or authorised podiatrist registered under the **Health Practitioner Regulation National Law (Victoria)** to practise in their profession (other than as a student).

This order comes into force on the date of publication in the Government Gazette and continues in force for a period of six months, unless revoked earlier.

Dated 13 April 2022

PROFESSOR EUAN WALLACE
Secretary to the Department of Health

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