

## PUBLIC HEALTH ACT 2016 (WA)

### Sections 197 and 198

#### AUTHORISATION (No 3) TO SUPPLY OR PRESCRIBE A POISON

The World Health Organization declared COVID-19 a pandemic on 11 March 2020.

On 23 March 2020, the Minister for Health declared a public health state of emergency with effect from 1.30 p.m. on 23 March 2020 in respect of COVID-19 pursuant to section 167 of the *Public Health Act 2016 (Act)*. The public health state of emergency applies to the State of Western Australia.

#### Authorisation

For the purposes of emergency management during this public health state of emergency and pursuant to section 197 of the Act, I, Dr Andrew Robertson, Chief Health Officer, authorise:

- (a) a **prescriber** to prescribe a **Schedule 4 poison** or a **Schedule 8 poison** through the provision of a digital image or a **copy** of a **prescription** to a **pharmacist**, subject to the directions in paragraph 1; and
- (b) a **pharmacist** to supply a Schedule 4 poison or a Schedule 8 poison upon receiving a digital image or a copy of a prescription for that poison, subject to the directions in paragraph 2.

#### Directions

1. The directions in this paragraph are that:
  - (a) the requirements for the prescription of Schedule 4 and Schedule 8 poisons as set out in the *Medicines and Poisons Act 2014* and the *Medicines and Poisons Regulations 2016* must be complied with unless they have been modified by this authorisation; and
  - (b) if the request is for the supply of a Schedule 4 poison, the prescriber must keep a digital image or copy of the prescription for a period of at least 2 years from the date the prescription was written; and
  - (c) if the request is for the supply of a Schedule 8 poison, the prescriber must:

- (i) prepare a document for the supply of the medicine in accordance with the requirements of regulation 10(1) of the *Medicines and Poisons Regulations 2016* (WA); and
- (ii) mark the document to show that it is a confirmation of a request to a pharmacist to supply a Schedule 8 poison following receipt by the pharmacist of a digital image of a prescription or a copy of a digital image of a prescription; and
- (iii) send the document within 5 working days to the pharmacist.

2. The directions in this paragraph are that:

- (a) the requirements for the supply of Schedule 4 and Schedule 8 poisons as set out in the *Medicines and Poisons Act 2014* and the *Medicines and Poisons Regulations 2016* must be complied with unless they have been modified by this authorisation; and
- (b) if the digital image or copy of the prescription is for the supply of a Schedule 8 Poison:
  - (i) the pharmacist must notify the **CEO** immediately if the pharmacist does not receive the prescription for the supply of the medicine within 10 working days of the supply of the medicine; and
  - (ii) the pharmacist must keep a digital image or copy of the prescription until such time as they receive the prescription for the supply of the medicine; and
- (c) if the digital image or copy of the prescription is for the supply of a Schedule 4 poison, the prescriber must keep the digital image or copy of the prescription for a period of at least 2 years from the date of supply; and
- (d) for repeat forms, the pharmacist:
  - (i) must attach the repeat form or forms to the prescription or a copy of the prescription; and

- (ii) must retain the repeat form or forms and the prescription or the copy of the prescription; and
  - (iii) is not otherwise required to satisfy the requirements of regulation 24 of the *Medicines and Poisons Regulations 2016*; and
- (e) for deferred supply of prescriptions, the pharmacist must:
- (i) write the words “original supply deferred” on the copy of the prescription or the digital image of the prescription; and
  - (ii) attach the deferred supply authorisation to the prescription or a copy of the prescription; and
  - (iii) retain the deferred supply authorisation and the prescription or the copy of the prescription; and
  - (iv) where the pharmacist writes the words “original supply deferred” on the digital image of the prescription, the print out referred to in paragraph 2(e)(iii) must be of the digital image including that writing.

*Section 197 of the Act, under which this authorisation is given, overrides the Medicines and Poisons Act 2014 and the Misuse of Drugs Act 1981 to the extent of any inconsistency.*

*The powers that an authorisation confers on a person are in addition to, and do not limit, the powers that the person may have under another written law or other law.*

### 3. DEFINITIONS

**CEO** has the meaning given in section 3 of the *Medicines and Poisons Act 2014* (WA).

**Copy**, of a prescription, includes a print out of the digital image of the prescription and a copy of the prescription received by facsimile transmission.

**Pharmacist** means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the pharmacy profession.

**Prescriber** has the meaning given in section 7(1) of the *Medicines and Poisons Act 2014* (WA).

**Prescription** has the meaning given in section 7(1) of the *Medicines and Poisons Act 2014* (WA).

**Schedule 4 poison** means a substance that is classified by the *Medicines and Poisons Regulations 2016* (WA) as a poison included in Schedule 4.

**Schedule 8 poison** means a substance that is classified by the *Medicines and Poisons Regulations 2016* (WA) as a poison included in Schedule 8.

This authorisation takes effect immediately upon the expiry of the *Authorisation (No 2) to Supply or Prescribe a Poison* signed by me on 25 September 2020 and continues in force until 6.00pm on 30 September 2021 or until the public health state of emergency is no longer in force, whichever is earlier, unless otherwise varied or revoked by me.



Dr Andrew Robertson

Chief Health Officer

24 March 2021