

Drugs, Poisons and Controlled Substances (Aged Care Services) Act 2006

PART 2—AMENDMENT OF DRUGS, POISONS AND CONTROLLED SUBSTANCES ACT 1981

3. Definition

In section 4(1) of the **Drugs, Poisons and Controlled Substances Act 1981** insert the following definition—

' **"aged care service"** has the same meaning as it has in the Aged Care Act 1997 of the Commonwealth;'

4. New Division 10A of Part II inserted

After Division 10 of Part II of the **Drugs, Poisons and Controlled Substances Act 1981** insert—

'Division 10A—Administration of Medication in Aged Care Services

36C. Effect of this Division

Nothing in this Division affects any other requirement in this Act or the Regulations in respect of the administration of a drug of dependence, a Schedule 9 poison, a Schedule 8 poison or a Schedule 4 poison.

36D. Definitions

In this Division—

"approved provider" has the same meaning as it has in the Aged Care Act 1997 of the Commonwealth;

"high level residential care" has the same meaning as it has in the Aged Care Act 1997 of the Commonwealth;

"nurse" means a person registered in division 1, division 3 or division 4 of the register of nurses established under the **Nurses Act 1993**;

"Nurses Board of Victoria" means the Board established under Part 6 of the **Nurses Act 1993**.

36E. Administration of drugs of dependence, Schedule 9 poisons, Schedule 8 poisons and Schedule 4 poisons in aged care services

A person who is an approved provider of an aged care service must ensure that a nurse manages the administration of any drug of dependence, Schedule 9 poison, Schedule 8 poison or Schedule 4 poison to a resident in an aged care service—

- (a) who is receiving high level residential care; and
- (b) for whom that drug or poison has been supplied on prescription.

Penalty: In the case of a natural person, 120 penalty units;

In the case of a body corporate, 600 penalty units.

36F. Nurse to have regard to code for guidance

A nurse who manages the administration of any drug of dependence, Schedule 9 poison, Schedule 8 poison or Schedule 4 poison to a resident in an aged care service in accordance with this Division must do so in accordance with the relevant code for guidance (if any) issued by the Nurses Board of Victoria under the **Nurses Act 1993**.'.

5. Regulation making powers

After section 129(1)(b) of the **Drugs, Poisons and Controlled Substances Act 1981** insert—

"(ba) regulating, for the purposes of Division 10A of Part II, the administration of drugs of dependence, Schedule 9 poisons, Schedule 8 poisons and Schedule 4 poisons to residents of aged care services;".

PART 3—AMENDMENT OF NURSES ACT 1993

6. New section 63AA inserted

After section 63 of the **Nurses Act 1993** insert—

"63AA. Offence of directing or inciting unprofessional conduct

(1) A person must not direct or incite a nurse to do any thing, in the course of professional practice, that would constitute unprofessional conduct or professional misconduct.

Penalty: In the case of a natural person, 240 penalty units;

In the case of a body corporate, 1200 penalty units.

(2) If a court convicts or finds a person guilty of an offence against this section, the court must cause the Nurses Board of Victoria to be notified in writing of the conviction or finding."

7. Offence by bodies corporate

In section 64 of the **Nurses Act 1993**, after "section 63" insert "or 63AA".
