

KEY REQUIREMENTS FOR DENTAL PRACTITIONERS

This summary has been prepared by the Drugs and Poisons Regulation Group (DPRG) to assist dentists in understanding their obligations under the Drugs Poisons and Controlled Substances Act 1981 and Regulations 2006. Reference must be made to the legislation (at www.legislation.vic.gov.au) for full details.

For easier reading and comprehension, this document does not include the many and varied options that are covered by the legislation. Instead, it focuses on the circumstances that are applicable to the majority of dentists; e.g. references to Schedule 9 poisons have not been included.

Schedule 4 and Schedule 8 poisons

Schedule 8 poisons (labelled *Controlled Drug*) are drugs with more strict legislative controls, e.g. morphine (MS-Contin®, Kapanol®), pethidine, oxycodone (Oxycontin®, Endone®), flunitrazepam (Hypnodorm®) and others including methadone. **Note:** Dentists are **not** authorised to possess or prescribe methadone (Physeptone®).

Schedule 4 poisons (labelled *Prescription Only Medicine*) include most other drugs for which prescriptions are required, e.g. local anaesthetics, antibiotics, strong analgesics that are not classified as Schedule 8 poisons and benzodiazepines (other than flunitrazepam).

Authorisation of Dentists with Schedule 4 and Schedule 8 poisons

Dentists are authorised to obtain, possess, use or supply Schedule 4 or Schedule 8 poisons for the **lawful practice** of their profession (section 13 of the Act), i.e. for the **dental treatment of persons under their care** (regulation 10). A dentist's authorisation does **not** extend to:

- activities that are unrelated to dental treatment (e.g. the use of local anaesthetics for body piercing, administration of Botox® for cosmetic treatment)
- supplying drugs that have been prescribed by a medical practitioner (e.g. for self, spouse or employees); that is the role of a pharmacist
- supplying drugs or poisons by wholesale; this activity requires a wholesale licence.

Self-administration of Schedule 4 and Schedule 8 poisons is **prohibited** unless the drugs have been lawfully prescribed and supplied by a medical practitioner (or another dentist) or supplied by a pharmacist upon presentation of a prescription from a medical practitioner (or another dentist) (regulation 48). This does **not** mean that, once drugs are prescribed by another practitioner, a dentist may continue the treatment with drugs obtained from a wholesale supplier.

Prescribing Schedule 4 or Schedule 8 poisons

Dentists must **not** prescribe or supply Schedule 4 and Schedule 8 poisons other than for the dental treatment of persons under their care and then only after taking all reasonable steps to ensure that a therapeutic need exists.

A dentist must **not** direct that a prescription for a Schedule 4 or Schedule 8 poison be supplied more than once (regulation 26(6)).

Note: Failure to comply with Victorian legislation renders a person liable to prosecution – regardless of whether a drug is prescribed as a Pharmaceutical Benefit.

Storage requirements for Schedule 4 and Schedule 8 poisons

Schedule 8 poisons must be stored in a locked facility, fixed to the floor or wall, which provides not less security than a (10 mm thick) mild steel drug cabinet. Schedule 8 poisons must not be stored with any other items (e.g. money) other than other drugs of dependence.

Schedule 4 poisons (including professional samples) must be stored in a lockable storage facility (e.g. cupboard, drawer, fridge, filing cabinet).

Access to Schedule 4 and Schedule 8 poisons

Storage facilities for Schedule 4 and Schedule 8 poisons must be secured to prevent access by all persons **not** specifically authorised under the legislation (i.e. staff other than dentists) unless the dentist is present. Accordingly, keys should not be accessible to unauthorised staff members.

Registered dental hygienists and **dental therapists** are authorised to possess and have access to a limited range of specific Schedule 4 poisons that are required for them to provide dental care but are **not** authorised to supply Schedule 4 poisons. The list of Schedule 4 poisons, approved by the Secretary, is available on the DPRG website at www.health.vic.gov.au/dpu/approve.htm

A **dentist's employees** may be in possession of drugs that have been dispensed and labelled (see below) by the dentist for delivery to, or collection by a person provided the drugs are in a sealed package that clearly identifies the patient to whom they are to be supplied.

Supplying Schedule 4 or Schedule 8 poisons

Dentists who supply Schedule 4 or Schedule 8 poisons must personally ensure that the correct drug is selected and supplied in the required manner. This responsibility **cannot** be delegated to another person.

Schedule 4 and Schedule 8 poisons must be labelled in accordance with the provisions of regulation 29, including the name of the patient; the date of dispensing; the name, address and telephone number of the dental clinic; the name, strength and form (e.g. tablets, capsules) of the medication; precise directions for use. Containers must be impervious to the contents, sufficiently sturdy to prevent leakage and capable of being securely re-closed.

Note: The roles of prescribing and supplying drugs have traditionally been separated, to allow a pharmacist to check for possible contraindications and to independently assess the safety and appropriateness of prescribed medications. Pharmacists have well defined standards, including the use of up to 19 ancillary labels, to ensure that medications are labelled in a manner that maximises the likelihood that medications will be administered in a safe and effective manner. Dentists who choose to supply Schedule 4 or Schedule 8 poisons are advised to do so in a manner that is of a comparable standard to those observed by pharmacists.

Records of transactions

A dentist **must** make true and accurate records of all drugs administered or supplied, retain them for 3 years and produce them, on demand, to an authorised officer.

Patients' treatment records (retained for at least 7 years to satisfy other legislative requirements) showing full details of drugs administered or supplied may be sufficient for Schedule 4 poisons but for **Schedule 8 poisons** a separate record (almost certainly manually created) is also required.

Records for Schedule 8 poisons must be in a form that shows the true balance remaining after each transaction and that cannot be altered without detection. **Note:** A drug register or administration book is usually available from pharmaceutical wholesalers. For limited use of Schedule 8 poisons, a smaller book is available from the Royal Australian College of General Practitioners.

Schedule 2 and Schedule 3 poisons

Schedule 2 and 3 poisons (*labelled Pharmacy Medicine or Pharmacist Only Medicine respectively*), typically referred to as "over the counter" medications, must only be supplied in an open shop by pharmacists.

Dentists may use or supply Schedule 2 and Schedule 3 poisons in a similar manner to Schedule 4 poisons, i.e. for the dental treatment of persons under their care. However Schedule 2 and Schedule 3 poisons must **not** be supplied for any other purpose or to any other person.

For further information

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Note: Regulations 5,7,10,14,23,25-27,29,34,35,39-41,45,46,48,51,55,60,63 and 70 are regulations that commonly relate to dental practitioners. Current versions of the Drugs Poisons and Controlled Substances Act and Regulations may be examined at www.legislation.vic.gov.au