

# Amended Schedule 8 permit and notification requirements under the *Drugs, Poisons and Controlled Substances Act 1981* from 1 March 2009.

**Contents:** This information covers amendments to the *Drugs, Poisons and Controlled Substances Act 1981* ("the Act") which relate to:

- (a) the treatment of patients with Schedule 8 poisons, and
- (c) notification of drug-dependent persons to the Department of Human Services ("DHS").

## **BACKGROUND**

Under the Act, medical and nurse practitioners ("practitioners"), in certain circumstances, are required to hold permits issued by the DHS to treat patients with Schedule 8 poisons. The permit assists in coordinating treatment of patients with those drugs and in identifying and minimising "doctor shopping" for the drugs.

In summary, the Act makes it an offence for a practitioner:

- who has reason to believe a patient is drug-dependent, to administer, supply or prescribe a Schedule 8 poison to that patient without first obtaining a permit from DHS.
- to administer, supply or prescribe a Schedule 8 poison to a patient, who is not drug-dependent, for a continuous period greater than eight weeks without obtaining a permit from DHS (except in specified circumstances where notification of treatment is sufficient).
- not to notify DHS when he or she has reason to believe that a patient is drug-dependent.

Amendments to permit and notification provisions of the Act and the *Drugs, Poisons and Controlled Substances Regulations 2006* come into effect on 1 March 2009.

## **EFFECT OF AMENDMENTS FOR TREATING PRACTITIONERS**

While generally the above requirements remain in effect, the amendments provide for a number of exceptions or modifications. The amended legislation:

1. authorises a practitioner to treat a person with a Schedule 8 poison without a permit if that person is—

- (a) a prisoner being treated in a prison for the period in prison and a period not exceeding 7 days after that prisoner's release from custody; or
- (b) a resident being treated in an aged care service; or
- (c) an in-patient being treated in a hospital.

**Effect:** A practitioner no longer requires a permit from DHS to treat a person in the above circumstances, whether the person is drug-dependent or not.

2. authorises a practitioner at a multi-practitioner clinic to treat a drug-dependent person with a Schedule 8 poison without a permit if —

- (a) the treatment is provided at the multiple-practitioner clinic; and
- (b) a Schedule 8 permit has been issued to another practitioner at that multiple practitioner clinic to administer, supply or prescribe the Schedule 8 poison to or for that drug-dependent person; and
- (c) the administration, supply or prescription of the Schedule 8 poison is carried out in accordance with that permit.

**Effect:** A practitioner (eg, *locum tenens* or associate) at the same clinic as the permit holder may treat a person with a Schedule 8 poison without holding a permit issued specifically to him/her. However, the treatment must be in accordance with the permit issued to the other practitioner.

3. still requires a practitioner to notify DHS when he or she has reason to believe that a patient is a drug-dependent person but only if—

- (a) the patient requests or seeks prescription of a Schedule 8 poison or a Schedule 4 poison which is also a drug of dependence; or
- (b) the practitioner intends to treat or is treating the patient with a Schedule 8 poison or a Schedule 4 poison which is also a drug of dependence.

**Note:** The term, “**drugs of dependence**”, includes all Schedule 8 poisons **plus** Schedule 4 poisons that are subject to misuse and trafficking, eg, benzodiazepines and dextropropoxyphene. A full list of drugs of dependence is found in Schedule 11 of the Act.

**Effect:** While permits are no longer required from practitioners treating prisoners in prison or in-patients in hospitals, notifications are still required if the above conditions are met, though one notification per episode of confinement is considered adequate.

4. redefines the 8-week period before requiring a permit to treat a patient who is not drug-dependent to include any preceding period of treatment by other practitioners.

**Effect:** A practitioner who considers it necessary to treat a patient who is not drug-dependent with a Schedule 8 poison must immediately apply for a permit if he/she has reason to believe that his/her prescription will result in the patient being treated for a continuous period greater than 8 weeks when the preceding period of treatment is taken into consideration.

### **DHS CONTACTS**

Further information on the amended legislation and relevant forms can be obtained from website <http://www.health.vic.gov.au/dpu/> or by telephoning the DHS Drugs and Poisons Regulation Group on telephone 1300 364 545.

Keith Moyle  
Manager  
Drugs & Poisons Regulation Group

26 February 2009