



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**, extend and amend the public health emergency order (PHEO #2) published in the Victorian Government Gazette on 16 September 2021 in the belief that it is necessary to do so in order to prevent a serious risk to public health posed to the State of Victoria and to respond to the public health emergency, which is the continued demand on the Victorian health work force arising from severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), being the virus that causes the coronavirus disease (COVID-19). Direct access to the health workforce to obtain a prescription may be more difficult given that self-isolation for persons impacted by COVID-19 is one mechanism for the prevention, management and treatment of human infection by COVID-19. The purpose of this Order is to enable persons in Victoria to obtain a Schedule 4 poison directly from a pharmacist, in certain circumstances, for the duration of this Order.

By this Order, I authorise all pharmacists registered under the **Health Practitioner Regulation National Law (Victoria)** to practise in the pharmacy profession (other than as a student) to sell or supply a Schedule 4 poison without a prescription to a person ('the patient') in an emergency if –

- (a) the pharmacist considers that the sale or supply is necessary to ensure continuity of treatment; and
- (b) the pharmacist is satisfied that –
 - (i) there is an immediate need for the poison and it is impracticable for the patient to obtain a prescription in time to meet that need; and
 - (ii) treatment with the poison has previously been provided for by a prescription issued, or a chart instruction written, for the patient by a registered medical practitioner, dentist, nurse practitioner, authorised midwife, authorised optometrist or authorised podiatrist; and
 - (iii) the patient, or an agent of the patient, or a person who has the care of the patient, or a person who is assisting in the care of the patient, is aware of the appropriate dose of that poison for that patient; and
- (c) the quantity of the poison supplied does not exceed –
 - (i) for a poison that is on the Pharmaceutical Benefits Scheme, the standard Pharmaceutical Benefits maximum quantity; or
 - (ii) for a poison that is not on the Pharmaceutical Benefits Scheme, the quantity that is contained in the smallest commercially available pack; and
- (d) the pharmacist records that the sale or supply was made under this Order.

This Order comes into force on 1 January 2022 and continues in force until 30 June 2022 (dates inclusive) unless earlier revoked.

Dated 17 December 2021

PROFESSOR EUAN WALLACE
Secretary to the Department of Health

SPECIAL

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 16 September 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 (other than a drug of dependence) for a person (patient) who in the opinion of the practitioner is at risk of COVID-19; and
- (2) to enable pharmacists in the State of Victoria to sell or supply a Schedule 4 poison (other than a drug of dependence) on an electronically transmitted digital image of an original prescription transmitted directly to the pharmacist from a practitioner.

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

By this Order, I authorise all pharmacists registered under the **Health Practitioner Regulation National Law (Victoria)** to practise in the pharmacy profession (other than as a student), to sell or supply (including repeats) a Schedule 4 poison (other than a drug of dependence) without an original prescription to a patient if –

- (a) provided with a digital image of the original 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; or
- (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 original 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 an original prescription for the purposes of this Order must –

- (a) record that a digital image of the original prescription was transmitted under this Order; and
- (b) retain the original prescription for two years from the date that the digital image of an original prescription was transmitted; and
- (c) produce the original 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.

This Order comes into effect on 1 January 2022 and continues in force until 30 June 2022 (dates inclusive), unless earlier revoked.

Dated 17 December 2021

PROFESSOR EUAN WALLACE
Secretary to the Department of Health

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