

Information Circular

Date Issued: 19 February 2009

Distribution: Public & Private Prisons

Attention: Medical practitioners and prison health service providers.

Subject: Amended Schedule 8 permit and notification requirements under the Drugs, Poisons and Controlled Substances Act 1981.

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

- (a) the prescribing and/or administration of Schedule 8 poisons, such as morphine, methadone, buprenorphine, pethidine, fentanyl and dexamphetamine, for prisoners being treated in a prison and a period not exceeding 7 days after that prisoner's release from custody, and
- (b) notification of drug-dependent persons to the Department of Human Services ("DHS").

BACKGROUND

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

Currently, the Act makes it an offence for a practitioner:

- who has reason to believe a patient is drug-dependent, to prescribe or administer a Schedule 8 poison to that patient without first obtaining a permit from DHS.
- to treat a person with a Schedule 8 poison who is not drug-dependent for a continuous period greater than eight weeks without obtaining a permit from DHS.
- not to notify DHS when he or she has reason to believe that a patient is drug-dependent.

The provisions apply to practitioners irrespective of where treatment is taking place, ie, it applies in prisons and the community.

AMENDMENTS

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.

The amended legislation removes the administrative burden in some circumstances considered to be of low risk. One such situation which is considered to be of low risk because of the confinement of the patient is when he/she is a prisoner in a prison. **The legislation now authorises a practitioner to prescribe a Schedule 8 poison without a permit for 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, whether the prisoner is drug-dependent or not.**

The legislation still requires a practitioner to notify DHS when he or she has reason to believe that a patient is a drug-dependent person (whether the person is in prison or not) but only if—

- the patient requests or seeks prescription of a Schedule 8 poison or a Schedule 4 poison which is also a drug of dependence; or
- 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: “Drugs of dependence” are substances included in Schedule 11 to the Act. Schedule 4 poisons that are also drugs of dependence include benzodiazepines, dextropropoxyphene and anabolic steroids. The full list of drugs of dependence is found in Schedule 11 to the Act.

DHS CONTACTS

Forms for notification of a drug-dependent person and further information on the amended legislation can be found on 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