



Medicines Amendment Regulations 2001

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 10th day of September 2001

Present:

Her Excellency the Governor-General in Council

Pursuant to section 105 of the Medicines Act 1981, Her Excellency the Governor-General, acting on the advice of the Minister of Health tendered after consultation with the organisations or bodies appearing to the Minister to be representative of persons likely to be substantially affected, and acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

| | | | |
|----|--|-----|--|
| 1 | Title | 11 | New regulations 40 and 40A substituted |
| 2 | Commencement | 40 | Prescriptions to comply with regulations |
| 3 | Interpretation | 40A | Urgently required prescriptions of prescription medicines may be communicated orally if later confirmed in writing |
| 4 | Classification of medicines | | |
| 5 | Advertisements to medical professions | 12 | Dispensing of prescription medicines |
| 6 | Consumer information panel | 13 | Prescriptions not required in certain cases |
| 7 | Labels on containers of medicines sold by practitioners, pharmacists, or registered midwives | 14 | Administration of vaccines in approved immunisation programmes |
| 8 | Containers for medicines, related products, and cosmetics | | |
| 9 | Safety containers | | |
| 10 | Conditions under which practitioners, veterinary surgeons, and registered midwives may prescribe | | |

| | |
|----|----------------------------|
| 15 | Duty to supply information |
| 16 | Offences |
| 17 | First Schedule amended |

| |
|--|
| Schedule |
| New Parts 1A and 1B inserted in First Schedule of principal regulations |

Regulations

1 Title

- (1) These regulations are the Medicines Amendment Regulations 2001.
- (2) In these regulations, the Medicines Regulations 1984¹ are called “the principal regulations”.

¹ SR 1984/143

2 Commencement

These regulations come into force on 11 October 2001.

3 Interpretation

Regulation 2(1) of the principal regulations is amended by inserting, after the definition of **described**, the following definition:

“**designated prescriber nurse** means a nurse authorised to prescribe a prescription medicine by regulations made under the Act”.

4 Classification of medicines

Regulation 3 of the principal regulations is amended by inserting, after subclause (1), the following subclauses:

“(1A) All medicines and classes of medicines specified in Part 1A of the First Schedule are specified prescription medicines (as defined in regulation 4 of the Medicines (Designated Prescriber: Nurses Practising in Aged Care and Child Family Health) Regulations 2001), in relation to nurses practising in aged care.

“(1B) All medicines and classes of medicines specified in Part 1B of the First Schedule are specified prescription medicines (as defined in regulation 4 of the Medicines (Designated Prescriber: Nurses Practising in Aged Care and Child Family Health) Regulations 2001), in relation to nurses practising in child family health.”

5 Advertisements to medical professions

Regulation 11(2)(a)(ii) of the principal regulations is amended by omitting the expression “Drug Tariff 1981*”, and substituting the expression “pharmaceutical schedule (within the meaning of section 6(1) of the New Zealand Public Health and Disability Act 2000)”.

6 Consumer information panel

Regulation 20(1) of the principal regulations is amended by omitting the words “practitioner’s prescription”, and substituting the words “prescription from a practitioner, registered midwife, or designated prescriber nurse”.

7 Labels on containers of medicines sold by practitioners, pharmacists, or registered midwives

- (1) Regulation 23 of the principal regulations is amended by omitting the heading, and substituting the heading “**Labels on containers of medicines sold by practitioners, registered midwives, designated prescriber nurses, or pharmacists**”.
- (2) Regulation 23 of the principal regulations is further amended by inserting, after the expression “midwife,”, the expression “a designated prescriber nurse,”.

8 Containers for medicines, related products, and cosmetics

Regulation 35(8)(b) of the principal regulations is amended by omitting the words “or veterinary surgeons”, and substituting the words “veterinary surgeons, registered midwives, or designated prescriber nurses”.

9 Safety containers

Regulation 37(2)(a) of the principal regulations is amended—

- (a) by inserting, after the word “practitioner”, the expression “, registered midwife, or designated prescriber nurse”; and
- (b) by inserting in subparagraph (ii), after the word “he”, the words “or she”.

10 Conditions under which practitioners, veterinary surgeons, and registered midwives may prescribe

- (1) Regulation 39 of the principal regulations is amended by omitting the heading, and substituting the heading “**Conditions under which practitioners, veterinary surgeons, registered midwives, and designated prescriber nurses may prescribe prescription medicines**”.
- (2) Regulation 39 of the principal regulations is further amended by adding the following subclause:
 - “(7) No designated prescriber nurse may—
 - “(a) prescribe any prescription medicine if the nurse is for the time being prohibited by a notice under section 48(1) of the Act from prescribing that prescription medicine or any prescription medicines of a class or description that includes that prescription medicine:
 - “(b) prescribe any prescription medicine otherwise than for the treatment of a patient who is under the nurse’s care:
 - “(c) prescribe for a patient any quantity of any prescription medicine that exceeds,—
 - “(i) in the case of an oral contraceptive, 6 months’ supply; or
 - “(ii) in any other case, 3 months’ supply.”

11 New regulations 40 and 40A substituted

The principal regulations are amended by revoking regulation 40, and substituting the following regulations:

“40 Prescriptions to comply with regulations

- “(1) Except as provided in regulation 40A, every practitioner, veterinary surgeon, registered midwife, or designated prescriber nurse who issues a prescription to a person must comply with regulation 41.
- “(2) Subclause (1) applies to a prescription for any medicine (whether a prescription medicine or not).
- “(3) Subclause (2) does not prevent the sale by retail, or the supply in circumstances corresponding to retail sale, or the dispensing, of a medicine (other than a prescription medicine) without a prescription.

“40A Urgently required prescriptions of prescription medicines may be communicated orally if later confirmed in writing

- “(1) Where a practitioner, veterinary surgeon, registered midwife, or designated prescriber nurse finds it necessary to do so, he or she may communicate orally to a pharmacist to whom he or she is known personally (whether in the pharmacist’s presence or by speaking to the pharmacist on the telephone) a prescription relating to a prescription medicine that the practitioner, veterinary surgeon, registered midwife, or designated prescriber nurse requires urgently.
- “(2) Within 7 days after a communication made by a practitioner, veterinary surgeon, registered midwife, or designated prescriber nurse to a pharmacist under subclause (1), the practitioner, veterinary surgeon, registered midwife, or designated prescriber nurse must forward to the pharmacist a written prescription confirming the oral communication.”

12 Dispensing of prescription medicines

- (1) Regulation 42 of the principal regulations is amended by revoking subclause (1), and substituting the following subclause:
- “(1) Except as provided in subclause (2), no person other than a practitioner, veterinary surgeon, registered midwife, designated prescriber nurse, pharmacist, pharmacy graduate, or dispensary technician may dispense a prescription medicine.”
- (2) Regulation 42(3) of the principal regulations is amended by revoking paragraph (f), and substituting the following paragraph:
- “(f) if the prescription has been communicated orally pursuant to regulation 40A(1), the prescription must not be dispensed on more than 1 occasion before the pharmacist has received the written confirmation of the prescription, as required by regulation 40A(2):”.
- (3) Regulation 42(3) of the principal regulations is further amended—
- (a) by omitting the expression “40(2) of these regulations” where it appears in paragraphs (g), (j), and (k), and substituting in each case the expression “40A”; and
- (b) by revoking subparagraph (i) of paragraph (l).

- (4) Regulation 42(4) of the principal regulations is amended by omitting the words “or registered midwife or veterinary surgeon” in both places where they appear, and substituting in each case the expression “, veterinary surgeon, registered midwife, or designated prescriber nurse”.

13 Prescriptions not required in certain cases

- (1) The heading to regulation 44 of the principal regulations is amended by inserting, after the word “**Prescriptions**”, the words “**for prescription medicines**”.
- (2) Regulation 44(d) of the principal regulations is amended by omitting the expression “Drug Tariff 1981*”, and substituting the expression “pharmaceutical schedule (within the meaning of section 6(1) of that Act)”.
- (3) Regulation 44 of the principal regulations is amended by inserting, after paragraph (fa), the following paragraph:
“(fb) a designated prescriber nurse; or”.
- (4) Regulation 44(g) of the principal regulations is amended by inserting, after the word “his”, the words “or her”.
- (5) Regulation 44 of the principal regulations is further amended by inserting, after paragraph (ga), the following paragraph:
“(gb) a patient under his or her care by a designated prescriber nurse; or”.
- (6) Regulation 44 of the principal regulations is further amended by inserting, after paragraph (ha), the following paragraph:
“(hb) a patient under the care of a designated prescriber nurse for administration to that patient pursuant to the instructions of the designated prescriber nurse; or”.
- (7) Regulation 44(m) of the principal regulations is amended by omitting the words “or registered midwife”, and substituting the expression “, registered midwife, or designated prescriber nurse”.

14 Administration of vaccines in approved immunisation programmes

Regulation 44A(2)(a) of the principal regulations is amended by omitting the word “anaphlaxis”, and substituting the word “anaphylaxis”.

15 Duty to supply information

- (1) Regulation 44B(1) of the principal regulations is amended—
- (a) by omitting the words “or registered midwife”, and substituting the expression “, registered midwife, or designated prescriber nurse”; and
 - (b) by omitting the words “or midwife”, and substituting the expression “, registered midwife, or designated prescriber nurse”.
- (2) Regulation 44B(4) of the principal regulations is amended by omitting the words “or registered midwife”, and substituting the expression “, registered midwife, or designated prescriber nurse”.

16 Offences

Regulation 64(1)(a) of the principal regulations is amended by omitting the expression “40(3)”, and substituting the expression “40A(2)”.

17 First Schedule amended

The First Schedule of the principal regulations is amended by inserting, after Part I, the Parts 1A and 1B set out in the Schedule of these regulations.

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Schedule
New Parts 1A and 1B inserted in First Schedule of
principal regulations

Part 1A

Prescription medicines nurses practising in aged care may be authorised to prescribe

Every reference to a medicine in this Part of this schedule applies only if and to the extent that the medicine also appears in Part I of this schedule.

To determine whether a nurse is practising in the area of nursing practice called aged care, and for other requirements to be a designated prescriber nurse, *see* regulation 5(1) and Schedule 1 of the Medicines (Designated Prescriber: Nurses Practising in Aged Care and Child Family Health) Regulations 2001.

Aciclovir
Amoxicillin
Bacitracin
Beclomethasone
Benzathine penicillin
Benzatropine
Benzylpenicillin
Betahistine
Betamethasone
Budesonide
Cefaclor
Chloramphenicol
Chlortetracycline
Cimetidine
Clavulanic acid
Co-trimoxazole
Danthron
Dexamethasone
Diclofenac
Dicloxacillin
Diflunisal
Doxycycline
Eformoterol
Erythromycin
Ethinylestradiol
Ethinodiol

Part 1A—*continued*

Famciclovir
Flucloxacillin
Fluocortolone
Flurbiprofen
Fluticasone
Framycetin
Fusidic acid
Glibenclamide
Gliclazide
Glipizide
Gramicidin
Heparins
Hydrocortisone
Ibuprofen
Ipratropium
Ketoprofen
Lignocaine
Medroxyprogesterone
Mefenamic acid
Metformin
Metoclopramide
Naloxone
Naproxen
Natamycin
Nedocromil
Nefopam
Neomycin
Nicotine
Norethisterone
Norgestrel
Nystatin
Pancreatic enzymes
Paracetamol
Permethrin
Phenoxymethylpenicillin
Podophyllum
Polymyxin
Prednisolone
Prednisone
Procaine penicillin
Prochlorperazine

Part 1A—*continued*

Protamine sulphate
Pseudoephedrine
Ranitidine
Salbutamol
Salmeterol
Silver sulfadiazine
Sodium phosphate
Streptodornase
Tenoxicam
Terbutaline
Tetracycline
Tiaprofenic acid
Tolbutamide
Triamcinolone
Trimeprazine
Trimethoprim

Part 1B

Prescription medicines nurses practising in child family health may be authorised to prescribe

Every reference to a medicine in this Part of this schedule applies only if and to the extent that the medicine also appears in Part I of this schedule.

To determine whether a nurse is practising in the area of nursing practice called child family health, and for other requirements to be a designated prescriber nurse, *see* regulation 9(1) and Schedule 2 of the Medicines (Designated Prescriber: Nurses Practising in Aged Care and Child Family Health) Regulations 2001.

Aciclovir
Amoxicillin
Bacitracin
Beclomethasone
Benzathine penicillin
Benzylpenicillin
Betamethasone
Budesonide
Chlorquinaldol
Cimetidine
Co-trimoxazole
Danthron
Desogestrel
Dexamethasone
Diclofenac
Dicloxacillin
Diflunisal
Doxycycline
Eformoterol
Erythromycin
Ethinylloestradiol
Ethynodiol
Famciclovir
Flucloxacillin
Fluocortolone
Flurbiprofen
Fluticasone
Framycetin
Fusidic acid
Gestodene
Gramicidin

Part 1B—*continued*

Heparins
Hydrocortisone
Ibuprofen
Ipratropium
Ketoprofen
Ketotifen
Levocabastine
Levonorgestrel
Lignocaine
Medroxyprogesterone
Mefenamic acid
Mestranol
Metoclopramide
Metronidazole
Naloxone
Naproxen
Natamycin
Nedocromil
Nefopam
Neomycin
Nicotine
Norethisterone
Norgestrel
Nystatin
Pancreatic enzymes
Paracetamol
Permethrin
Phenoxyethylpenicillin
Podophyllum
Polymyxin
Prednisolone
Prednisone
Procaine penicillin
Prochlorperazine
Protamine sulphate
Pseudoephedrine
Ranitidine
Salbutamol
Salmeterol
Silver sulfadiazine
Sodium cromoglycate

Part 1B—*continued*

Sodium phosphate
Streptodornase
Tenoxicam
Terbutaline
Tetracycline
Tiaprofenic acid
Triamcinolone
Trimeprazine
Trimethoprim

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 11 October 2001, amend the Medicines Regulations 1984. Most of the amendments are consequential upon the making of the Medicines (Designated Prescriber: Nurses Practising in Aged Care and Child Family Health) Regulations 2001, and regulate the issue by designated prescriber nurses of prescriptions for medicines. The amendments also include the insertion, in the First Schedule of the Regulations, of *new Parts 1A and 1B*, which list prescription medicines that nurses practising in particular areas of nursing practice may be authorised to prescribe. The rest of the amendments are to correct minor technical defects and drafting errors.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 13 September 2001.

These regulations are administered in the Ministry of Health.
