



# Medicines (Designated Prescriber: Nurses Practising in Aged Care and Child Family Health) 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 sections 105 and 105B 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.

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## Regulations

### 1 Title

These regulations are the Medicines (Designated Prescriber: Nurses Practising in Aged Care and Child Family Health) Regulations 2001.

### 2 Commencement

These regulations come into force on 11 October 2001.

### *Preliminary provisions*

### 3 Purpose of these regulations

The purpose of these regulations is—

- to authorise nurses practising in the area of aged care or of child family health to prescribe certain prescription medicines; and
- to specify, and provide for the imposition under these regulations of, requirements relating to competency, qualifications, or training, that those nurses must satisfy to be authorised to prescribe the medicines; and
- to prohibit nurses who fail to comply with any of those requirements from prescribing the medicines; and
- to make contraventions of that prohibition an offence.

### 4 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the Medicines Act 1981

**aged care** means the area of nursing practice described in Schedule 1

**child family health** means the area of nursing practice described in Schedule 2

**nurse—**

- (a) means a person for the time being registered as a nurse under the Nurses Act 1977; but
- (b) does not include a person who is registered as a midwife under that Act

**Nursing Council** means the Nursing Council of New Zealand continued by section 3 of the Nurses Act 1977

**practising** includes practising part-time, or together with another area or areas of nursing practice

**recognised nurse prescribing qualification** means a post-graduate qualification—

- (a) that is made up of or includes components relating to all the following matters: advanced nursing practice skills, clinical assessment, differential diagnosis, infectious diseases (including the use of laboratory diagnostics), microbiology, pharmacology, physiology, the process of prescribing, therapeutics (including anti-microbial medicines and anti-microbial resistance), vaccinations, and virology; and
- (b) that is approved by the Nursing Council as a nurse prescribing qualification

**Registrar of Nurses** means the person for the time being appointed to that office by the Nursing Council, in accordance with section 7(1) of the Nurses Act 1977

**Regulations** means the Medicines Regulations 1984 (SR 1984/143)

**specified prescription medicine—**

- (a) in relation to a nurse practising in aged care, means a medicine or class of medicines specified in Part 1A of the First Schedule of the Regulations; and
- (b) in relation to a nurse practising in child family health, means a medicine or class of medicines specified in Part 1B of the First Schedule of the Regulations.

*Nurses practising in aged care*

**5 Authority to prescribe certain prescription medicines**

- (1) A nurse practising in aged care may prescribe a specified prescription medicine if the nurse has satisfied—

- (a) every applicable requirement relating to competency, qualifications, or training, specified in or imposed under the provisions of regulation 6, for commencing for the first time to prescribe the medicine; and
  - (b) every applicable additional requirement relating to competency, qualifications, or training, imposed under any of regulations 7 and 8, for prescribing the medicine.
- (2) A nurse authorised to prescribe a medicine by subclause (1) is, however, prohibited from doing so if the Minister, by a notice in the *Gazette* given under section 48(1) of the Act, prohibits the nurse from prescribing the medicine.
- (3) Nothing in these regulations—
- (a) excuses or exempts a nurse authorised to prescribe a medicine by subclause (1) from complying with any requirements of the Act or of the Regulations:
  - (b) limits or affects any capacity of a nurse of that kind to prescribe a medicine that is not a prescription medicine.

**6 Requirements for commencing for first time to prescribe**  
Before commencing for the first time to prescribe any specified prescription medicines, a nurse practising in aged care must have—

- (a) obtained a recognised nurse prescribing qualification relevant to aged care; and
- (b) undertaken any training the Nursing Council has for the time being specified for the purposes of this paragraph by notice in the *Gazette*; and
- (c) demonstrated, to the satisfaction of the Nursing Council, that he or she is sufficiently knowledgeable to safely prescribe each of those medicines.

**7 Other training to be undertaken**

To prescribe any specified prescription medicines, a nurse practising in aged care must—

- (a) have undertaken any training the Nursing Council has for the time being specified for the purposes of this regulation by notice in the *Gazette*; and
- (b) have undertaken any such training successfully and, if it is of an ongoing nature, within the periods, or at the times, specified for the purpose in the notice.

## **8 Assessments of competence to be completed**

To prescribe any specified prescription medicine, a nurse practising in aged care must—

- (a) have completed any assessment of competence to prescribe that medicine that the Nursing Council has for the time being specified for the purposes of this regulation by notice in the *Gazette*; and
- (b) have completed any such assessment successfully and, if any such assessment is to be completed at regular intervals, within the periods, or at the times, specified for the purpose in the notice.

### *Nurses practising in child family health*

## **9 Authority to prescribe certain prescription medicines**

- (1) A nurse practising in child family health may prescribe a specified prescription medicine if the nurse has satisfied—
  - (a) every applicable requirement relating to competency, qualifications, or training, specified in or imposed under the provisions of regulation 10, for commencing for the first time to prescribe the medicine; and
  - (b) every applicable additional requirement relating to competency, qualifications, or training, imposed under any of regulations 11 and 12, for prescribing the medicine.
- (2) A nurse authorised to prescribe a medicine by subclause (1) is, however, prohibited from doing so if the Minister, by a notice in the *Gazette* given under section 48(1) of the Act, prohibits the nurse from prescribing the medicine.
- (3) Nothing in these regulations—
  - (a) excuses or exempts a nurse authorised to prescribe a medicine by subclause (1) from complying with any requirement of the Act or of the Regulations;
  - (b) limits or affects any capacity of a nurse of that kind to prescribe a medicine that is not a prescription medicine.

## **10 Requirements for commencing for first time to prescribe**

Before commencing for the first time to prescribe any specified prescription medicines, a nurse practising in child family health must have—

- (a) obtained a recognised nurse prescribing qualification relevant to child family health; and
- (b) undertaken any training the Nursing Council has for the time being specified for the purposes of this paragraph by notice in the *Gazette*; and
- (c) demonstrated, to the satisfaction of the Nursing Council, that he or she is sufficiently knowledgeable to safely prescribe each of those medicines.

### 11 Other training to be undertaken

To prescribe any specified prescription medicines, a nurse practising in child family health must—

- (a) have undertaken any training the Nursing Council has for the time being specified for the purposes of this regulation by notice in the *Gazette*; and
- (b) have undertaken any such training successfully and, if it is of an ongoing nature, within the periods, or at the times, specified for the purpose in the notice.

### 12 Assessments of competence to be completed

To prescribe any specified prescription medicine, a nurse practising in child family health must—

- (a) have completed any assessment of competence to prescribe that medicine that the Nursing Council has for the time being specified for the purposes of this regulation by notice in the *Gazette*; and
- (b) have completed any such assessment successfully and, if any such assessment is to be completed at regular intervals, within the periods, or at the times, specified for the purpose in the notice.

### *Gazette notices*

### 13 *Gazette notices*

- (1) Each notice issued under any provision of these regulations—
  - (a) comes into force either—
    - (i) on the 28th day after the date on which it is notified in the *Gazette*; or
    - (ii) on any later date specified in it; and
  - (b) may specify a date on the close of which it will cease to have effect if it is not sooner amended or revoked.

- (2) The Registrar of Nurses must, within 5 working days after a notice of that kind is issued in the *Gazette*, and while the notice remains in force, ensure that, at all reasonable times, members of the public may inspect copies of the notice free of charge—
- (a) at every office of the Nursing Council that deals with the matter of the issue by nurses of prescriptions for medicines; or
  - (b) at a site on the Internet established and maintained by or on behalf of the Nursing Council.

### *Prohibitions and offences*

#### **14 Prohibitions**

- (1) A nurse practising in aged care who fails to comply with a requirement in or imposed under any provision of regulations 6 to 8 must not prescribe any prescription medicines to which the requirement relates.
- (2) A nurse practising in child family health who fails to comply with a requirement in or imposed under any provision of regulations 10 to 12 must not prescribe any prescription medicines to which the requirement relates.

#### **15 Offences**

- (1) Every person commits an offence against these regulations who contravenes or fails to comply with regulation 14(1) or (2).
  - (2) Every person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding \$500.
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**Schedule 1**  
**Description of area of nursing practice called**  
**aged care**

rr 4, 5(1)

Recipient of care—

- a person (or group of people) aged 65 years or older, or
- a person (or group of people) younger than 65 years old but who has (or who have) 1 or more conditions usually associated with people aged 65 years or older.

Place of care – any setting, whether in the community, or in an institution.

Nature of care – using specialty nursing knowledge or skills to provide—

- clinical assessment
- therapeutic interventions
- treatment modalities, or
- referral to other health professionals.

Also, using specialty nursing knowledge, skills, judgement, or assessment to plan or provide care, advice, advocacy, treatment, or ongoing monitoring.

Purpose of care—

- to promote, maintain, or restore health
  - to continue or encourage independence
  - to help rehabilitation
  - to minimise disability, or
  - to maximise the dignity, or minimise the discomfort, of a person who is dying.
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rr 4, 9(1)

**Schedule 2**  
**Description of area of nursing practice called**  
**child family health**

Recipient of care—

- a person (or group of people) younger than 19 years of age (including any who are essentially well, have an acute or chronic illness or disability, or require palliative care), and
- family members of that person (or those people) if, to provide the maximum benefit to that person (or those people), care is required for the family members as well (for example, if a specific contagious or transmissible condition is being treated).

Place of care – any setting, whether in the community, or in an institution.

Nature of care – using specialty nursing knowledge or skills to provide—

- clinical assessment
- therapeutic interventions
- treatment modalities
- referral to other health professionals, or
- advocacy.

Purpose of care – to promote, maintain, or restore health.

Marie Shroff,  
Clerk of the Executive Council.

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## 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, are made under the Medicines Act 1981. They—

- authorise certain registered nurses practising in the area of aged care or of child family health to prescribe prescription medicines specified in Part 1A or Part 1B of the First Schedule of the Medicines Regulations 1984 (*regulations 5(1) and 9(1) and Schedules 1 and 2*):
- specify, and provide for the imposition under these regulations of, requirements relating to competency, qualifications, or training, that those nurses must satisfy to be authorised to prescribe the medicines (*regulations 6 to 8 and 10 to 12*):
- require the Registrar of Nurses to ensure that *Gazette* notices under these regulations (which are notices that specify required competency assessments, qualifications, or training) are available for inspection free of charge (*regulation 13*):
- prohibit nurses who fail to comply with any of those requirements from prescribing the medicines (*regulation 14*):
- make contraventions of that prohibition an offence (*regulation 15*).

A nurse authorised to prescribe a medicine by *regulation 5(1) or 9(1)* is prohibited from doing so, however, if the Minister, by a notice in the *Gazette* given under section 48(1) of the Act, prohibits the nurse from prescribing the medicine. Under section 48A(4) of the Act, a person who contravenes a notice given under section 48(4) of the Act commits an offence against the Act, and so (section 79 of the Act provides) is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$500.

The issue by designated prescriber nurses of prescriptions for medicines is regulated by the Medicines Regulations 1984. These regulations do not limit or affect any capacity of a designated prescriber nurse to prescribe a medicine that is not a prescription medicine.

Designated prescriber nurses are also, in certain circumstances, authorised to prescribe certain controlled drugs (*see* section 8(2A)(a) of the Misuse of Drugs Act 1977 and regulations 12A and 21(4B) of the Misuse of Drugs Regulations 1977). The issue by designated prescriber nurses of prescriptions for the supply of controlled drugs is regulated by the Misuse of Drugs Regulations 1977.

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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.

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