

Drugs of Dependence Unit

The *Controlled Substances Act 1984* (SA)

Registered and Enrolled Nurses' and

Midwives' obligations

The *Controlled Substances Act 1984* (SA) and the *Controlled Substances (Poisons) Regulations 2011* (SA) regulate the prescription, supply, and administration of drugs and poisons in South Australia. This legislation is administered by the Drugs of Dependence Unit, SA Health. The following is a non-exhaustive guide to the major legal obligations only. Reference should be made to the legislation for further information (available at www.legislation.sa.gov.au).

Health professionals are expected to be familiar and comply with the information contained in this circular.

References to:

"SECTIONS" refer to sections of the *Controlled Substances Act 1984* (SA) and

"REGULATIONS" refers to regulations of the *Controlled Substances (Poisons) Regulations 2011* (SA).

"Nurse" or "Midwife" refers to a person registered under the *Health Practitioner Regulation National Law (South Australia) 2010* to practise in the nursing and midwifery profession.
[SECTION 4]

Substances used for therapeutic purposes are divided into four schedules with increasing controls:

- > Schedule 2 / Pharmacy Medicine – Pharmacy and Medicine Sellers – Pharmacist advice should be available
- > Schedule 3 / Pharmacist Only Medicine – Pharmacy only – Expert advice is required on use of the drug - Pharmacist advice is required and a Pharmacist must take part in the sale
- > Schedule 4 / Prescription Only Medicine – Professional diagnosis and monitoring is required – prescribed or supplied by a Medical Practitioner, Dentist or Veterinary Surgeon, Dispensed by pharmacist on prescription.
- > Schedule 8 / Controlled Drug or Drug of Dependence – As for S4 but because of their high abuse potential, additional security, records and accountability is required.

[Please note: some Nurse Practitioners may have limited abilities to provide S4 and S8 medications in accordance with approved formularies but this is not considered a normal scope of practice for all nurses and midwives. Eligible midwives, podiatrists and optometrists whose registration is endorsed under section 94 of the *Health Practitioner Regulation National Law* as qualified to prescribe scheduled medicines are able to prescribe scheduled medicines in accordance with the endorsement.]

"Prescription Drugs" are S4 & S8 poisons.

Drugs of Dependence Unit

Prescription Drug Controls

- > Possession, prescribing, supply & administration of S4 & S8 drugs are prohibited.
[SECTIONS 18, 31 & 32]
- > Nurses and other health workers are exempted **only while acting in the ordinary course of their profession.**
- > Patients are exempted where they have been lawfully prescribed and supplied the drug.
[SECTIONS 18, 31]

Purchase & Supply [REGULATION 40]

As it is not the normal practice for a nurse [unless under an approved formulary or standing order] to supply drugs, he or she may not purchase S4 & S8 drugs unless licensed.

Storage [SECTION 25, REGULATION 27, (*Code of Practice for the Storage & Transport of Drugs of Dependence*)]

- > S4 drugs must be stored in such a way to prevent public access.
- > S8 drugs must be stored in such a way to prevent unauthorised access. Nurses and midwives are authorised to have access. [SECTION 31]
 - o Must be in a locked cabinet.
 - o If more than 15 doses stored, must be in a metal safe (unless supervised at all times)

Additional Records for Health Services [REGULATION 44]

The Designated Nurse or Midwife for a particular ward during a shift must ensure that record requirements are complied with

- > All records must be kept in the ward
- > Drugs must be counted at the end of each shift and checked against the drug register.
 - o If correct, the person counting the drugs must endorse the record with his or her name & signature
 - o If incorrect, the person counting the drugs must endorse the record with an explanation, his or her name and signature and the Director of Nursing (or health service manager) and the Health Service's Pharmacist notified
- > The drug count must be witnessed by the Designated Nurse or Midwife for the following shift and the entry endorsed with his or her name and signature
- > If the next shift does not follow on from the previous shift (e.g. in an operating theatre) the drug count must be witnessed by a nurse or midwife (and his or her name and signature entered into the record) and at the commencement of the following shift, the Designated Nurse or Midwife must check the previous entry and endorse the record with his or her name and signature.

Drugs of Dependence Unit

Eligible Midwives

- > Eligible midwives acting in the ordinary course of their profession whose registration is endorsed with a scheduled medicines endorsement are authorised to prescribe schedule 4 and schedule 8 drugs, in accordance with that endorsement [SECTION 18 AND 18A]

Drug Seeking

- > It is an offence for a person to obtain or attempt to obtain a prescription drug by fraud or have in his or her possession or utter a forged document to obtain a prescription drug. [SECTIONS 30].
- > Nurses and midwives responsible for administration of drugs to patients in hospitals may contact the Drugs of Dependence Unit if suspicious of a person seeking prescription drugs. Unit officers are empowered to provide information regarding medical history where an opinion is formed the person is drug dependent and allegedly acting unlawfully.
- > The Minister also publishes a “Privileged Circular” in a secure password-protected area of the above website listing the major drug-seekers at the time with the aim to restrict or stop further supplies of drugs to those persons. [SECTIONS 58].

Destruction of a Drug of Dependence [REGULATION 45]

- > Destruction must not occur unless witnessed by another nurse or midwife, registered health practitioner, an authorised officer, police officer, registered veterinary surgeon or a person who has been authorised in writing by the Chief Executive of the SA Ambulance Service to administer drugs of dependence.
- > Information including the full names and signatures of the person and the witness to the destruction, name, strength and amount of drug; and the date and time of destruction must be recorded.
- > Destruction and disposal of drugs of dependence must not pose a risk to public health or safety [REGULATION 48]

Vicarious Liability [REGULATION 50]

An employer may be held responsible for the actions of an employee.

Needle and Syringe Supply

The *Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2000 (SA)* permit a nurse to supply needles, syringes and advice regarding their safe use to drug-users as part of a health risk minimisation program. [REGULATION 8A]

