

Drugs, Poisons and Controlled Substances Amendment Regulations 2024

(Authorising Aboriginal & Torres Strait Islander Health Practitioners and Workers)
Engagement Paper

OFFICIAL

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Background

1. The Aboriginal Health and Wellbeing Partnership Forum (AHWPF) Action Plan 2023-2025 includes an Aboriginal self-determined priority to pursue legislative reform to advance Aboriginal self-determination in health and wellbeing.
2. Under this priority, the initial action to implement regulatory reform to authorise registered ATSIHPs to administer vaccines was approved in 2023 through a Secretary Approval (Attachment 1) obtained under Regulation 160(1)(j) of the regulations to authorise registered Aboriginal and Torres Strait Islander Health Practitioners to possess and administer specified Schedule 4 vaccines under written instruction of an authorised prescriber.
3. The proposed reform is to authorise Aboriginal and Torres Strait Islander Health Practitioners (ATSIHPs) and Aboriginal and Torres Strait Islander Health Workers (ATSIHWs) to obtain, possess and administer scheduled medications under instruction and supervision.
4. As of 6 March 2024, there are only 49 ATSIHPs in Victoria according to the Australian Health Practitioner Regulation Agency (Ahpra). These numbers are small compared to the population of Aboriginal and Torres Strait Islander people living in Victoria.
5. This regulatory reform will bring Victorian ATSIHPs and ATSIHWs' scope of practice in line with other jurisdictions across the country.
6. A summary of the reform that will be required under the Drugs, Poisons and Controlled Substances Regulations 2017 ([Principal Regulations](#)) to support implementation of the authorisation is provided in the (Appendix 1).
7. If this reform is accepted and approved by the Governor-in-Council (GIC), the reform will enable amendment to the *Drugs, Poisons and Controlled Substances Regulations 2017* ([Principal Regulations](#)).

Purpose

8. The Department of Health (department) will prepare draft Drugs, Poisons and Controlled Substances Amendment (Authorising Aboriginal and Torres Strait Islander Health Practitioners and Workers) Regulations 2024 (Draft Amendment Regulations) that will – subject to approval by the GIC – amend the Principal Regulations to support implementation of the reform.
9. The purpose of this paper is to engage and seek feedback from your organisation to inform finalisation of the Draft Amendment Regulations.
10. This paper seeks feedback on the high-level regulatory framework established by the Draft Amendment Regulations.
11. The paper outlines the details proposed for inclusion in the Draft Amendment Regulations followed by additional commentary and questions for members in italics.
12. While questions are not asked in relation to all aspects of the Draft Amendment Regulations outlined below, comments on all aspects are welcome. Responses will be assessed against the primary objective of the Draft Amendment Regulations and with consideration to the role of the Draft Amendment Regulations within the broader legislative and operational context of the reform.

Drugs, Poisons and Controlled Substances Amendment (Authorising Aboriginal and Torres Strait Islander Health Practitioners and Workers) Regulations

Objective

13. The objective of the Draft Amendment Regulations will be to:
- authorise Aboriginal and Torres Strait Islander Health Practitioners (ATSIHPs) to obtain, possess and administer Schedules 2, 3, 4 and 8 medications under instruction of authorised prescriber; and
 - authorise Aboriginal and Torres Strait Islander Health Workers (ATSIHWs) to obtain, possess and administer Schedules 2 and 3 medications under instruction of authorised prescriber.

Commencement

14. The Draft Amendment Regulations on approval will come into effect on the day they are approved by the GIC.

The Draft Amendment Regulations upon approval will permanently amend the Principal Regulations.

Scope of Regulation Amendment/Authorisations

15. The Draft Amendment Regulations will authorise:
- Aboriginal and Torres Strait Islander Health Practitioners to obtain, possess and administer Schedules 2, 3, 4 and 8 medications under the instruction of an authorised prescriber and supervision of an appropriate health professional; and
 - authorise Aboriginal and Torres Strait Islander Health Workers to obtain, possess and administer, Schedule 2 and 3 medications under the instruction of an authorised prescriber and supervision of an appropriate health professional.

Question 1: How should ATSIHPs and ATSIHWs receive instruction?

Question 2: How should ATSIHPs and ATSIHWS be supervised?

16. The new authorising regulation will require that, in obtaining, possessing or administering Schedules 2, 3, 4 and 8 medications:
- The ATSIHP or ATSIHW has completed the requisite training to safely administer medications.
 - The ATSIHP or ATSIHW has taken all reasonable steps to ensure a need exists for the medications.
 - It is for the medical treatment of a person other than the ATSIHP or ATSIHW.
 - The ATSIHP or ATSIHW has taken all reasonable steps to ascertain the identity of the person.
 - The ATSIHP or ATSIHW makes a record of the administration of medication in the person's clinical records.

- f. The ATSIHP or ATSIHW will always do so under the instruction of an authorised prescriber; and
- g. The ATSIHP or ATSIHW will always do so under the supervision of a designated supervisor.

Proposed drafting of the new authorising regulation reflects the need for ATSIHPs and ATSIHWs authorised under the reform to take additional steps in determining the appropriate course of action for the person seeking treatment and act under the instruction of a medical or nurse practitioner.

Similarly, ATSIHPs and ATSIHWs authorised to administer medications under the reform will need to have completed required trainings for their role.

ATSIHPs are expected to complete a Certificate IV in Aboriginal and Torres Strait Islander Primary Health Care Practice. This certification includes two core modules on medications:

- *HLTAMED003 Administer Medications, and*
- *HLTAHW037 Support the safe use of medications.*

These modules ensure that registered ATSIHPs are appropriately trained to interpret and clarify instructions for medication; prepare medication; administer medication; instruct and monitor clients to self-administer medication; and document administration procedures.

ATSIHWs are to hold a Certificate III in Aboriginal Primary Health Care Practice which includes the module: HLTAMED001 Work under instructions to support the safe use of medication. This module ensures that registered ATSIHWs are appropriately trained to confirm scope of their role in relation to medication; obtain instructions for medication; follow instructions to support safe use of medication; and provide information about storage and transport of medication.

To be authorised to obtain, possess and administer Schedule 2 and 3 medications under the instructions of an authorised prescriber, ATSIHWs will also be required to complete:

- *the First Aid module; and*
- *a further training module that provides ATSIHW's with the necessary skills and competency to safely administer medications and respond to adverse drug reactions in line with the ATSIHPs Certificate IV module HLTAMED003 Administer Medications.*

Question 3: Are there any requirements listed in paragraph 16 that may not be appropriate for application to ATSIHPs and ATSIHWs undertaking activities under the reform? If so, why?

Question 4: Are there any additional requirements that could be considered for inclusion. If so, why?

17. The new authorising regulation will also require that the ATSIHPS and ATSIHWs:

- a. only obtain, possess and administer medications in Schedules 2, 3, 4 and 8 (ATSIHPS) and Schedules 2 and 3 (ATSIHWs) that will be approved by Governor – in - Council; and
- b. complies with all conditions specified in the Principal Regulations.

18. Penalty applies to non-compliance with the new authorising regulation.

The Draft Amendment Regulations will prescribe a penalty for breach of the new authorising regulation, which aligns with existing penalties that apply to unauthorised possession or administration of Schedules 2,3, 4 and 8 medications under the Principal Regulations.

Question 5: Are there any further considerations to the classes of Scheduled medications referred to above for possession or administration by ATSIHPs and ATSIHWs under an authorised prescriber?

19. The Draft Amendment Regulations will provide ATSIHPs and ATSIHWs to have authorisations to obtain, possess and administer Schedules 2, 3, 4 and 8 and Schedules 2 and 3 medications respectively under an authorised prescriber subject to a range of conditions, including:
- a. ATSIHPs must hold a Certificate IV in Aboriginal Primary Health Care Practice which must include two medication core modules on Aboriginal and Torres Strait Islander Primary Health care Practice: HLTAMED003 Administer Medications and HLTAW037 Support the safe use of medications.
 - b. ATSIHWs must hold a Certificate III in Aboriginal Primary Health Care Practice which must include the module HLTAMED001 Work under instructions to support the safe use of medication.
 - c. ATSIHWs must also complete First Aid module in the Certificate III.
 - d. A further training module that provides ATSIHWs with the necessary skills and competency to safely administer medications and respond to adverse drug reactions.

The Draft Amendment Regulations will be accompanied by broad guidelines to ensure that appropriate safeguards are built into the Draft Regulations to support the possession or administration of Schedules 2, 3, 4 and 8 medications.

The Draft Amendment Regulations will not limit the settings in which authorised activities may take place (e.g., hospitals, general practice or aged care settings). Where such limitations are considered appropriate, they would instead be specified in the Draft Amendment Regulations.

Question 6: Are there other conditions that should be explicitly specified in the Draft Amendment Regulations?

Appendix 1

Regulatory reform process to support implementation.

<p>Drugs, Poisons and Controlled Substances Amendment (Authorising Aboriginal and Torres Strait Islander Health Practitioners and Workers) Regulations 2023 (Amendment Regulations)</p> <p style="text-align: center;">↓</p>	<p>Will amend the Drugs, Poisons and Controlled Substances Regulations 2017 (Principal Regulations) to create new regulations that:</p> <ul style="list-style-type: none"> • authorise Aboriginal and Torres Strait Islander Health Practitioners (ATSIHPs) to obtain, possess and administer Schedules 4 and 8 medications under an authorised prescriber; and • authorise Aboriginal and Torres Strait Islander Health Workers (ATSIHWs) to obtain, possess and administer Schedules 2 and 3 medications under an authorised prescriber; and • provide for Governor - in - Council to approve obtaining, possessing and administering of specified Schedules 2 and 3 and Schedules 2, 3, 4 and 8 medications by ATSIHWs and ATSIHPs respectively under an authorised prescriber. 	<p>Regulations cannot be made until after the Bill receives Royal Assent. The Amendment Regulations are made by Governor in Council on recommendation of the Minister for Health. The Amendment Regulations come into effect on the day that they are made.</p>
<p>Governor - in - Council (GIC) Submission (Aboriginal and Torres Strait Islander Health Practitioners and Workers) (final name TBD)</p>	<p>Approve specify Schedules 2, 3, 4 and 8 medications that have been approved by the Minister to obtain, possess and administer the scheduled medications by ATSIHPs and ATSIHWs for the treatment or prevention of specified health conditions under authorised prescriber.</p>	