

Australian Capital Territory

# Medicines, Poisons and Therapeutic Goods Amendment Regulation 2015 (No 2)

Subordinate law SL2015–36

made under the

***Medicines, Poisons and Therapeutic Goods Act 2008, Section 184 (Regulation-making power)***

## EXPLANATORY STATEMENT

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### Overview

The objective of the *Medicines, Poisons and Therapeutic Goods Act 2008* (MPTG Act) is to promote and protect public health and safety by minimising medicinal misadventure with, and diversion of, regulated substances, and the manufacture of regulated substances that are subject to abuse. The MPTG Act also has the purpose of ensuring that consumers of prescription and non-prescription medicines have adequate information to allow them to use medicines safely and effectively. The MPTG Act outlines a range of offences relating to dealings with regulated substances according to their listing in the Standard for the Uniform Scheduling of Medicines and Poisons.

The Medicines, Poisons and Therapeutic Goods Regulation 2008 (MPTG Regulation) provides the detail for the regulatory framework established by the MPTG Act. The MPTG Regulation sets out which health professionals are able to prescribe, administer and dispense a medicine, and conditions relating to such dealings. Some provisions of the MPTG Regulation also prescribe additional information required for licences or authorisations.

This Regulation seeks to recognise oral health therapy as a registered dental health profession for the purposes of dealing with scheduled medicines through change to Schedule 1, part 1.2 of the MPTG Regulation. Consequential to this Regulation, an oral health therapist will be authorised to issue purchase orders and requisitions, obtain, possess and administer topical dental medicines and local anaesthetics as part of their professional practice and employment. An oral health therapist is a person with professional registration to practice as an oral health therapist in accordance with the *Health Practitioner Regulation National Law (ACT)*

Due to the operation of section 20 of the MPTG Regulation, this authorisation is subject to any condition or restriction to which the authorised health practitioner is subject under the *Health Practitioner Regulation National Law (ACT)*.

This Regulation also makes minor change to Schedule 1, Part 1.2 of the MPTG Regulation to ensure that dental therapists, oral health therapists and dental hygienists practice in a structured professional relationship with a dentist. This change has been made in order to

ensure the MPTG Regulation maintains consistency with the Dental Board of Australia Scope of Practice Registration Standard.

## Details

A detailed explanation of each clause of the Regulation follows.

## Clauses

### Clause 1 Name of regulation

The first clause of the Regulation declares the name of the Regulation to be the *Medicines, Poisons and Therapeutic Goods Amendment Regulation 2015 (No 2)*.

### Clause 2 Commencement

Pursuant to this provision, the Regulation is to commence the day after notification.

Due to the operation of section 75(1) of the *Legislation Act 2001* (the Legislation Act) the naming and commencement provisions of this Regulation, clauses 1 and 2, commence automatically on the day the Regulation is notified. A note to that effect is included in the provision.

### Clause 3 Legislation amended

This provision alerts the reader that this Regulation amends the MPTG Regulation.

Upon commencement this Regulation will alter the MPTG Regulation in accordance with the provisions that this Regulation contains. This Regulation will then be immediately repealed. Consequentially, from the date that this Regulation commences a new republication of the MPTG Regulation will be available. That new republication will feature the alterations made by this Regulation.

### Clause 4 Schedule 1, part 1.2 heading

This provision renames the MPTG Regulation, Schedule 1, part 1.2 heading to include reference to oral health therapists as inserted by this Regulation.

### Clause 5 Schedule 1, part 1.2 items 3 and 4, column 3

This provision amends Schedule 1, part 1.2 items 3 and 4, column 3 of the MPTG Regulation to provide that dental therapists, oral health therapists and dental hygienists must practice in a structured professional relationship with a dentist.

This change has been made to ensure that the MPTG Regulation maintains consistency with the Dental Board of Australia Scope of Practice Registration Standard.

### Clause 6 Schedule 1, part 1.2, new item 5

This provision inserts a new item into Schedule 1, part 1.2 of the MPTG Regulation in order to authorise oral health therapists to issue purchase orders and requisitions, obtain, possess and administer topical dental medicines and local anaesthetics as part of their professional practice and employment.