



PHARMACEUTICAL SOCIETY
of New Zealand Incorporated

7 October 2015

Secretariat
Health Committee
Select Committee Services
Parliament Buildings
Wellington 6160

via email: select.committees@parliament.govt.nz

Dear Sir/Madam

**Submission to the Health Practitioners (Replacement of Statutory References to Medical Practitioners) Bill
October 2015**

Thank you for the opportunity to submit comments to the Health Practitioners (Replacement of Statutory References to Medical Practitioners) Bill.

The Pharmaceutical Society and its role and functions

The Pharmaceutical Society of New Zealand Inc. (the Society) is the professional association representing over 3,000 pharmacists, from all sectors of pharmacy practice. We provide to pharmacists professional support and representation, training for continuing professional development, and assistance to enable them to deliver to all New Zealanders the best pharmaceutical practice and professional services in relation to medicines. The Society focuses on the important role pharmacists have in medicines management and in the safe and quality use of medicines

This submission is made on behalf of the members of the Pharmaceutical Society.

The Society does wish to appear before the Select Committee to make an oral submission.

The Society supports the aims of the Bill to increase the range of functions that can be performed by health practitioners under those statutes by changing certain references to medical practitioners to references to health practitioners.

Our comments relate specifically to clauses that make amendments to the Misuse of Drugs Act 1975 and the Misuse of Drugs Regulations 1977 and the role of the Designated Pharmacist Prescriber in prescribing for people dependent on controlled drugs.

The Medicines (Designated Pharmacist Prescribers) Regulations were enacted in 2013, with the following purposes:

- a) to authorise pharmacists who meet the specified requirements for competence, qualifications, and training to be pharmacist prescribers for the purpose of prescribing the specified prescription medicines; and
- (b) to set out the competence, qualifications, and training requirements applying to pharmacist prescribers; and
- (c) to prohibit pharmacist prescribers from prescribing specified prescription medicines if they fail to comply with those requirements; and

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- (d) to make non-compliance with those requirements an offence; and
- (e) to enable the Pharmacy Council—
 - (i) to accredit appropriate training courses for pharmacist prescribers; and
 - (ii) to ensure the ongoing competence of pharmacist prescribers.

A consequential amendment was made to the Misuse of Drugs Regulations 1977 to insert Schedule 1B, the ‘Controlled drugs that designated pharmacist prescribers may prescribe’. This schedule includes the benzodiazepine pharmacological class, methadone and buprenorphine – all medicines used in the treatment of dependence of controlled drugs.

However, the current wording in the Misuse of Drugs Act and Regulations prevent designated pharmacist prescribers from prescribing these medicines for the purpose of treating dependence. Therefore the legislation forms a barrier to designated pharmacist prescribers from practicing in this clinical area – despite having a number of pharmacists already working in clinical practice in the area of dependence, mental health and community alcohol and drug (CADS) services.

The Health Practitioners (Replacement of Statutory References to Medical Practitioners) Bill provides an opportunity to make amendments which will permit designated pharmacist prescribers to practice in this clinical area.

Pharmacists and Designated Pharmacist Prescribers are already recognised as ‘Health Practitioners’ within, and regulated by, the Health Practitioners Competence Assurance Act 2003. Therefore our submission to the Committee seeks to make minor changes to clauses in the Bill as they relate to Part 7, “Amendments to Misuse of Drugs Act 1975” (and consequential amendments to Misuse of Drugs Regulations 1977). These changes would permit practice by designated pharmacist prescribers in this important clinical practice area.

Clause 54

Section 8(1)(b)(iii), 8(1)(l), 8(1)(m) and 8(7) already capture the role of the designated pharmacist prescriber by referencing “designated prescriber”.

Clause 55

Section 24 replaced (Treatment of people dependent on controlled drugs)

Where reference is made to “Medical practitioners, nurse practitioners, and designated prescriber nurses”, The Society asks for the insertion of “designated pharmacist prescribers”.

Such that:

24A Medical practitioners, nurse practitioners, and designated prescriber nurses may prescribe controlled drugs to people dependent on controlled drugs

and

(2) **Section 24(1)** does not apply to a nurse practitioner or designated prescriber nurse who is—

- (a) working in a specified place; and
- (b) authorised, in writing by a specified medical practitioner working in the specified place, to prescribe controlled drugs.

(3) **Section 24(1)** does not apply to a medical practitioner, nurse practitioner, or designated prescriber nurse who is acting in accordance with a written permission that is given—

- (a) by a medical practitioner to whom **subsection (1)(a), (b), or (c)** applies; and
- (b) for a specified period not exceeding 3 months.

and

(9) In this section,—

designated prescriber nurse means a nurse who—

- (a) is a designated prescriber; and
- (b) is acting within his or her scope of practice

and

Consequential amendments

56 Amendments to Misuse of Drugs Regulations 1977

- (1) This section amends the Misuse of Drugs Regulations 1977.
- (2) In regulation 12A(1), replace “section 8(2A)(a)” with “**section 8(1)(m)**”.
- (3) In regulation 29(2), replace “medical practitioner” with “medical practitioner, nurse practitioner, or designated prescriber nurse”.

Then become:

24A Medical practitioners, nurse practitioners, designated prescriber nurses and designated prescriber pharmacists may prescribe controlled drugs to people dependent on controlled drugs

and

- (2) **Section 24(1)** does not apply to a nurse practitioner, designated prescriber nurse or designated prescriber pharmacist who is—
 - (a) working in a specified place; and
 - (b) authorised, in writing by a specified medical practitioner working in the specified place, to prescribe controlled drugs.

- (3) **Section 24(1)** does not apply to a medical practitioner, nurse practitioner, designated prescriber nurse or designated prescriber pharmacist who is acting in accordance with a written permission that is given—
 - (a) by a medical practitioner to whom **subsection (1)(a), (b), or (c)** applies; and
 - (b) for a specified period not exceeding 3 months.

and

- (9) In this section,—
 - designated prescriber nurse** means a nurse who—
 - (a) is a designated prescriber; and
 - (b) is acting within his or her scope of practice
 - designated prescriber pharmacist** means a pharmacist who—
 - (a) is a designated prescriber; and
 - (b) is acting within his or her scope of practice

and

Consequential amendments

56 Amendments to Misuse of Drugs Regulations 1977

- (1) This section amends the Misuse of Drugs Regulations 1977.
- (2) In regulation 12A(1), replace “section 8(2A)(a)” with “**section 8(1)(m)**”.
- (3) In regulation 29(2), replace “medical practitioner” with “medical practitioner, nurse practitioner, designated prescriber nurse or designated prescriber pharmacist”.

These changes to the Bill would permit designated prescriber pharmacists to work within a clinical area of their scope of practice where they are currently permitted by legislation to prescribe appropriate controlled drugs, but prevented from prescribing those controlled drugs for their full licensed indications. Such changes also fit within government policy described in the “Competent and responsive prescribers” impact area of the Implementing Medicines New Zealand 2015-2020 plan, issued by the government in June of this year.

Conclusion

Thank you for the opportunity to make a submission on this Bill. We would be pleased to discuss any aspects of this submission further, as requested by officials or members of the Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Bob Buckham', with a long horizontal flourish extending to the right.

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