

State and Territory Legislative Readiness and Regulatory Requirements

State or Territory	Regulation/requirements	Contact Details
All	It is a requirement for all clinical information systems to maintain audit logs / prescriptions for seven (7) years.	N/A
ACT	No changes needed as legislation already allows electronic prescribing	<p>Primary Contact: Aimee Solomon Chief Pharmacy Information Officer and Senior Director Number: (02) 5124 9315 Email: Aimee.Solomon@act.gov.au</p> <p>Secondary Contact: Vivien Bevan Number: (02) 6205 0961 Email: vivien.bevan@act.gov.au</p>
NSW	<p>The relevant NSW legislation, the <i>Poisons and Therapeutic Goods Regulation 2008</i>, as it stands does not permit electronic prescribing of scheduled medicines. However the Regulation provides for exemptions to be granted from the requirements in some of its clauses. These provisions would allow exemptions to be issued for all of the relevant requirements necessary to allow the prescribing and dispensing of electronic prescriptions in NSW. These exemptions will be issued in the near future.</p> <p>In the longer term, it is intended to propose amendments to the Regulation to explicitly permit electronic prescriptions.</p>	<p>Primary Contact: Judith Mackson Chief Pharmacist and Director Number: (02) 9391 9944 Email: mo-pharmaceuticalservices@health.nsw.gov.au</p>

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<p>QLD</p>	<p>Current legislation has a framework that defines an electronic prescription with an electronic signature. The form of prescription must be approved by the Chief Executive (i.e. DG). A proposal for 'approved form' is being progressed as early as next week.</p> <p>Questions can be directed to contacts provided</p>	<p>Primary Contact: Bill Loveday Director - Monitored Medicines Unit Number: (07) 3708 5268 Email: bill.loveday@health.qld.gov.au</p> <p>Secondary Contact: Julie Stokes Number: 07 3708 5317 Email: Julie.stokes@health.gov.au</p>
<p>VIC</p>	<p>Has commenced drafting legislative amendments with reference to PBS legislation</p> <p><u>General Requirements (in addition to Commonwealth Requirements)</u></p> <p>Prescribers and pharmacists are required to keep electronic transaction records under the Drugs, Poisons and Controlled Substances Regulations 2017 and must take all reasonable steps to ensure the person's personal access code for making an electronic transaction record is not known or used by another person.</p> <p><i>NOTE: software vendors need to include a mechanism to ensure that access to electronic prescribing software is password controlled. This should already be in place for computer generated prescription software. Whilst 2FA is not specifically stated or mandatory, software vendors may consider including this mechanism as an option.</i></p> <p>To accommodate Victorian requirements software vendors will need provide the ability for prescribers or pharmacists to produce a copy of the prescription with all the elements to the regulator. This could be a paper print out of the electronic prescription.</p>	<p>Primary Contact: Stefan Tulloch Assistant Chief Officer Number: 0431 245 803 Email: dpcs@dhhs.vic.gov.au</p> <p>Secondary Contact: George Papazoglou Number: (03) 9096 5050 Email: dpcs@dhhs.vic.gov.au</p>

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	<p><u>Prescriber Requirements</u></p> <p>A prescriber must not issue an electronic prescription unless it includes the required data fields:</p> <ul style="list-style-type: none">• Prescriber name, practice address and telephone number• Date of issue• Patient’s full name and address• Patient’s date of birth (in the case of a Schedule 8, Schedule 9 or monitored poison)• Name, strength, form and quantity of the medicine• The precise dose or use and frequency, except in cases described in the regulations• Maximum number of times the medicines may be supplied (# of repeats), if any• The Victorian warrant number for retinoids (e.g. acitretin, oral isotretinoin), ovulatory stimulants (clomiphene, cyclofenil), prostaglandins (e.g. dinoprost) plus thalidomide and lenalidomide (Note – <i>To accommodate Victorian requirements software vendors will need to include a field where the warrant number can be entered by the prescriber. It could state ‘Permit/warrant number’, if needed to accommodate other States where a permit number is needed.</i>) <p>Additional requirements of relevance to software vendors:</p> <ul style="list-style-type: none">• The clinical or medication record of the person for whom the prescription was issued must be preserved for at least one year from the date on which	
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	<p>the prescription was generated and be capable of being accessed when required.</p> <ul style="list-style-type: none"> • The computer program must restrict access to the prescription module to authorised persons. <p><u>Pharmacist Requirements</u></p> <ul style="list-style-type: none"> • A pharmacist who supplies Schedule 4 or Schedule 8 poisons on a prescription must ensure that the prescription (or copy) is marked in a durable form in a way that indicates that supply has occurred; the supplying pharmacy; and the date of supply or dispensing (regulation 60). • Prescriptions (or prescription copies) for Schedule 8 poisons must be retained for 3 years and must be produced on demand to an authorised officer (regulation 64). 	
<p>SA</p>	<p>Requirements for prescribing and dispensing medicines in South Australia are detailed in the <i>Controlled Substances Act 1984</i> and subordinate regulations, in particular the Controlled Substances (Poisons) Regulations 2011 (the Poisons Regulations), regulations 33, 34 and 35.</p> <p>The Poisons Regulations are premised on a paper prescription being provided and do not currently permit fully paperless (electronic) prescribing and dispensing of prescription medicines.</p> <p>There are provisions in the Poisons Regulations for the Minister for Health and Wellbeing to exempt prescribers and pharmacists from certain requirements related to how a prescription is given and dispensing prescriptions, to enable use of a paperless system of electronic transmission of prescriptions. Exemptions will be</p>	<p>Primary Contact: Angela FitzHenry Manger, SA health Number: (08) 8226 6169 Email: Health.MTPP@sa.gov.au</p> <p>Secondary Contact: Naomi Burgess Interim Chief Pharmacist Number: 08 8204 1944 Email: Health.MTPP@sa.gov.au</p>

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	<p>considered for prescribers and pharmacists using electronic prescribing systems that comply with the requirements of the <i>National Health (Pharmaceutical Benefits) Regulations 2017</i> and the technical framework. Prescribers and pharmacists can apply to the Interim Chief Pharmacist SA Health for an exemption.</p> <p>Amendments to South Australia’s Poisons Regulations are currently under consideration, noting the exemption pathway is already available to support the introduction of conformant electronic prescribing.</p>	
WA	<p>No major barriers, legislation has been mapped to the Conformance Requirements (intends to review the legislative requirements potentially to note that any systems with a valid Conformance ID is appropriate)</p> <p>Approval can be given by the COO of WA Health. Software Vendors can approach WA Health for approval of software. The criteria that WA are basing their decisions on centres on the conformance profile produced by the ADHA.</p>	<p>Primary Contact: Neil Keen Chief Pharmacist, WA health Number: (08) 9222 2161 Email: Neil.Keen@health.wa.gov.au</p> <p>Secondary Contact: Jane Carpenter Email: jane.carpenter@health.wa.gov.au</p>
TAS	<p>The Tasmanian poisons legislation was first amended to allow for approval of electronically transmitted prescriptions in 2008. The <i>Poisons Regulations 2018</i> allow for electronically transmitted prescriptions where approved in writing by the Tasmanian Secretary for Health. An approval may include conditions.</p> <p>Where a software vendor wishes to seek approval under Tasmanian poisons legislation, as part of the application they will need to provide evidence of a Conformance ID registered by the ADHA. The software vendor must also be able to demonstrate how every electronic prescription complies with Tasmanian poisons</p>	<p>Primary Contact: Martin Neumeyer Senior Pharmacist, Information Technology Number: (03) 6166 0400 Email: pharmserv@health.tas.gov.au</p> <p>Secondary Contact: Sam Halliday Acting Chief Pharmacist Number: (03) 6166 0400 Email: pharmserv@health.tas.gov.au</p>

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	<p>legislation, regardless of whether they are subsidised by the Pharmaceutical Benefit Scheme.</p> <p>Tasmania has published at www.dhhs.tas.gov.au/psbtas/electronically_transmitted_prescriptions a fact sheet for:</p> <ul style="list-style-type: none">• prescribers and pharmacists, outlining how electronically transmitted prescriptions may affect health practitioners in Tasmania; and• software vendors, outlining application and requirements for approval of electronically transmitted prescription systems in Tasmania. <p>These fact sheets include guidance on where to direct issue resolution enquiries regarding the framework (to the ADHA), or implementation with system integration and technical support (to software vendors). The legal obligations of a health practitioner under the <i>Poisons Regulations 2018</i> continue to apply for all prescriptions (both paper and electronic) in Tasmania.</p> <p>Electronic Transmitted Prescriptions: https://www.dhhs.tas.gov.au/psbtas/electronically_transmitted_prescriptions</p> <p>Electronically Transmitted Prescriptions Fact Sheet for Prescribers and Pharmacists: https://www.dhhs.tas.gov.au/psbtas/publications/general/electronically_transmitted_prescriptions_fact_sheet_for_prescribers_and_pharmacists</p> <p>Electronically Transmitted Prescriptions Fact Sheet for Software Vendors https://www.dhhs.tas.gov.au/psbtas/publications/general/electronically_transmitted_prescriptions_fact_sheet_for_software_vendors</p>	
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	Electronically Transmitted Prescription Software System Approval Form for Software Vendors https://www.dhhs.tas.gov.au/_data/assets/pdf_file/0007/389464/Electronically Transmitted Prescription Software System Approval Form - Dec 2019.pdf	
NT	No changes needed as legislation already allows electronic prescribing	Primary Contact: Helgi Stone NT Health Number: (08) 8922 7035 Email: poisonscontrol@nt.gov.au