



Position statement: Medicines, drugs and poisons regulations

In order to practice safely as a dental practitioner, oral health practitioners (OHPs) (dental therapists, oral health therapists and dental hygienists) must be aware of and comply with the regulations of the State/Territory in which they work as well as the National Poisons Standard and the standards determined by the Dental Board of Australia (DBA) under the authorisation of the Australian Health Practitioners Regulation Agency (AHPRA). These regulations should recognise the education, knowledge and skill of oral health practitioners and not place unnecessary restriction upon their practice.

BACKGROUND

In 2010 the National Law came into effect which ensured that all Dental Therapists, Oral Health Therapists and Dental Hygienists were registered by AHPRA. The DBA was entrusted by AHPRA with the responsibility of determining the standards and regulations to ensure public safety. Some legislation relating to public safety however remain under the State/Territory Governments. These include the Radiation Safety and Medicines, Drugs and Poisons legislation/regulations.

The Therapeutic Goods Administration (TGA) is Australia's regulatory authority for therapeutic goods. They carry out a range of assessment and monitoring activities to ensure therapeutic goods available in Australia are of an acceptable standard with the aim of ensuring that the Australian community has access, within a reasonable time, to therapeutic advances. The Poisons Standard is a Legislative Instrument for the purposes of the Legislative Instruments Act 2003. The Poisons Standard consists of decisions regarding the classification of medicines and poisons into Schedules for inclusion in the relevant legislation of State/Territory Governments. The Poisons Standard is the legal title of the Standard for the Uniform Scheduling of Medicines and Poisons (SUSMP).

Many State/Territory based regulations have not been updated to reflect the current educational preparation and practices of oral health practitioners, and as such create barriers for patients receiving timely and appropriate access to dental care. Wide varieties exist between State/Territory jurisdictions of what is included in the regulations and their applicable restrictions. This contributes to confusion amongst dental practitioners and the public alike.

As part of their Scope of Practice, OHPs are educated in the safe use of regulated medicines, drugs and poisons. This includes understanding the principles of pharmacology and the risks in using therapeutic agents, determining the impact of risk factors, systemic disease and medications on oral health and treatment planning and administering pharmaceutical agents. These competencies are core to OHP practice as documented in the Australian Dental Council's Professional Attributes and Competencies of the Recently Graduated Dental Hygienist, Dental Therapist and Oral Health Therapist.

OHPs need to be aware not only of their individual education, knowledge, skill and competence with the use of medicines, drugs and poisons, but also of any regulatory restrictions in place in the State/Territory where they work. In many cases the State/Territory regulations do not match what is being taught in Australia or overseas.

The State/Territory regulations not only determine who can administer but also who may purchase (obtain), prescribe and supply certain restricted medicines, drugs and poisons. This becomes a problem for those OHPs who own a dental practice as there may be restrictions in place that only a dentist may purchase restricted items. Additionally, those OHPs who provide medicaments to their patients for at home follow up care.

ADOHTA advocates for consistency of the State/Territory based regulations and that they are updated to reflect contemporary practice.

FURTHER INFORMATION

The contents of and even the title of the Medicines, Drugs and Poisons Regulations differs between jurisdictions. This presents difficulty for OHPs to locate and understand the implications of these regulations when they move from one State/Territory to another. Similarly, some jurisdictions have generic descriptors of what is permissible for OHPs to use whilst others are very prescriptive including the listing of specific drugs. The prescriptive approach whilst lending clarity to what can and cannot be used by OHPs lacks the flexibility required with a mobile workforce, differing educational institutions curriculum and availability of the prescribed medicines, drugs and poisons.

For instance, in one state, a particular local anaesthetic listed became unavailable from the only manufacturer and there was only 1 other anaesthetic listed for OHPs to use. This offered no choice for those patients who the alternative anaesthetic was not appropriate for and as the list of drugs were part of a government regulation it required a sitting of parliament to approve any changes or additions to the list. This situation could have seriously affected the treatment provided by OHPs and delayed the appropriate care for some patients.

Inconsistent regulations in different states and territories can affect patient access to care in a number of ways. Firstly, it can create confusion for dental practitioners and the public alike, as the scope of practice and the permitted use of medicines, drugs, and poisons can vary widely between jurisdictions. This can lead to delays in treatment and a lack of continuity of care for patients who move between states and territories. Additionally, some regulations may place unnecessary restrictions on the practice of oral health practitioners, limiting the range of services they can provide and reducing patient access to care. Furthermore, the lack of flexibility in prescriptive regulations can also prevent dental practitioners from using alternative medicines, drugs, and poisons when specific ones are unavailable, potentially leading to delays in treatment and inadequate care for patients. Overall, inconsistent regulations can impede patients' access to timely and appropriate dental care.

The Medicines, Drugs and Poisons legislation/regulations for each State/Territory and website links to access them are listed below.

REFERENCES

- AHPRA** Dental Board of Australia Other Legislative/Regulatory Frameworks
<http://www.dentalboard.gov.au/Codes-Guidelines/Policies-Codes-Guidelines/Guidelines-Scope-of-practice.aspx>
- NATIONAL** The Therapeutic Goods Administration
<https://www.tga.gov.au/publication/poisons-standard-susmp>
- The Poisons Standards - SUSMP is available in electronic form, free of charge.
<https://www.legislation.gov.au/Details/F2019L00032>
- ACT** Medicines, Poisons and Therapeutic Goods Act 2008
Schedule 1 of the Medicines, Poisons and Therapeutic Goods Regulation 2008
<http://www.legislation.act.gov.au/sl/2008-42/current/pdf/2008-42.pdf>
- NSW** The Poisons and Therapeutic Goods Act 1966 and the Poisons and Therapeutic Goods Regulation 2008
<https://www.legislation.nsw.gov.au/~/pdf/view/regulation/2008/392/whole>
- NT** Medicines, Poisons and Therapeutic Goods Act
<https://legislation.nt.gov.au/en/Legislation/MEDICINES-POISONS-AND-THERAPEUTIC-GOODS-ACT>
https://nt.gov.au/_data/assets/pdf_file/0006/198951/G20_2014.pdf
http://www6.austlii.edu.au/cgi-bin/viewdb/au/legis/nt/num_act/mpatga201213o2012425/
- QLD** Queensland Health (Drugs and Poisons) Regulation 1996
Health Act 1937
<https://www.legislation.qld.gov.au/view/whole/pdf/inforce/current/sl-1996-0414>
- SA** Controlled Substances (Poisons) Regulations 2011
Under the Controlled Substances Act 1984
[https://www.legislation.sa.gov.au/LZ/C/R/CONTROLLED%20SUBSTANCES%20\(POISONS\)%20REGULATIONS%202011/CURRENT/2011.140.AUTH.PDF](https://www.legislation.sa.gov.au/LZ/C/R/CONTROLLED%20SUBSTANCES%20(POISONS)%20REGULATIONS%202011/CURRENT/2011.140.AUTH.PDF)
- TAS** Poisons Regulations 2018
<https://www.legislation.tas.gov.au/view/whole/html/inforce/current/sr-2018-079>
- VIC** Drugs, Poisons and Controlled Substances Act 1981 and
The Drugs, Poisons and Controlled Substances Regulations 2006.
[http://www.legislation.vic.gov.au/domino/Web_Notes/LDMS/LTObject_Store/ltobjst10.nsf/DDE300B846EED9C7CA257616000A3571/44A72D68F3580209CA2582BA00146B00/\\$FILE/81-9719aa120%20authorised.pdf](http://www.legislation.vic.gov.au/domino/Web_Notes/LDMS/LTObject_Store/ltobjst10.nsf/DDE300B846EED9C7CA257616000A3571/44A72D68F3580209CA2582BA00146B00/$FILE/81-9719aa120%20authorised.pdf)
[http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/LTObject_Store/LTObjst10.nsf/DDE300B846EED9C7CA257616000A3571/DF50163E7DEA2F6CCA2583300002B4C7/\\$FILE/17-29sra005%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/LTObject_Store/LTObjst10.nsf/DDE300B846EED9C7CA257616000A3571/DF50163E7DEA2F6CCA2583300002B4C7/$FILE/17-29sra005%20authorised.pdf)
- WA** Medicines and Poisons Act 2014

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the Medicines and Poisons Regulations 2016

[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_29813.pdf/\\$FILE/Medicines%20and%20Poisons%20Act%202014%20-%20%5B00-d0-05%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_29813.pdf/$FILE/Medicines%20and%20Poisons%20Act%202014%20-%20%5B00-d0-05%5D.pdf?OpenElement)

[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41564.pdf/\\$FILE/Medicines%20and%20Poisons%20Regulations%202016%20-%20%5B00-c0-03%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41564.pdf/$FILE/Medicines%20and%20Poisons%20Regulations%202016%20-%20%5B00-c0-03%5D.pdf?OpenElement)