



## **Medicines (Designated Prescriber—Registered Nurses) Regulations 2016**

Jerry Mateparae, Governor-General

### **Order in Council**

At Wellington this 20th day of June 2016

Present:

His Excellency the Governor-General in Council

These regulations are made under sections 105 and 105B of the Medicines Act 1981—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the advice of the Minister of Health given in accordance with section 105(1) of that Act.

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## Regulations

### 1 Title

These regulations are the Medicines (Designated Prescriber—Registered Nurses) Regulations 2016.

### 2 Commencement

These regulations come into force on 20 September 2016.

### 3 Purpose

The purpose of these regulations is—

- (a) to authorise registered nurses who meet specified requirements for qualifications, training, and competence to be designated prescribers for the purpose of prescribing specified prescription medicines; and
- (b) to provide for the qualifications, training, and competence requirements; and
- (c) to prohibit registered nurses from prescribing specified prescription medicines if they fail to comply with the requirements; and
- (d) to make non-compliance with the requirements an offence.

### 4 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the Medicines Act 1981

**registered nurse** means a health practitioner who—

- (a) is, or is deemed to be, registered with the Nursing Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of nursing and whose scope of practice permits the performance of registered nurse functions; and
- (b) holds a current practising certificate

**specified prescription medicine** means a prescription medicine that—

- (a) is specified for prescription by registered nurses by notice in the *Gazette* under section 105(5A) of the Act; or
- (b) belongs to a class or description of prescription medicines that are specified for prescription by registered nurses by notice in the *Gazette* under section 105(5A) of the Act.

### 5 Authority to prescribe specified prescription medicine

A registered nurse may prescribe a specified prescription medicine if he or she complies with the requirements of regulations 6, 7, and 8.

**6 Requirements for commencing to prescribe for first time**

Before prescribing a specified prescription medicine for the first time, a registered nurse must—

- (a) obtain the qualifications required for registered nurses, or a class of registered nurses, specified by the Nursing Council by notice in the *Gazette* for the purposes of these regulations; and
- (b) undertake and successfully complete the training for registered nurses, or a class of registered nurses, specified by the Nursing Council by notice in the *Gazette* for the purposes of these regulations; and
- (c) demonstrate to the satisfaction of the Nursing Council that he or she is sufficiently knowledgeable to safely prescribe specified prescription medicines; and
- (d) be authorised by the Nursing Council to prescribe specified prescription medicines.

**7 Other training to be undertaken**

Before prescribing a specified prescription medicine, a registered nurse must—

- (a) undertake and successfully complete any training for registered nurses, or a class of registered nurses, specified by the Nursing Council by notice in the *Gazette* for the purposes of these regulations; and
- (b) do so within the periods, or at the times, specified for the purpose in the notice, if the training is of an ongoing nature.

**8 Assessment of competence to be completed**

Before prescribing a specified prescription medicine, a registered nurse must—

- (a) successfully complete any assessment of his or her competence to prescribe specified prescription medicines that is specified by the Nursing Council by notice in the *Gazette* for the purposes of these regulations; and
- (b) do so within the periods, or at the times, specified for the purpose in the notice, if the assessment is to be completed at regular intervals.

**9 Gazette notices**

(1) For the purposes of these regulations, a notice in the *Gazette*—

- (a) comes into force on the day after the date of its publication or on a later date specified for the purpose in the notice; and
- (b) may provide that it expires, if not revoked earlier, at the end of a specified day.

(2) Within 5 working days after the date of publication of a notice in the *Gazette* for the purposes of these regulations, and while the notice remains in force, the

Nursing Council must ensure that an up-to-date version of the notice is available—

- (a) on the Internet; and
- (b) at the office of the Nursing Council during business hours, so that members of the public may—
  - (i) inspect the notice free of charge; and
  - (ii) obtain a copy of the notice for a reasonable fee.

#### **10 Prohibition against prescribing specified prescription medicines**

- (1) A registered nurse must not prescribe a specified prescription medicine unless he or she complies with the requirements of regulations 6, 7, and 8.
- (2) A registered nurse commits an offence if he or she breaches subclause (1) and is liable on conviction to a fine not exceeding \$500.

#### **11 Revocation**

The Medicines (Designated Prescriber—Registered Nurses Practising in Diabetes Health) Regulations 2011 (SR 2011/54) are revoked on the close of 30 November 2016.

Michael Webster,  
Clerk of the Executive Council.

### **Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations come into force on 20 September 2016. They permit certain registered nurses to prescribe prescription medicines that are specified for prescription by registered nurses by notice in the *Gazette* under section 105(5A) of the Medicines Act 1981. To be permitted to do so, registered nurses must meet the requirements of the regulations relating to qualifications, training, and competence.

The Nursing Council may specify details of the qualifications, training, and competence requirements by notice in the *Gazette*.

A registered nurse who does not meet those requirements must not prescribe the specified prescription medicines. A registered nurse who does so commits an offence and is liable on conviction to a fine not exceeding \$500.

These regulations supersede the Medicines (Designated Prescriber—Registered Nurses Practising in Diabetes Health) Regulations 2011 (the **2011 Regulations**). However, as a transitional measure, the 2011 Regulations are not revoked until the close of 30 November 2016.

2016/140

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Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 23 June 2016.

These regulations are administered by the Ministry of Health.

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Wellington, New Zealand:

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