



Medicines (Designated Prescriber—Dietitians) Regulations 2015

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 22nd day of June 2015

Present:

His Excellency the Governor-General in Council

Pursuant to sections 105 and 105B of the Medicines Act 1981, His Excellency the Governor-General makes the following regulations, acting—

- (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—Dietitians) Regulations 2015.

2 Commencement

These regulations come into force on 3 August 2015.

3 Purpose

The purpose of these regulations is—

- (a) to authorise dietitians who meet certain 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 dietitians 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

- (1) In these regulations, unless the context otherwise requires,—

Act means the Medicines Act 1981

dietitian has the meaning given by section 162 of the Health Practitioners Competence Assurance Act 2003

Dietitians Board means the body continued under that name by section 114(1) of the Health Practitioners Competence Assurance Act 2003

specified prescription medicine means a prescription medicine that—

- (a) is specified for prescription by dietitians 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 dietitians by notice in the *Gazette* under section 105(5A) of the Act.
- (2) A term used in these regulations that is defined in the Act, but not in these regulations, has the meaning given by the Act.

5 Authority to prescribe specified prescription medicines

A dietitian 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 dietitian must—

- (a) obtain the qualification required for dietitians specified by the Dietitians Board by notice in the *Gazette* for the purposes of these regulations; and
- (b) successfully complete the training specified by the Dietitians Board by notice in the *Gazette* for the purposes of these regulations; and
- (c) demonstrate to the satisfaction of the Dietitians Board that he or she is sufficiently knowledgeable to safely prescribe specified prescription medicines; and
- (d) be authorised by the Dietitians Board to prescribe specified prescription medicines.

7 Other training to be undertaken

Before prescribing a specified prescription medicine, a dietitian must—

- (a) successfully undertake any training that is specified by the Dietitians Board 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 dietitian must—

- (a) successfully complete any assessment of his or her competence to prescribe specified prescription medicines that is specified by the Dietitians Board 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 Dietitians Board must ensure that an up-to-date version of the notice is available—
 - (a) on the Internet; and

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

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 3 August 2015. They permit certain dietitians to prescribe prescription medicines that are specified for prescription by dietitians by notice in the *Gazette* under section 105(5A) of the Medicines Act 1981. To be permitted to do so, dietitians must meet the requirements of the regulations relating to qualifications, training, and competence.

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

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

Regulatory impact statement

The Ministry of Health produced a regulatory impact statement on 3 December 2014 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of the regulatory impact statement can be found at—

- <http://www.health.govt.nz/about-ministry/legislation-and-regulation/regulatory-impact-statements/medicines-designated-prescriber-dietitians-regulations>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

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Regulations 2015**

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the Ministry of Health.

Wellington, New Zealand:

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