

Queensland Parliament Health and Environment Committee
Inquiry into the *Voluntary Assisted Dying Bill 2021*

JUL
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Purpose of this submission

The Queensland Branch of the Pharmaceutical Society of Australia (PSA) makes this submission to the Queensland Parliament Health and Environment Committee on the **Inquiry into the *Voluntary Assisted Dying Bill 2021*** (the 'Bill').

PSA takes this opportunity to comment on the following clauses in the draft Bill:

- **7** Health care worker not to initiate discussion about voluntary assisted dying
- **52** Self-administration—authorisations
- **66** Prescription for voluntary assisted dying substance
- **69** Authorised supplier to authenticate prescription
- **70** Information to be given when supplying voluntary assisted dying substance
- **72** Authorised supplier to record and notify of supply
- **158** Authorised suppliers / **159** Authorised disposers.

About PSA

PSA is the only Australian Government-recognised peak national professional pharmacy organisation representing all of Australia's 34,000 pharmacists working in all sectors and across all locations.

PSA is committed to supporting pharmacists in helping Australians to access quality, safe, equitable, efficient and effective health care. PSA believes the expertise of pharmacists can be better utilised to address the health care needs of all Australians.

PSA works to identify, unlock and advance opportunities for pharmacists to realise their full potential, to be appropriately recognised and fairly remunerated.

PSA has a strong and engaged membership base that provides high-quality health care and are the custodians for safe and effective medicine use for the Australian community.

PSA leads and supports innovative and evidence-based healthcare service delivery by pharmacists. PSA provides high-quality practitioner development and practice support to pharmacists and is the custodian of the professional practice standards and guidelines to ensure quality and integrity in the practice of pharmacy.

Comments on specific clauses

7 Health care worker not to initiate discussion about voluntary assisted dying

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(4) In this section—

health care worker means—

- (a) a registered health practitioner; or
- (b) another person who provides a health service or personal care service.

PSA's comment:

With regards to sub-clause **7(4)(b)**, PSA seeks clarification on whether the term *health care worker* is intended to capture non-pharmacist employees of a community pharmacy (e.g. pharmacy assistants) who may provide a health service or personal care service to a person.

52 Self-administration—authorisations

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(4) The authorised supplier who is given the prescription for the person is authorised to—

- (a) possess the voluntary assisted dying substance for the purpose of preparing it and supplying it to a person mentioned in paragraph (c); and
- (b) prepare the substance; and
- (c) supply the substance to the person, the contact person for the person or an agent of the person.

PSA's comment:

PSA questions the need to employ the term authorised supplier unless there is an expectation that pharmacists will not be the only health professionals involved in the dispensing of a voluntary assisted dying medicine.

Dispensing is a core role for pharmacists and it is not simply a medicine supply role. A person at the end of their life, in particular, requires a qualified person involved in the dispensing of a voluntary assisted dying medicine to ensure that there are no clinical issues that would impact on the appropriateness of the prescribed substance to have the desired effect.

PSA strongly recommends that the use of the term *authorised supplier* is reconsidered and amended to be clear and explicit that this must be a pharmacist.

66 Prescription for voluntary assisted dying substance

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- (2) The prescription issued by the coordinating practitioner must include—
- (a) a statement that clearly indicates it is for a voluntary assisted dying substance; and
 - (b) a statement—
 - (i) certifying that the request and assessment process has been completed in relation to the person in accordance with this Act; and
 - (ii) certifying that the person has made an administration decision and specifying whether the decision is a self-administration decision or practitioner administration decision; and
 - (c) details of the substance and the maximum amount of the substance authorised by the prescription; and
 - (d) the person's name and telephone number.

PSA's comment:

PSA notes that sub-clause **66(2)(c)** refers to "the substance" and does not appear to allow for multiple substances. PSA understands that generally a minimum of two substances are administered for voluntary assisted dying purposes, and between two and five ancillary medicines are provided for. Therefore, PSA suggests the plural form of the word should be used here.

PSA believes that, for all intents and purposes, the term "voluntary assisted dying substance" within the Bill should be taken to define one or multiple substances for the purposes of interpreting the intent of the law. However, for this specific section it should be clear that multiple items may be prescribed, and all items should be on one prescription form.

PSA does note clause **160** does indicate combination of S4 and S8 however suggest the definition could be more explicit.

Sub-clause **66(2)(d)** calls for the person's name and phone number but does not appear to require any of the other aspects of a legal prescription, such as address. Further, under sub-clause **72(2)(a)** the dispenser is required to record the person's date of birth; however, this is not included in the prescription. PSA recommends that sub-clause **66(2)(d)** be amended to require the person's name, address, telephone number and date of birth.

69 Authorised supplier to authenticate prescription

An authorised supplier who is given a prescription for a voluntary assisted dying substance must not supply the substance in accordance with the prescription unless the authorised supplier has confirmed—

- (a) the authenticity of the prescription; and
- (b) the identity of the person who issued the prescription; and
- (c) the identity of the person to whom the substance is to be supplied.

PSA's comment:

PSA agrees these provisions are essential. However, when determining the authenticity of the script, more clarity needs to be provided if the authorised supplier needs to ensure all of the requirements in prescribing have been followed such a contact person been appointed.

70 Information to be given when supplying voluntary assisted dying substance.**PSA's comment:**

PSA highlights the requirements of providing information around storage in a locked box. Does the authorised supplier need to supply the substances in the locked box? How will this be achieved for remote supply? Do the substances need to be delivered after dispensing in a locked box?

72 Authorised supplier to record and notify of supply.

- (1) An authorised supplier who supplies a voluntary assisted dying substance must complete a record of the supply in the approved form (the ***authorised supply form***).
- (2) The authorised supply form must include the following—
 - (a) the name, date of birth and contact details of the person;
 - (b) the name and contact details of the authorised supplier;
 - (c) a statement that the voluntary assisted dying substance was supplied;
 - (d) a statement that the requirements under sections 69, 70 and 71 were complied with.

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PSA's comment:

Under sub-clause **72(2)(a)**, the dispenser needs to record the person's name, date of birth and contact details.

While date of birth information could be obtained from the patient, it would be consistent and accepted practice if it was provided with the prescription. Provision of the date of birth does not appear to be included in other paperwork cited in the Bill.

158 Authorised suppliers

- (1) The chief executive may authorise an appropriately qualified registered health practitioner, or person in a class of registered health practitioners, to supply a voluntary assisted dying substance under this Act.
- (2) The chief executive must, on request, give a person who is acting as a coordinating practitioner the name of 1 or more registered health practitioners or class of registered health practitioners who are authorised under subsection (1).

159 Authorised disposers

- (1) The chief executive may authorise an appropriately qualified registered health practitioner, or person in a class of registered health practitioners, to dispose of a voluntary assisted dying substance under this Act.

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PSA's comment:

PSA believes the current wording of clauses **158** and **159** suggests an intent to allow flexibility for inclusion of health practitioners other than pharmacists to be suppliers (and disposers) of medicines for voluntary assisted dying.

Such provisions may be justified to help circumvent supply issues in the event of a pharmacist workforce problem. However, PSA believes such considerations are not a high priority given only a small number of designated pharmacies and associated pharmacist workforce will be required for the dispensing of voluntary assisted dying medicines, even taking into account geographical factors of the state of Queensland.

A more fundamental consideration is that "supply" is not synonymous with "dispense". There are specific clinical considerations that a pharmacist needs to apply to this role that cannot be carried out by unqualified individuals.

Therefore, PSA believes this section should be rewritten to refer to pharmacists specifically, while including provisions for other appropriate practitioners to be named specifically if needed.

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