

## Queensland

# **Health Legislation Amendment Regulation 2020**

## Subordinate Legislation 2020 No. 16

made under the

Health Act 1937 Health Ombudsman Act 2013 Hospital and Health Boards Act 2011

## Contents

		1	Page			
Part 1	Prelimin	ary				
1	Short title		3			
2	Commencement					
Part 2	Amendm	Amendment of Health (Drugs and Poisons) Regulation 1996				
3	Regulation	on amended	3			
4	Amendm	Amendment of s 171 (Pharmacists)				
5	Amendm	Amendment of s 257 (Pharmacists)				
Part 3	Amendn	Amendment of Health Ombudsman Regulation 2014				
6	Regulation	on amended	4			
7	Amendm	Amendment of s 3 (Corresponding interstate interim orders—Act, s 77)				
			4			
8	Amendm	ent of s 4 (Corresponding interstate orders—Act, s 114)	4			
Part 4	Amendm	Amendment of Hospital and Health Boards Regulation 2012				
9	Regulation	on amended	5			
10	Insertion	Insertion of new pt 6B				
	Part 6B	State aged care facilities				
	30C	State aged care facilities—Act, ss 138H and 138I	5			
	30D	Minimum nurse and registered nurse percentages—Act 138H	, s 5			

#### Contents

	30E	Minim	num average daily resident care hours—Act, s 138I	6	
11	Replacement of s 34A (Prescribed health practitioner—Act, s 139) 6				
	34A	Pres	cribed health practitioner—Act, s 139	6	
12	Insertion of new schs 2B and 2C 6				
	Schedule 2	_	State aged care facilities subject to nurse and registered nurse percentages and minimum average daily resident care hours	7	
	Schedule 2	2C	Prescribed health practitioners	8	

# Part 1 Preliminary

#### 1 Short title

This regulation may be cited as the *Health Legislation Amendment Regulation 2020*.

#### 2 Commencement

Part 3 commences on 1 March 2020.

# Part 2 Amendment of Health (Drugs and Poisons) Regulation 1996

## 3 Regulation amended

This part amends the *Health (Drugs and Poisons) Regulation* 1996.

## 4 Amendment of s 171 (Pharmacists)

(1) Section 171(2), after 'subsection (1)'—

insert—

or (5)

(2) Section 171(5), '16 years'—
omit, insert—

10 years

## 5 Amendment of s 257 (Pharmacists)

(1) Section 257(2), '16 years'—
omit, insert—

10 years

(2) Section 257(3)—

insert—

- (d) administer adrenalin of a strength of 0.1% or less to a person who is 10 years or more under—
  - (i) a pharmacist's direction and personal supervision; and
  - (ii) the pharmacist vaccination program DTP.

# Part 3 Amendment of Health Ombudsman Regulation 2014

## 6 Regulation amended

This part amends the *Health Ombudsman Regulation 2014*.

7 Amendment of s 3 (Corresponding interstate interim orders—Act, s 77)

Section 3—

insert—

(c) an interim prohibition order under the *Health Complaints Act 2016* (Vic).

# 8 Amendment of s 4 (Corresponding interstate orders—Act, s 114)

(1) Section 4, heading, 's 114'—

omit, insert—

s 900

(2) Section 4, 'section 114'—

omit, insert—

#### section 900

(3) Section 4—

insert—

(c) a prohibition order under the *Health Complaints Act 2016* (Vic).

# Part 4 Amendment of Hospital and Health Boards Regulation 2012

## 9 Regulation amended

This part amends the *Hospital and Health Boards Regulation* 2012.

## 10 Insertion of new pt 6B

After section 30B—

insert—

# Part 6B State aged care facilities

# 30C State aged care facilities—Act, ss 138H and 138I

For sections 138H and 138I of the Act, the State aged care facilities mentioned in schedule 2B are prescribed.

# 30D Minimum nurse and registered nurse percentages—Act, s 138H

(1) This section prescribes the minimum percentage of nurses or registered nurses providing residential care at a State aged care facility prescribed under section 30C during each 24-hour

- period to the total number of nurses and support workers (the *care staff*) providing residential care at the facility during the period.
- (2) At least 50% of the care staff must be nurses.
- (3) At least 30% of the care staff must be registered nurses.

### 30E Minimum average daily resident care hours— Act, s 138I

The minimum average daily resident care hours at a State aged care facility prescribed under section 30C is 3.65 hours.

# 11 Replacement of s 34A (Prescribed health practitioner—Act, s 139)

Section 34A—

omit, insert—

## 34A Prescribed health practitioner—Act, s 139

- (1) For section 139 of the Act, definition *prescribed* health practitioner, a relevant health practitioner who holds a type of registration mentioned in schedule 2C, column 2 for a health profession mentioned in column 1 of the schedule is prescribed.
- (2) In this section—

*health profession* see the Health Practitioner Regulation National Law, section 5.

*type of registration* means type of registration under the Health Practitioner Regulation National Law.

#### 12 Insertion of new schs 2B and 2C

After schedule 2A—

insert—

# Schedule 2B State aged care facilities subject to nurse and registered nurse percentages and minimum average daily resident care hours

section 30C

- Brighton Health Campus (Gannet House)
- Cooinda House
- Dr E A F McDonald Nursing Home
- Eventide Charters Towers
- Eventide Home Rockhampton
- Forest View Residential Care Facility
- Glenbrook Residential Aged Care Facility
- Karingal Nursing Home
- Milton House
- Mt Lofty Nursing Home
- North Rockhampton Nursing Centre
- Parklands Residential Aged Care Facility
- Redland Residential Care Facility
- The Oaks Residential Aged Care Facility
- Waroona Multipurpose Centre
- Westhaven Nursing Home

# Schedule 2C Prescribed health practitioners

section 34A

Column 1	Column 2		
Health profession	Type of registration		
medical	general registration		
	limited registration for a purpose mentioned in the Health Practitioner Regulation National Law, section 66 or 67		
	limited registration in the public interest to which the Health Practitioner Regulation National Law, section 273 applies		
	provisional registration		
	special registration		
midwifery	general registration		
	provisional registration		
nursing	general registration		
	provisional registration		
paramedicine	general registration		

#### **ENDNOTES**

- 1 Made by the Governor in Council on 20 February 2020.
- 2 Notified on the Queensland legislation website on 21 February 2020.
- 3 The administering agency is Queensland Health.

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