

Legal Obligations of Medical Practitioners when prescribing Schedule 8 (Narcotic) Substances.

In a busy medical practice it is sometimes easy to overlook the legal requirements applying to the prescribing and supply of schedule 8 (narcotic) medications. **However failure to fulfil legal obligations can lead to concerns and professional practice issues, particularly in the case of deception involving drug seeking.**

Practitioners are reminded that their obligations include, but are not limited to, the following:

- Under S22 of the *Alcohol and Drug Dependency Act 1968* certain drugs can only be prescribed (i.e. made available) for continuous use for a prescribed maximum period. These drugs can only be made available for a longer period than the prescribed maximum period if the Secretary authorises that extended use under S22 of the *Alcohol and Drug Dependency Act 1968*.
- The relevant maximum period for narcotics is prescribed in the *Alcohol and Drug Dependency Order 1969* as being **two months**
- Medical Practitioners who intend to prescribe these medications for more than a two-month period are required to make an application under S22 of the *Alcohol and Drug Dependency Act 1968* for an authority to prescribe.
- Before prescribing any narcotic substance to a person, a medical practitioner must first take all steps as are reasonably available to him/her to ascertain:
 - a) the nature and amount of any narcotic substances supplied to that person within the previous 2 months and
 - b) the circumstances in which those narcotic substances were so supplied (Regulation 10 of the *Poisons Regulations 2002*)It is an offence to fail to take such reasonable steps
- If a doctor believes that a patient is drug dependent, **a separate notice of drug dependency** is to be forwarded with the application to prescribe these drugs.
- All applications made under S22 of the *Alcohol and Drug Dependency Act 1968* are considered by a panel of medical practitioners with appropriate expertise convened by the Secretary of the Department of Health and Human Services (or his/her delegates) to provide information advice and/or recommendations in relation to whether or not a particular authorisation should be issued. The expert panel will often require **specialist reports**, particularly in the case of chronic pain conditions, addressing the aetiology of the pain and supporting the use of narcotic medications. This allows the panel members to make clinically based recommendations. For efficiency, specialist reports should be submitted with the first application if the need to prescribe is likely to continue. This would normally not be required in the case of malignancy.
- Unless specific circumstances exist, authorisations will only be given for a specified period. If prescribing is to continue beyond that date a fresh authorisation is required before continuation of prescribing.
- Authorisation under S22 of the *Alcohol and Drug Dependency Act 1968* is also required to prescribe narcotics to patients suffering from **a terminal disease**. In such cases authorisation will be given for a period relevant to the patient's condition and/or age.
- An authority for **Fentanyl** in patches for transdermal delivery (except in the case of a patient with cancer) and **amphetamines** is required **before prescribing commences**.
- **Prescribing of any amphetamines/psychostimulants requires relevant specialist applications in all cases.**

Privacy Law

- The Commonwealth Privacy Act 1998 permits the use and disclosure by medical practitioners of their patient's personal information if the patient consents to that disclosure - Ref National Privacy Principle (NPP) 2.1(b).
- Medical practitioners should inform patients in respect of whom they intend to prescribe narcotics that they can not do so unless they have authorisation from the Secretary of the Department of Health and Human Services. Applying for that authorisation requires that the patient's personal information be submitted with the application. If the patient does not want the information submitted they could decline to have the medication prescribed.