

In Confidence

Office of the Minister of Health

Cabinet Legislation Committee

Medicines (Designated Prescriber–Registered Nurses) Regulations 2016 and Misuse of Drugs Amendment Regulations 2016

Proposal

1. I propose that the Medicines (Designated Prescriber–Registered Nurses) Regulations 2016 and Misuse of Drugs Amendment Regulations 2016 be authorised for submission to the Executive Council.

Policy

2. The designated registered nurse prescriber role will provide more convenient and timely access to treatment for patients, in line with Government intentions to make the best use of health professionals' knowledge and skills.
3. Designated registered nurse prescribers will work in primary health and specialty teams with authorised prescribers.
4. Nurse prescribing has proven to be safe over the past 14 years as evidenced by the prescribing carried out by nurse practitioners and diabetes nurse prescribers. Registered nurse prescribing is increasingly being introduced in overseas jurisdictions and has proven safe and effective.
5. On 9 November 2015, Cabinet agreed that certain designated prescribing rights be extended to registered nurses who meet specified requirements for competence, qualifications and training and that:
 - regulations should be made to authorise certain nurses as designated prescribers under the Medicines Act 1981 and to allow the Nursing Council of New Zealand (the Nursing Council) to set the qualifications, training and competence requirements [CAB15-Min-0198 refers]
 - the Misuse of Drugs Regulations 1977 be amended to authorise certain designated registered nurse prescribers to prescribe certain controlled drugs and that the length of supply of these drugs be extended from three to seven days [CAB15-Min-0198 refers].
6. Cabinet also agreed to revoke the Medicines (Designated Prescriber–Registered Nurses Practising in Diabetes Health) Regulations 2011. The Medicines (Designated Prescriber–Registered Nurses) Regulations 2016 provide for the revocation of the Medicines (Designated Prescriber–Registered Nurses Practising in Diabetes Health) Regulations 2011 on 30 November 2016.
7. The Medicines (Designated Prescriber–Registered Nurses) Regulations 2016 will authorise registered nurses working in primary health and specialty teams to prescribe prescription medicines specified by the Director-General of Health in the *New Zealand Gazette* and allow the Nursing Council to set the qualifications, training and competence

requirements. The amendments to the Misuse of Drugs Regulations 1977 will specify the controlled drugs that designated registered nurse prescribers may prescribe.

8. The regulations do not amend, suspend or otherwise alter a provision in any statute.
9. Regulation 21(4)(b) of the Misuse of Drugs Regulations 1977 provides that no designated prescriber nurse may (within the authority given by regulation 12A(1)(a)) give a prescription for the supply of a controlled drug "*in circumstances that are not cases of emergency*".
10. I propose that regulation 21(4)(b) of the Misuse of Drugs Regulations be revoked because it is in conflict with the amendment to allow designated registered nurses to prescribe controlled drugs for a 7 day period.
11. I also propose that the shoulder reference in Schedule 1B be amended to correct an error (replacing "r 12C" with "r 12A(1)(b)").

Timing and 28-day rule

12. The Regulations will come into force on 20 September 2016 and will comply with the 28-day rule.

Compliance

13. The regulations comply with:
 - the principles of the Treaty of Waitangi
 - the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993
 - the principles and guidelines set out in the Privacy Act 1993;
 - relevant international standards and obligations;
 - the Legislation Design Advisory Committee's LDAC Guidelines: Guidelines on Process and Content of Legislation
14. Section 105(1) of Medicines Act 1981 requires consultation with such organisations or bodies to be representative of persons likely to be substantially affected by the regulations the Minister recommends an Order in Council is made. I am satisfied that comprehensive public consultation has been conducted in this case.

Regulations Review Committee

15. There are no anticipated grounds for the Regulations Review Committee to draw the Regulations to the attention of the House under Standing Order 319.

Certification by Parliamentary Counsel

16. The Parliamentary Counsel Office (PCO) has certified the Medicines (Designated Prescriber–Registered Nurses) Regulations 2016 and the Misuse of Drugs Amendment Regulations 2016 as being in order for submission to Cabinet.

Regulatory impact analysis

17. A Regulatory Impact Statement (RIS) was prepared in accordance with the necessary requirements, and was submitted to Cabinet for its approval of the policy relating to make the regulations [SOC-15-MIN-0032 refers]. The RIS is published on the Ministry of Health website.

Publicity

18. I intend to release a media statement concerning the making of the Medicines (Designated Prescriber–Registered Nurses) Regulations 2016 and the Misuse of Drugs Amendment Regulations 2016 once they come into force.
19. The Ministry of Health will work with the Nursing Council to ensure the consistency of messages relating to the prescribing rights of designated registered nurse prescribers.

Consultation

20. The Department of the Prime Minister and Cabinet was informed of this Cabinet paper. The Pharmaceutical Agency Limited (PHARMAC) was consulted in the development of the Regulations.
21. The following departments and agencies were consulted on this paper: Department of Corrections, Ministry of Business, Innovation and Employment; Ministry of Defence; Ministry of Justice; Ministry of Social Development; Ministry of Transport; State Services Commission; The Treasury and the Accident Compensation Corporation. The Ministry for Women were also informed of the paper.
22. The Ministry of Health consulted on the draft Regulations with the Nursing Council of New Zealand.

Recommendations

18. I recommend that the Committee:
 1. **note** that on 4 November 2015, the Cabinet Social Policy Committee agreed:
 - a) regulations should be made to authorise certain nurses as designated prescribers under the Medicines Act 1981 and to allow the Nursing Council of New Zealand (the Nursing Council to set the qualifications, training and competence requirements [CAB15-Min-0198 refers]
 - b) that the Misuse of Drugs Regulations 1977 be amended to authorise certain designated registered nurse prescribers to prescribe certain controlled drugs and that the length of supply of these drugs be extended from three to seven days [CAB15-Min-0198 refers].
 2. **note** that the Medicines (Designated Prescriber-Registered Nurses) Regulations 2016 and the Misuse of Drugs Amendment Regulations 2016 will give effect to the decision, referred to in recommendation 1 above
 3. **agree** that regulation 21(4)(b) of the Misuse of Drugs Regulations 1977 be revoked because it is in conflict with the amendment to allow designated registered nurses to prescribe controlled drugs for a 7 day period.

4. **note** a technical amendment had been made to Schedule 1B of the Misuse of Drugs Regulations 1977 to correct an error.
5. **authorise** the submission to the Executive Council of the Medicines (Designated Prescriber-Registered Nurses) Regulations 2016 and the Misuse of Drugs Amendment Regulations 2016.

Hon Dr Jonathan Coleman

Minister of Health