

Information for Applicants

Review of a decision of an application to prescribe narcotic substances under Section 59E of the *Tasmanian Poisons Act 1971*

Following the “*Report: A review of Opioid Prescribing in Tasmania - A Blueprint for the Future (2012)*”, formal review arrangements have been introduced for authorities issued under Section 59E of the *Tasmanian Poisons Act 1971* (the Act). Medical practitioners and patients or carers may now request a review of an authority issued under that section. The introduction of this process has been supported by the Tasmanian Ombudsman’s Office.

Narcotic drugs, such as morphine and oxycodone, are effective for some people in certain circumstances for the treatment of pain. They are also capable of causing substantial harms to an individual’s health and to the community generally.

The Act provides for the Secretary of the Department to issue an authority to a medical practitioner for extended treatment with narcotic substances. The Pharmaceutical Services Branch administers the Act and pharmacists in the Branch are appointed as delegates of the Secretary for decisions on Section 59E. Application to prescribe narcotic drugs, under Section 59E, is necessary when treatment is for greater than two months, immediately for some substances or where a patient is declared drug dependent. Doctors may be asked to provide additional information to support their applications, including reports from specialists involved in the care of the patient. In addressing patient safety and public health concerns, the authority in some circumstances may include conditions. On some occasions, applications for authority may be refused.

Where a delegate has put conditions on an authority or has refused to issue an authority, a medical practitioner, a patient, or their carer, may make application to request a review of the decision. Grounds for review may be clinical in nature or relate to other facts relevant to the application.

The review will be dealt with by an officer of the Department of Health. This officer will be an alternate Pharmaceutical Services Branch delegate to the one making the original decision and depending on the reasons for the review, the delegate may take medical advice from an alternate consultant medical officer or from a newly constituted panel of medical specialists. The delegate undertaking the review may request additional information, for example specialist reports or test results, to support the submission and to enable a decision to be made.

In the circumstances of a carer lodging an application to review, consent must be obtained from the patient prior to submission of the application. It is also recommended that a patient or carer discuss the matter with their medical practitioner before lodging a review application.

A copy of the *Application for Review* form is available at the Pharmaceutical Services Branch website at www.dhhs.tas.gov.au/psbtas.