

Misuse of Drugs Amendment Regulations 2022 – FAQs

When do the changes under the Misuse of Drugs Amendment Regulations 2022 come into effect?

The Misuse of Drugs Amendment Regulations 2022 will come into effect on 22 December 2022. The amendment regulations can be viewed at

<https://www.legislation.govt.nz/regulation/public/2022/0303/latest/LMS784021.html>

What do the changes mean for how controlled drugs are prescribed on the NZePS?

From 22 December 2022 signature-exempt prescriptions for controlled drug medicines will be enabled when prescribing through the NZePS. Prescribers will no longer need to provide a hard copy, signed version of any prescription for a controlled drug as long as they generate the script using an approved system which is integrated with the NZePS.

More detailed information, about how this may work in practice for you, can be found at

<https://www.health.govt.nz/our-work/digital-health/other-digital-health-initiatives/emedicines/new-zealand-eprescription-service>

What do the changes mean for the amount of Class B drug than can be prescribed on the NZePS?

A description of the changes can be found at <https://www.health.govt.nz/news-media/news-items/expansion-new-zealand-eprescription-service-include-controlled-drug-medicines>

The changes establish an exemption clause which allows certain prescribers (medical practitioners, nurse practitioners, designated prescriber pharmacists, and designated prescriber nurses) to issue 3-month **NZePS** prescriptions for Class B controlled drugs. Prescribers must (under reg 31A(6A)) direct on that script the appropriate number of intervals for dispensing, which can be on 3 or more occasions (no more than 1 months' worth at a time).

This change only affects the period of supply that a **Class B, NZePS** prescription can cover. The maximum dispensing amount has not changed and remains at a quantity that must not exceed supply

for a period of 1 month. Prescribers must continue to take a cautious approach to prescribing controlled drug medicines.

The immediate impact of these changes will be minimal as prescribers and dispensers are still required to meet the rules of the Pharmaceutical Schedule, which limits the amount of Class B controlled drugs that can be prescribed or dispensed to be eligible for subsidy.

What about scripts that are not for Class B controlled drugs on the NZePS?

The **existing restrictions** remain for any scripts not covered under the exemption. In other words, the exemption only applies to prescriptions for **Class B controlled drugs that are issued through NZePS**.

For designated pharmacist prescribers and designated nurse prescribers this means that **existing supply restrictions remain for non-NZePS prescriptions**. Designated pharmacist prescribers can only prescribe

3-days' worth of Class B (when not through NZePS) and Class C controlled drugs; designated nurse prescribers can only prescribe 7-days' worth of Class B (when not through NZePS) and Class C controlled drugs.

What about Class C controlled drugs? What can be prescribed?

All controlled drugs will now be able to be prescribed on the NZePS without also needing a signed, hard copy version.

However, there has been no increase to the maximum prescribing amounts for Class C controlled drugs. Regardless of whether NZePS is used or not, regulations 21(4) and (5) remain, and designated pharmacist prescribers can only prescribe 3-days' worth of Class C controlled drugs; designated nurse prescribers and dentists can only prescribe 7-days' supply; and medical prescribers and nurse practitioners can prescribe 3-months' supply.

Why was the duration of supply for Class C controlled drugs prescribed by designated pharmacist prescribers and designated nurse prescribers not changed?

The amendment extended the length of supply for Class B controlled drugs if prescribed using the NZePS (the approved system). No change was made to the regulations to provide the same extension for Class C controlled drugs.

The Ministry of Health will be reviewing the impact of these changes and exploring further improvements that could be made to prescribing regulations.

Have the Pharmaceutical Schedule funding rules for Class B controlled drugs changed?

No. Prescribers will still be required to operate within the limits of the Pharmaceutical Schedule managed by Pharmac. As a result of the amendments to the regulations, Pharmac is currently consulting on proposed amendments to the Pharmaceutical Schedule to determine what appropriate controls should be placed on specific Class B controlled drug medicines.

You can have your say on the proposed amendments by making a submission before 21 December 2022: <https://pharmac.govt.nz/news-and-resources/consultations-and-decisions/2022-11-28-proposal-to-amend-pharmaceutical-schedule-rules-on-prescribing-and-dispensing-of-class-b-controlled-drugs/>.

Does this mean NZePS prescriptions for Class B controlled drugs will NOT require a signature but can still only be funded for one month supply, until amendments are made to the Pharmaceutical Schedule?

Yes. The Misuse of Drugs Amendment Regulations 2022 come into effect on 22 December 2022 and will remove the signature requirement for controlled drug NZePS scripts. However, to receive funded medicines the Pharmaceutical Schedule rule must be followed. The current rule states that Class B Controlled Drugs will be subsidised 'only a quantity sufficient to provide treatment for a period of up to 1 month in total (or up to 5 days when prescribed by a Dentist)'.

Will the period of validity for NZePS prescriptions change from 7 days to 3 months for Class B controlled drugs?

The period of validity for Class B controlled drugs will remain at 7 days for both NZePS and non-NZePS scripts after the Misuse of Drugs Amendment Regulations 2022 come into effect on 22 December 2022.

Do the amended regulations affect the upcoming reclassification of fentanyl, zopiclone, zolpidem and tramadol?

The Misuse of Drugs Amendment Regulations 2022 have no impact on the upcoming reclassifications of fentanyl, zopiclone, zolpidem and tramadol under the Misuse of Drugs (Classification and Presumption of Supply) Order 2022. The details of these reclassifications are set out in the following table.

Controlled drug	Reclassification date	Reclassification
Fentanyl	1 July 2023	B1
Zopiclone and Zolpidem	1 July 2023	C5
Tramadol	1 October 2023	C2

Please note that each of these controlled drugs will be subject to the Misuse of Drugs Regulations 1977
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as and when its reclassification comes into effect under the Misuse of Drugs (Classification and Presumption of Supply) Order 2022. Further information on this will be available closer to the commencement dates.