

Legislative Council—No 80

As introduced and read a first time, 15 October 2020

South Australia

**Health Practitioner Regulation National Law
(South Australia) (Telepharmacy) Amendment
Bill 2020**

A BILL FOR

An Act to amend the *Health Practitioner Regulation National Law (South Australia) Act 2010*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Health Practitioner Regulation National Law (South Australia) (Telepharmacy) Amendment Act 2020*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Health Practitioner Regulation National Law (South Australia) Act 2010*

4—Amendment of section 43—Supervision of pharmacies by pharmacists

Section 43—after subsection (1) insert:

- 15 (1a) Subsection (1) does not to apply to a person who carries on a pharmacy business in circumstances where—
- 20 (a) the person is authorised by the Authority to operate the pharmacy business without a pharmacist being physically in attendance at the pharmacy; and
 - (b) a pharmacist is, by means of Internet or other electronic communication (other than communication of a kind specified by the Authority), in attendance during any period the pharmacy business is operating and is available for consultation by members of the public.

(1b) The Authority must not grant an authorisation under subsection (1a)(a) unless satisfied that—

(a) the authorisation is necessary to ensure that pharmacy services are available to persons who would not otherwise have direct and timely access to such services; and

(b) a pharmacy services provider who is proposed to provide pharmacy services as part of the operation of the pharmacy business without a pharmacist being physically in attendance at the pharmacy has taken all reasonable steps to ensure that the provider will, at all times, comply with a code of conduct applying to the provider under this Act in respect of such operation.

(1c) An authorisation granted under subsection (1a)(a) may be subject to any conditions that the Authority considers appropriate in the circumstances of the particular case.

5—Amendment of section 46—Conditions

Section 46—after subsection (5) insert:

(6) A condition of the registration of a pharmacy that is inconsistent with section 43(1a) will, to the extent of the inconsistency, be taken to be modified to give effect to that section.