



Department of Health

Secretary

24 FEB 2012

e2568930



50 Lonsdale Street
GPO Box 4541
Melbourne Victoria 3001
DX 210311
www.health.vic.gov.au
Telephone: 1300 253 942
Facsimile: 1300 253 964

Ms Lidia Lo Giusto
Coroner's Registrar
Coroners Court of Victoria
Level 11, 222 Exhibition Street
MELBOURNE VIC 3000

Dear Ms Lo Giusto

Court Reference: 2510/2005 Rory [REDACTED]

I am writing in response to your letter dated 14 December 2011 in relation to Coroner Jennifer Tregent's recommendation, to the Department of Health (the department), made on the above case.

The department's response to the Coroner's recommendation is as follows:

Recommendation:

1. *That the Department of Health undertake regular audits of its records to ascertain if any medical practitioner is obtaining a disproportionately high number of permits for schedule 8 drugs compared with usual practice of other practitioners and investigate why.*

The department's response:

In making her recommendation, the Coroner noted that the department does not currently monitor individual medical practitioners and their provision of prescription medication pursuant to permits. However, the department monitors individual medical practitioners in other ways.

The permit system for Schedule 8 poisons is primarily intended to enable treatment with Schedule 8 poisons to be co-ordinated and monitored to prevent concurrent prescribing by more than one practitioner. A permit does not represent an endorsement of any particular treatment and the department does not regulate the clinical judgment of registered health practitioners.

The Drugs, Poisons and Controlled Substances Regulations 2006 (the Regulations) require a medical practitioner to take all reasonable steps to ensure that a therapeutic need exists when prescribing a Schedule 8 poison and the responsibility of ensuring that the prescribed medication and the prescribed dosage are safe and appropriate rests with the prescriber and the dispensing pharmacist.

Medical practitioners with higher numbers of Schedule 8 permits are typically those whose areas of practice may require frequent prescribing of Schedule 8 poisons. They are often specialist practitioners with greater expertise in the use of Schedule 8 poisons and the fact that they have obtained permits is indicative of compliance with the *Drugs Poisons and Controlled Substances Act 1981* (the Act) rather than possible improper prescribing.

The department's monitoring activities have been developed to identify medical practitioners who prescribe and supply prescription medications in contravention of the Act and Regulations, including practitioners who fail to obtain Schedule 8 permits or prescribe in excess of the limits of permits that have been issued.

The process involves the assessment of information that is notified to the department by health practitioners or obtained by departmental officers during prescription-monitoring, auditing and investigative activities. Interventions are promptly initiated to address prescribing that appears to be unlawful, unsafe or inappropriate with the corresponding practitioners to be subsequently educated, counselled, prosecuted and/or referred to their registration board.

The auditing activity that this recommendation proposes is not considered an effective alternative to the department's current process and therefore the recommendation is not accepted.

If you require further information, please contact Mr Matthew McCrone, Chief Officer, Drugs and Poisons Regulation on 9096 5066 or email matthew.mccrone@health.vic.gov.au.

Yours sincerely



Lance Wallace
Acting Secretary