



Newfoundland & Labrador Pharmacy Board

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NOTICE TO PHARMACISTS

Filling Prescriptions from Out-of-Province Prescribers

On May 28, 2009 an amendment was made to the *Pharmacy Act* to allow for prescriptions written by prescribers licensed and practicing in another province of Canada to be filled in this province. Below is a selection of anticipated questions about this long-anticipated regulatory change.

Frequently-Asked Questions

1. Can I now fill a prescription from a prescriber licensed to practice in another country but not in Canada?

No, this change only applies to prescribers licensed and practicing in a province or territory of Canada, as indicated in section 2(p)(v) of the *Pharmacy Act*. (see the attached Appendix)

2. Can I only fill prescriptions written by physicians, or are prescriptions from other types of prescribers acceptable as well?

Sections 2(p)(v) and 24.1(a) of the *Pharmacy Act* do allow for pharmacists to dispense a prescription written by any prescriber as long as he or she is licensed to practice in a province or territory of Canada. However, section 24.1(b) states that the prescriber also must belong to a class of persons who would be entitled by law to prescribe that drug if he or she was licensed to practice in Newfoundland and Labrador. Right now, the only practitioners entitled to prescribe in Newfoundland and Labrador are: medical practitioners (physicians), dentists, veterinarians, optometrists and nurse practitioners.

For example, a prescription from a nurse practitioner in British Columbia would be acceptable in NL as long as it was within their scope of practice of a nurse practitioner in NL. However, a prescription from a naturopath who may be able to prescribe in British Columbia would not be acceptable in NL since naturopaths do not have prescribing authority in NL.

3. What information about these prescribers should I record in my practice management system (pharmacy computer)?

The full name and address of the prescriber as well as the category of prescriber (i.e. physician, dentist, etc.) must be recorded. The registration or ID number of the prescriber and his or her telephone number should also be recorded if it is available. Registers of licensed practitioners across the country can often be found on their respective websites. Websites that may be of use in verifying prescriber information include:

- for physicians: Federation of Medical Regulatory Authorities of Canada (www.fmrac.ca)
- for nurse practitioners: Canadian Nurses Association (www.cna-aiic.ca/CNA/about/members/provincial/default_e.aspx)
- for dentists: Canadian Dental Regulatory Authorities Federation (www.cdraf.org/english/members.html)

4. How will this work with the Pharmacy Network?

The way in which out of province prescriptions will be documented in the Pharmacy Network will be determined by the Newfoundland and Labrador Centre for Health Information (NLCHI). The Pharmacy Board has consulted

with NLCHI on the information that pharmacists will likely need to know with respect to documenting out of province prescriptions on the Network. Please see the NLCHI Pharmacy Network User Guide for more information.

5. What does the phrase “as long as the pharmacist takes reasonable steps” in section 24.1(b) mean, and who will determine what is reasonable?

Pharmacists will be expected to take the same reasonable steps to ensure that an out of province prescriber is licensed and practising in Canada that they would have taken up till now to ensure that a prescriber unknown to them was licensed to practise in this province.

As with any prescription, even for those ordered by prescribers licensed in NL, pharmacists are expected to use due care and caution to verify both the identity of the prescriber and the validity of the prescription before deciding to dispense the prescription. Prescriptions should not be dispensed if the pharmacist is not convinced of the identity of the prescriber and the validity of the prescription.

What constitutes “reasonable steps”, should the question arise, would be determined by the Newfoundland and Labrador Pharmacy Board.

6. Can a pharmacist accept a prescription for a drug on the Tamper-Resistant Prescription Drug Pad Program?

The requirements of the TRPDP program with respect to out of province prescriptions will be determined by the Pharmaceutical Services Division of the Department of Health and Community Services, who are responsible for the program under the Pharmaceutical Services Act. The Pharmacy Board has consulted with Pharmaceutical Services Division on the information that pharmacists will likely need to know with respect to handling out of province prescriptions for drugs covered by the TRPDP program.

Pharmacists should also bear in mind that the federal Controlled Drugs and Substances Act (CDSA) only permits physicians, dentists and veterinarians to prescribe narcotics, controlled drugs and targeted substances (benzodiazepines).

7. Will third party payers such as NLPDP and Medavie Blue Cross pay for these prescriptions written by an out of province prescriber?

Third party payment issues are outside of the mandate of the Pharmacy Board. Questions about billing third party claims for out of province prescriptions should be directed to the Pharmacists’ Association of Newfoundland and Labrador (PANL).

8. Can we now transfer prescriptions from outside of Newfoundland and Labrador?

Yes, transfers of prescriptions for Schedule F drugs from prescribers licensed and practicing in other provinces of Canada can be accepted following the same requirements for transferring prescriptions within this province.

Remember that federal regulations do not permit refills on prescriptions for narcotics or controlled drugs and the transfer of part-fills of prescriptions for such drugs is not permitted by the CDSA.

Appendix

Until recently, when asked whether or not Newfoundland and Labrador pharmacies could accept and fill prescriptions from prescribers, the answer from the Board was “no” based on the fact that the *Pharmacy Act* had defined a prescription to be”

- 2.(p) “an instruction given orally or in writing by
- i) a medical practitioner as defined in the *Medical Act*,
 - ii) a dentist as defined in the *Dental Act*,
 - iii) a veterinarian as defined in the *Veterinary Medical Act*, or
 - (iii.1) an optometrist as defined in the *Optometry Act, 2004*, or
 - iv) a nurse practitioner as defined in the *Registered Nurses Act*
- directing that a drug be dispensed to or for a person or animal.”

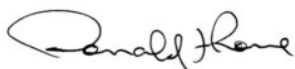
Since the *Medical Act* considers a medical practitioner to be a person licensed to practice medicine in the Province of Newfoundland and Labrador (i.e. licensed with the College of Physicians and Surgeons of Newfoundland and Labrador), prescriptions from physicians not licensed in Newfoundland and Labrador were not valid in this province.

However, on May 28, 2009 the House of Assembly passed Bill 12 making the following amendments to the *Pharmacy Act*: (the words underlined are additions to the Act):

- 2.(p) “prescription” means an instruction given orally or in writing by
- (i) a medical practitioner as defined in the *Medical Act*,
 - (ii) a dentist, as defined in the *Dental Act*, ~~or~~
 - (iii) a veterinarian as defined in the *Veterinary Medical Act, 2004*,
 - (iii.1) an optometrist as defined in the *Optometry Act, 2004*, ~~or~~
 - (iv) a nurse practitioner as defined in the *Registered Nurses Act*, or
 - (v) a prescriber licensed to practice in a province or territory of Canada other than Newfoundland and Labrador, in accordance with section 24.1.
- directing that a drug be dispensed to or for a person or animal;

- 24.1 A pharmacist may dispense a drug pursuant to a prescription authorized by a prescriber licensed to practice in a province or territory of Canada other than Newfoundland and Labrador if the pharmacist has taken reasonable steps to ensure that
- (a) the prescriber is licensed and practises in Canada; and
 - (b) the prescriber belongs to a class of persons who, if licensed in Newfoundland and Labrador, would be entitled by law to prescribe that drug in Newfoundland and Labrador.

This amendment to the Act was given Royal Assent on May 28, 2009 and is now in effect. Therefore it is now acceptable to fill prescriptions from prescribers licensed and practising in other provinces of Canada, but not licensed in Newfoundland and Labrador, as long as the conditions set out in section 24.1 above are met.



Donald F. Rowe
Secretary-Registrar
June 5, 2009