

A Guide to the Prescription Monitoring Regulations

November 1, 2005

Introduction

The purpose of this guide is to provide an interpretation of the *Prescription Monitoring Regulations* for pharmacists. It consists of three sections.

The first section lists questions, with answers, about the regulations. Each question references the specific regulation it addresses.

The second section, beginning on page 9, provides the complete *Prescription Monitoring Regulations* from the government website for further reference.

The third section, beginning on page 21, provides the *Prescription Monitoring Act* from the government website also for reference.

Questions and Answers About the Prescription Monitoring (PM) Regulations

Regulation

2(1)(c) Q Do all pharmacies have to comply with the PM regulations?

A Yes. Reg 2(1)(c) requires all pharmacies (including hospital pharmacies) to comply with the regulations.

Q Does that mean all prescriptions for monitored drugs have to be written on prescription pads issued by the PMP?

A No. Reg 13(2) states that prescribers **do not have to use** PMP prescription pads when they write prescriptions for monitored drugs for:

- < Residents of nursing homes or homes for the aged (as defined by or subject to the *Homes for Special Care Act*);
- < In-patients in a hospital; and
- < Inmates in federal correctional centres or penitentiaries.

Note, however, that while prescriptions for these individuals can be filled from a regular prescription form, all applicable federal legislation regarding the prescribing and dispensing of these drugs must be followed.

2(2)(a) Q Do the PM regulations apply to certified dispensers?

A Yes. Reg 2(2)(a) includes certified dispensers in the definition of a “pharmacist”.

2(2)(b) Q Do the PM regulations apply to all prescribers?

A No. Reg 2(2)(b) excludes veterinarians, so veterinarians do not have to use the PMP prescription pads. Note, however, that while prescriptions for monitored drugs written by veterinarians are not monitored by the PMP at this time, they are subject to all applicable federal legislation.

Note: The PMP is no longer issuing blank prescription pads. Reg 5(1) requires prescribers who prescribe monitored drugs to register with the PMP. Prescribers who do not register with the PMP do not receive PMP prescription pads and therefore cannot prescribe monitored drugs. If a pharmacist electronically submits a prescription for a monitored drug written by a prescriber who is not registered with the PMP, the pharmacist will receive an error message from the PMP that the prescriber is ineligible. The pharmacist will receive the same response when a prescriber’s prescribing privileges for monitored drugs have been suspended.

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Q Can one prescriber use another prescriber's PMP prescription pad to write a prescription?

A No. Reg 17 prohibits this. The computerized PMP system assigns prescription pad numbers to specific prescribers by linking the pad numbers to the prescriber's PMP identification number. Therefore, a pharmacist will receive an error message from the PMP if they electronically submit a prescription written by a prescriber whose PMP identification number does not match the PMP prescription pad number.

2(2)(c) Q Are people from another province or another country required to have prescriptions for monitored drugs written on PMP prescription pads?

A Yes. Reg 2(2)(c) requires a visitor from another province or country who has a prescription filled for a monitored drug in Nova Scotia to have their prescription written on a PMP prescription pad. The only exceptions [refer to Reg 13(2)] are when the visitor is:

- < A resident of a nursing home or a home for the aged (as defined by or subject to the *Homes for Special Care Act*);
- < An in-patient in a hospital; or
- < An inmate in a federal correctional centre or penitentiary.

Note, however, that while prescriptions for these individuals can be filled from a regular prescription form, all applicable federal legislation regarding the prescribing and dispensing of these drugs must be followed.

Q What about people who have a prescription for a monitored drug that has been written by a prescriber from another province?

A If the prescriber is from another province and has not registered with the PMP (and therefore does not have their own PMP prescription pad), the person will need to have a prescriber registered with the Program write the prescription on a PMP prescription pad. Again, the only exceptions [refer to Reg 13(2)] are when the person is:

- < A resident of a nursing home or a home for the aged (as defined by or subject to the *Homes for Special Care Act*);
- < An in-patient in a hospital; or
- < An inmate in a federal correctional centre or penitentiary.

Note, however, that while prescriptions for these individuals can be filled from a regular prescription form, all applicable federal legislation regarding the prescribing and dispensing of these drugs must be followed.

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3 Q What drugs are monitored by the PMP?

- A** Any drug that is a controlled drug under the *Controlled Drugs and Substances Act* (Canada) and is listed in the Schedules of that Act **except**:
- < Testosterone, when dispensed as a compound for topical application for local effect; and
 - < Benzodiazepines.

5(1) Q Do all prescribers have to register with the PMP?

- A** No. Veterinarians [refer to Reg 2(2)(b)] do not have to register with the PMP and therefore do not have to use the PMP prescription pads for monitored drugs. Their prescriptions are, however, subject to all applicable federal legislation.

Reg 5(1) requires prescribers who prescribe monitored drugs to register with the PMP. Prescribers who do not register with the PMP do not receive PMP prescription forms and therefore cannot prescribe monitored drugs. If a pharmacist electronically submits a prescription for a monitored drug written by a prescriber who is not registered with the PMP, the pharmacist will receive an error message from the PMP that the prescriber is ineligible. The pharmacist will receive the same response when a prescriber's prescribing privileges for monitored drugs have been suspended.

Note: At this time, the prescribing of monitored drugs is outside the scope of practice for optometrists and nurse practitioners. Therefore, they are not eligible to register as prescribers.

5(2) Q Do all pharmacists, certified dispensers and pharmacies have to register with the PMP?

- A** Reg 5(2) requires all pharmacists, certified dispensers and pharmacies dispensing monitored drugs to register with the PMP. If a pharmacist or certified dispenser, who is not registered with the PMP, electronically submits a prescription for a monitored drug, the pharmacist will receive an error message from the PMP that the pharmacist is ineligible. If a pharmacy, which is not registered with the PMP, electronically submits a prescription for a monitored drug, an error message will be returned from the PMP indicating the pharmacy is ineligible.

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10(2) Q Do all pharmacists, certified dispensers and pharmacies have to notify the PMP of address changes?

A Yes. Reg 10(2) requires all pharmacists, certified dispensers and pharmacies to notify the PMP of address changes within 10 business days of the change.

10(3) & (4) Q Do all pharmacies have to notify the PMP when they change ownership or close?

A Yes Regs 10(3) and (4) require pharmacies to notify the PMP no later than 10 business days **before** the date of closure or change of ownership.

13(2) Q Do all prescriptions for monitored drugs have to be written on prescription pads issued by the PMP?

A No. Reg 13(2) states that prescribers **do not have to use** PMP prescription pads when they write prescriptions for monitored drugs for:

- < Residents of nursing homes or homes for the aged (as defined by or subject to the *Homes for Special Care Act*);
- < In-patients in a hospital; and
- < Inmates in federal correctional centres or penitentiaries.

Therefore, while pharmacies can fill prescriptions for these three groups of individuals when they are written on a regular prescription form, all applicable federal legislation regarding the prescribing and dispensing of these drugs must be followed.

14 Q Do physicians and dentists have to use PMP prescription pads when they request monitored drugs from pharmacies for use in their office?

A Yes. Reg 14 requires physicians and dentists to use the PMP prescription form when they request a monitored drug from a pharmacy for use in their office.

17 Q Can one prescriber use another prescriber's PMP prescription pad to write a prescription?

A No. Reg 17 prohibits this. The computerized PMP system assigns prescription pad numbers to specific prescribers by linking the pad numbers to the prescriber's PMP identification number. Therefore, a pharmacist will receive an error message from the PMP if they electronically submit a

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prescription written by a prescriber whose PMP identification number does not match the PMP prescription pad number.

19 Q Can a prescriber prescribe more than one drug on a PMP prescription pad?

A No. Reg 19 prohibits this. The computerized PMP system will only accept one drug per PMP prescription pad number. If a pharmacist electronically submits a second prescription for a different drug using the same PMP prescription pad number, they will receive an error message from the PMP. In this situation, the patient will have to have their prescriber write a separate prescription on another PMP prescription pad for the second monitored drug.

Q What if the pharmacist has to fill a prescription using two different strengths of the same drug?

A The computerized PMP system will electronically accept a prescription for two or more strengths of the same drug written on one PMP prescription pad number. Each strength may be claimed as a “new” prescription using the same PMP prescription pad number provided the claims are for the same patient and from the same prescriber.

Note: The days supply is to be entered as calculated because the PMP system does not currently send error messages on days supply.

Q How are part-fills submitted electronically?

A The computerized PMP system will accept the first part-fill of a prescription as a “new” prescription. Subsequent part-fills will be accepted as “refills” using the same PMP prescription pad number.

22(1) Q Can a prescription for a monitored drug be filled if the PMP prescription pad is not fully completed?

A Reg 22(1) lists the information that must be on the PMP prescription pad for a pharmacist to fill it. The section has been worded to allow a pharmacist to fill the prescription if the information is not on the form, **but the pharmacist can access the information at some point.** If the missing information is required to electronically submit the prescription to the PMP, the pharmacist may use alternate procedures (Please check with your software vendor.) to fill the prescription and then submit it electronically when the missing information has been obtained. This flexibility is important because the pharmacist must always be able to use their professional judgment to provide

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optimal patient care.

Note: Although prescribers are encouraged to fill in the answer to the question at the top of the PMP prescription pad (“Have you received a Rx on a NSPNP form from another prescriber within the previous 30 days?”), it is not mandatory for the prescriber to answer this question, so pharmacists can fill the prescription when this section is blank.

22(3) Q Reg 22(3) states that a pharmacist must confirm the identity of the person accepting the drug. What does this mean?

A The pharmacist confirms the identity of the individual receiving the prescription by having them sign in the “REC’D BY” section on the PMP prescription pad. The prescription can be picked up by anyone to whom the individual has delegated that task (friend, delivery service, etc.). The regulations give the pharmacist the authority to confirm identification if they have concerns.

25 & 29 Q What information can the PMP and pharmacists exchange?

A Regs 25 and 29 give the PMP and pharmacists the authority to exchange extensive information **provided the sharing of this information achieves the objects of the Program**. The objects of the PMP, as stated in Section 5(2) of the *Prescription Monitoring Act*, are to promote:

- (a) the appropriate use of monitored drugs; and
- (b) the reduction of abuse or misuse of monitored drugs.

While the *Freedom of Information and Protection of Privacy Act* (FOIPOP Act) provides protection for personal information, Section 20 of the *Prescription Monitoring Act* gives the authority for the PMP and pharmacists to share personal information, despite the FOIPOP Act, **provided the information shared achieves the objects of the Program**. This allows pharmacists and the PMP to share information relevant to a person’s use, abuse or misuse of monitored drugs. Personal information, which is not relevant to the person’s use, abuse or misuse of monitored drugs, should not be exchanged.

30 Q What information can pharmacists and prescribers exchange?

A The interpretation of Reg 30 is that despite the FOIPOP Act, pharmacists and prescribers can exchange the same information that pharmacists and the PMP can exchange, **provided the information shared achieves the objects of the**

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Program. This allows pharmacists and prescribers to share information relevant to a person's use, abuse or misuse of monitored drugs. Personal information, which is not relevant to the person's use, abuse or misuse of monitored drugs, should not be exchanged.

The same interpretation allows pharmacists to share information with other pharmacists and prescribers to share information with other prescribers **provided the information shared achieves the objects of the Program.**

31 Q Can the PMP report prescribers, pharmacists or members of the public to professional regulatory authorities or to law enforcement?

A Yes. Section 23(1) of the *Prescription Monitoring Act* gives the PMP the authority to report individuals to law enforcement when the PMP has reasonable grounds to believe an offence has been committed under the *Controlled Drugs and Substances Act* (Canada) or the *Criminal Code* (Canada). Reg 31 lists the information the PMP will provide to law enforcement.

Similarly, Section 23(2) of the *Prescription Monitoring Act* gives the PMP the authority to file a complaint with a prescriber's or a pharmacist's professional regulatory authority when the PMP has reasonable grounds to believe the prescriber or pharmacist **is practicing in a manner inconsistent with the objects of the PMP.** Reg 31 lists the information the PMP will provide to the professional regulatory authority.

Prescription Monitoring Regulations

This consolidation is unofficial and is for reference only. For the official version of the regulations, consult the original documents on file with the Registry of Regulations, or refer to the Royal Gazette Part II.

Regulations are amended frequently. Please check the list of Regulations by Act to see if there are any recent amendments to these regulations filed with the Registry that are not yet included in this consolidation.

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Prescription Monitoring Regulations

made under Section 27 of the
Prescription Monitoring Act
S.N.S. 2004, c. 32

O.I.C. 2005-275 (June 30, 2005, effective July 4, 2005), N.S. Reg. 132/2005

Interpretation

Citation

1 These regulations may be cited as the *Prescription Monitoring Regulations*.

Definitions

2 (1) In these regulations,

- (a) "Act" means the *Prescription Monitoring Act*;
- (b) "compound" means a compound as defined in the *Practice of Pharmacy Regulations* made under the *Pharmacy Act*;
- (c) "pharmacy" means a pharmacy as defined in the *Pharmacy Act* and includes a hospital pharmacy as defined in the *Pharmacy Act*;
- (d) "prescription" means an authorization from a prescriber to dispense a monitored drug;

(e) "prescription form" means a form issued by the Administrator under Section 15 that is used to write a prescription;

(f) "Program identification number" means a unique number of identification assigned to a prescriber under Section 9;

(g) "Program prescription number" means a unique number of identification assigned to a prescription form;

(h) "registrant" means a prescriber, pharmacist or pharmacy who is registered with the Program.

(2) In the Act and these regulations,

(a) "pharmacist" is further defined to include certified dispensers as defined under the *Pharmacy Act*;

(b) "prescriber" is further defined as not including a veterinarian as defined under the *Veterinary Medical Act*;

(c) "resident" is further defined as including a person who is a visitor to Nova Scotia and has a prescription, which may be written by a physician, dentist or optometrist from outside the Province, for a monitored drug.

Monitored Drugs

Designation of monitored drugs

3 Any drug that is a controlled drug under the *Controlled Drugs and Substances Act* (Canada) and is listed in the Schedules to the *Controlled Drugs and Substances Act* (Canada) or any successor legislation is designated as being subject to the Program, except the following:

(a) testosterone, when dispensed as a compound for topical application for local effect;

(b) drugs listed in Parts 1 and 2 of Schedule 1 to the *Benzodiazepines and Other Targeted Substances Regulations* made under the *Controlled Drugs and Substances Act* (Canada).

Release of information on monitored drugs

4 Information on a monitored drug may be released by the Administrator to a registrant in the manner determined by the Board. Registration

Who must register with Program

5 (1) A prescriber who prescribes monitored drugs to residents must register with the Program.

(2) A pharmacist or a pharmacy who dispenses monitored drugs to residents must register with the Program.

Registration application form

6 (1) An application for registration may be made in either electronic or paper form, as determined by the Board.

(2) An application for registration must be provided by the Administrator to a prescriber, pharmacist or pharmacy on request.

Copy of Act and regulations provided to applicant

7 The Administrator must provide an applicant for registration with a copy of the Act and the regulations made under the Act.

Information to be provided with application for registration

8 (1) A prescriber must provide the Administrator with any information about the prescriber requested on a prescriber registration form when applying for registration with the Program, including the following:

- (a) complete given name and surname;
- (b) date of birth;
- (c) country of birth;
- (d) gender;
- (e) year of graduation from medical school or dental school with first medical or dental degree;
- (f) name of medical school or dental school from which first medical or dental degree was obtained;
- (g) country where medical school or dental school from which first medical or dental degree was obtained is located;
- (h) Nova Scotia professional license number issued by the prescriber's licensing authority, if applicable;
- (i) Medical Identification Number of Canada, if applicable;
- (j) medical or dental specialty, if applicable;

- (k) office mailing address;
- (l) office street address;
- (m) office e-mail address;
- (n) office telephone number;
- (o) office facsimile number;
- (p) confirmation that the prescriber is in good standing with their licensing authority;
- (q) sample of signature.

(2) A pharmacist must provide the Administrator with any information about the pharmacist requested on a pharmacist registration form when applying for registration with the Program, including the following:

- (a) complete given name and surname;
- (b) date of birth;
- (c) country of birth;
- (d) gender;
- (e) year of graduation from pharmacy school with first pharmacy degree;
- (f) name of pharmacy school from which first pharmacy degree was obtained;
- (g) country where pharmacy school from which first pharmacy degree was obtained is located;
- (h) Nova Scotia professional license number issued by the College of Pharmacists;
- (i) office mailing address;
- (j) office street address;
- (k) office e-mail address;
- (l) office telephone number;
- (m) office facsimile number;

- (n) confirmation that they are in good standing with their licensing authority;
- (o) sample of signature.

(3) A pharmacy must provide the Administrator with at least the following information about the pharmacy on a pharmacy registration form when applying for registration with the Program:

- (a) operating name;
- (b) store number issued to the pharmacy by the College of Pharmacists;
- (c) mailing address;
- (d) street address;
- (e) e-mail address;
- (f) telephone number;
- (g) facsimile number;
- (h) date the pharmacy began operating;
- (i) confirmation that they are in good standing with their licensing authority.

Program identification number

9 When a prescriber is registered with the Program, the Administrator must assign a Program identification number to the prescriber.

Notifying Administrator of changes to registrant's information

10 (1) The licensing authority of a prescriber, pharmacist or pharmacy who has lost the privilege of prescribing or dispensing monitored drugs must notify the Administrator of the loss of privilege in writing within 1 business day of the date that the prescriber, pharmacist or pharmacy lost the privilege.

(2) A registrant must notify the Administrator in writing of a change in their street or mailing address no later than 10 business days before the change of address comes into effect.

(3) A pharmacy that closes must notify the Administrator in writing no later than 10 business days before the date of closure.

(4) A pharmacy that changes ownership must notify the Administrator in writing no later than 10 business days before the date the change of ownership takes effect and must reapply for registration with the Program.

Registrant's forms and records required under Program

11 The Administrator must inform a registrant about what forms and records they are required to keep under the Program.

Pharmacist or prescriber in good standing with licensing authority

12 A prescriber, pharmacist or pharmacy that is registered with the Program must be in good standing with their licensing authority.

Prescribing Monitored Drugs

Form and manner of prescribing monitored drugs

13 (1) Except as provided in subsection (2), a prescriber must only prescribe a monitored drug in the manner approved by the Board and by using a prescription form.

(2) A prescription does not have to meet the requirements of subsection (1) if the prescription is for one of the following:

- (a) a person in a nursing home, as defined in the *Homes for Special Care Act*;
- (b) a person in a home for the aged that is subject to the *Homes for Special Care Act*;
- (c) a person who is prescribed a monitored drug while an in-patient, as defined in the *Hospital Insurance Regulations* made under the *Health Services and Insurance Act*;
- (d) an inmate in a federal correctional centre or penitentiary.

Monitored drugs used in office of prescriber

14 A prescriber who obtains a monitored drug from a pharmacy for use in their office must order the monitored drug using a prescription form and in the manner approved by the Board.

Prescription forms issued

15 (1) The Administrator must issue prescription forms to a prescriber.

(2) A prescription form must be encoded with all of the following:

- (a) the Program identification number of the prescriber to whom it is issued;
- (b) a Program prescription number.

Responsibility for prescription forms

16 (1) A prescriber is responsible for all prescription forms provided to them by the Administrator and must ensure that all prescription forms in their possession are kept in a secure location.

(2) A prescriber must report all of the following to the Administrator as soon as reasonably possible:

(a) any missing prescription forms;

(b) any prescription forms that may have been stolen.

(3) A prescriber may report the possible theft of any prescription forms to the appropriate law enforcement authority, their licensing authority, pharmacies and other prescribers.

Prescription forms non-transferable

17 Prescription forms must not be transferred between prescribers.

Unused prescription forms

18 A prescriber who is no longer prescribing monitored drugs must return any unused prescription forms to the Administrator no later than 5 days after the date they stop prescribing monitored drugs.

One drug per prescription

19 A prescriber must prescribe only one drug per prescription form.

Copy of prescription kept by prescriber

20 A prescriber must keep a copy of each prescription form for a monitored drug prescribed by them as required by their licensing authority.

Dispensing Monitored Drugs

Form and manner of dispensing monitored drugs

21 (1) A monitored drug must only be dispensed in the manner approved by the Board. **(2)** A monitored drug must only be dispensed if the pharmacist dispensing the drug is provided with a prescription form for the drug.

Required information for dispensing or releasing monitored drugs

22 (1) A monitored drug must only be dispensed by a pharmacist if the following information is provided to the pharmacist or if the pharmacist has access to all of the following information:

(a) the date the prescription was issued;

- (b) the resident's health card number or equivalent provincial, federal or out-of-country number;
 - (c) the resident's complete given name and surname;
 - (d) the resident's date of birth;
 - (e) the resident's gender;
 - (f) the resident's current street address or post office box number and their city or town of residence;
 - (g) the store number assigned to the pharmacy by the College of Pharmacists;
 - (h) the Program prescription number;
 - (i) the date the prescription was dispensed;
 - (j) the prescription number assigned by the pharmacy;
 - (k) the drug identification number assigned by the Health Canada Therapeutics Products Directorate;
 - (l) the generic or proprietary name of the monitored drug;
 - (m) the quantity of the monitored drug in arabic numbers and spelled out in English;
 - (n) the number of days the monitored drug is supplied for;
 - (o) the prescriber's signature, or an electronic equivalent;
 - (p) the prescriber's Program identification number;
 - (q) the prescriber's office mailing address;
 - (r) the signature, or an electronic equivalent, of the person who is accepting the dispensed monitored drug.
- (2) Any of the information listed in subsection (1) must be provided by the pharmacist to the Administrator on request.
- (3) Before releasing a monitored drug, a pharmacist must confirm the identity of the person accepting the drug.

Copy of prescription kept by pharmacy

23 A pharmacy must keep a copy of each prescription form for a monitored drug that is dispensed by them as required by their licensing authority.

Void prescriptions

24 (1) The Board must prescribe circumstances under which a prescription is deemed to be void under these regulations.

(2) A prescriber or pharmacist must notify the Administrator as soon as they become aware of a prescription that is deemed to be void.

(3) A prescription that is deemed to be void must not be dispensed.

Program Information**Information requested by Administrator to achieve objects of Program**

25 Information that may be requested by the Administrator under Section 18 of the Act to achieve the objects of the Program includes information about any of the following:

(a) the prescribing of monitored drugs;

(b) the compounding of monitored drugs;

(c) the dispensing of monitored drugs;

(d) the drug utilization of monitored drugs;

(e) clinical records;

(f) a resident's record;

(g) a resident's chart;

(h) a resident's health card number or equivalent provincial, federal or out-of-country number.

How information provided to Administrator

26 (1) Information provided to the Administrator must be provided within the time specified by the Administrator.

(2) A registrant must provide any information required to be provided to the Administrator in either electronic or paper form, as required by the Board.

Information not to be provided to Administrator

27 If a complaint has been initiated with a licensing authority under their regulating statute, the licensing authority, the registrar or any other employee of the licensing authority must not give the Administrator any of the following:

- (a) information about the complaint or the complainant, until the disciplinary process under their regulating statute has ended;
- (b) the complainant's name, at any time.

How information kept under Program

28 The Administrator must keep all information gathered under the Program about registrants and residents in the manner determined by the Board.

Information released by Administrator

29 Information that may be released by the Administrator under subclause 12(2)(e)(iii) or Section 20 of the Act to any prescriber, pharmacist or licensing authority must be released in the manner determined by the Board.

Information exchanged between prescribers and pharmacists

30 Prescribers and pharmacists may exchange information about a resident that is released by the Administrator under subclause 12(2)(e)(iii) or Section 20 of the Act.

Program information that must be provided to law enforcement authority

31 The following information must be communicated when information is communicated to the appropriate law enforcement authority under subsection 23(1) of the Act, or the appropriate licensing authority under subsection 23(2) of the Act:

- (a) the resident's name;
- (b) the resident's address;
- (c) an identification of the monitored drug or drugs in use;
- (d) the number of prescriptions dispensed and the date each one was dispensed;
- (e) the number of prescribers.

Board and Committees

Reimbursement of expenses for Board, committees and sub-committees

32 In accordance with Section 10 of the Act, travel expenses, meals and gas

mileage to attend Board, committee or subcommittee meetings are eligible for reimbursement in accordance with the rate paid to public servants of the Province.

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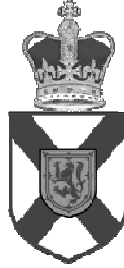
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Prescription Monitoring Act

BILL NO. 107

(as passed, with amendments)



*1st Session, 59th General Assembly
Nova Scotia
53 Elizabeth II, 2004*

Government Bill

Prescription Monitoring Act

CHAPTER 32 OF THE ACTS OF 2004

The Honourable Angus MacIsaac
Minister of Health

First Reading: September 28, 2004 ([LINK TO BILL AS INTRODUCED](#))
Second Reading: October 1, 2004
Third Reading: October 14, 2004 ([WITH COMMITTEE AMENDMENTS](#))
Royal Assent: October 18, 2004



An Act to Monitor the Prescribing of Certain Drugs

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Prescription Monitoring Act*.

2 In this Act,

(a) "Administrator" means the agency or person designated by the Minister to administer the Program;

(b) "Board" means the Nova Scotia Prescription Monitoring Board established by this Act;

- (c) "College of Pharmacists" means the Nova Scotia College of Pharmacists;
- (d) "College of Physicians and Surgeons" means the College of Physicians and Surgeons of Nova Scotia;
- (e) "director" means a director of the Board;
- (f) "licensing authority" means the College of Physicians and Surgeons, the College of Pharmacists, the Provincial Dental Board or other professional licensing body designated as a licensing authority by the regulations;
- (g) "member" means a person who is registered with a licensing authority and holds a licence;
- (h) "Minister" means the Minister of Health;
- (i) "monitored drugs" means those drugs designated by the regulations as being subject to the Program;
- (j) "non-nominal data" means data that does not contain any personal identifiers;
- (k) "personal information" means personal information as defined in the Freedom of Information and Protection of Privacy Act;
- (l) "pharmacist" means a person licensed to practise pharmacy pursuant to the Pharmacy Act;
- (m) "prescriber" means a person who is entitled under the laws of the Province to prescribe monitored drugs;
- (n) "Program" means the prescription-monitoring program established and operated by the Board;
- (o) "Provincial Dental Board" means the Provincial Dental Board of Nova Scotia;
- (p) "registrar" means a person holding the office of the registrar, or its equivalent, for a licensing authority;
- (q) "resident" means a resident as defined pursuant to the Health Services and Insurance Act.

3 There is hereby constituted a body corporate to be known as the Nova Scotia Prescription Monitoring Board.

4 The Board has the capacity, rights, powers and privileges of a natural person.

5 (1) The Board shall establish and operate a prescription-monitoring program for the Province.

(2) The objects of the Program are to promote

- (a) the appropriate use of monitored drugs; and
- (b) the reduction of the abuse or misuse of monitored drugs.

6 The Board shall

- (a) recommend drugs for designation by the Governor in Council as monitored drugs to further the objects of the Program;
- (b) evaluate the effectiveness of the Program in furthering its objects;
- (c) provide policy direction to the Administrator regarding the Program;
- (d) make recommendations to the Governor in Council respecting regulations that the Board considers necessary or advisable to carry out the Program effectively;
- (e) provide advice and recommendations to the Minister; and
- (f) perform other duties and functions assigned to it by the Minister.

7 (1) The Board consists of

- (a) three directors each of whom represents one of the licensing authorities and is nominated by the governing body of that licensing authority and appointed by the Governor in Council;
- (b) the Registrar of the College of Physicians and Surgeons or a designate of the Registrar;
- (c) the Registrar of the Provincial Dental Board or a designate of the Registrar;
- (d) the Registrar of the College of Pharmacists or a designate of the Registrar;
- (e) two directors appointed by the Governor in Council who are not members of a licensing authority and who are not in a position of real or perceived conflict of interest; and
- (f) two non-voting directors from the Department of Health appointed by the Governor in Council.

(2) Where a registrar or designate who holds office pursuant to clause (1)(b), (c) or (d) is not a member of the licensing authority with respect to which the registrar or designate holds office, the director appointed for that licensing authority pursuant to clause (1)(a) must be a member of that licensing authority.

(3) Each director holds office for a term of three years and may be re-appointed.

(4) Notwithstanding subsection (3),

(a) the terms of office for the directors appointed pursuant to clause (1)(a) upon the first appointment of directors to the Board shall be

- (i) two years for two of those directors, and
- (ii) three years for one of those directors,

as determined by the Governor in Council;

(b) the terms of office for the directors appointed pursuant to clause (1)(e) upon the first appointment of directors to the Board shall be

- (i) two years for one of those directors, and
- (ii) three years for one of those directors,

as determined by the Governor in Council;

(c) where a director appointed pursuant to clause (1)(b), (c) or (d) or 8(b) is a registrar, the director holds office until such time as the director ceases to be a registrar or appoints a designate to hold the office; and

(d) where a director appointed pursuant to clause (1)(b), (c) or (d) or 8(b) is a designate of a registrar, the director holds office for the term specified by the registrar that appointed the designate or until such time as the registrar ceases to be a registrar.

(5) Notwithstanding subsections (3) and (4), directors continue to hold office until their successors are appointed.

(6) Where a vacancy occurs during a director's term of office, a person shall be appointed in that director's place for the unexpired portion of the term.

(7) A vacancy does not impair the right of the remaining directors to act.

8 In the event that an additional professional licensing body is designated by the regulations as a licensing authority, the number of directors of the Board shall be expanded by the regulations to include

- (a) one director who is nominated by the governing body of the licensing authority and appointed by the Governor in Council; and
- (b) the registrar of the licensing authority or a designate of the registrar.

9 (1) The Board shall appoint two of the directors appointed pursuant to clauses 7(1)(a), (b), (c) or (d) or Section 8 to be the Chair and the Vice-chair of the Board.

(2) The Chair and the Vice-chair of the Board hold office for terms not exceeding three years, as determined by the Board, and may be re-appointed.

10 A director or a member of a committee or subcommittee of the Board shall be reimbursed as prescribed by the regulations for such reasonable expenses actually incurred in carrying out duties as a director or a member of a committee or a subcommittee of the Board.

11 The Board shall meet at least two times each year.

12 (1) The Minister shall appoint an Administrator.

(2) The Administrator shall

(a) administer the Program to assist the Board in carrying out its duties under Section 6;
(b) monitor prescribing practices and dispensing practices respecting the monitored drugs;

(c) assist the Board in evaluating the effectiveness of the Program;

(d) provide information, professional consultation and assistance to licensing authorities about the prescribing and dispensing of monitored drugs as requested by the licensing authorities;

(e) monitor the use of monitored drugs by residents and report inappropriate use to
(i) an appropriate law enforcement authority pursuant to subsection 23(1),
(ii) an appropriate licensing authority pursuant to subsection 23(2), or
(iii) a pharmacist or prescriber,

if the Administrator is satisfied that the release of such information furthers the objects of the Program;

(f) provide reports to the Board respecting the results of the monitoring carried out pursuant to clauses (b) and (e);

(g) provide information and professional consultation and assistance to prescribers and pharmacists respecting the prescribing and dispensing of monitored drugs;

(h) educate prescribers and pharmacists about appropriate prescribing and dispensing of monitored drugs;

(i) respond to inquiries from the public with respect to the Program; and

(j) report to the Board, the Minister and licensing authorities on new and emerging prescribing patterns for monitored drugs in all or part of the Province and other jurisdictions as those patterns become known to the Administrator.

(3) For the purpose of

(a) monitoring

(i) prescribing practices,

(ii) dispensing practices, and

(iii) the use of monitored drugs; and

(b) evaluating the effectiveness of the Program,

the Administrator may collect, compile and disseminate information the Administrator considers necessary in accordance with this Act.

(4) The Administrator shall appoint a Manager of the Program and seek input from the Board when appointing the Manager.

(5) Any actions of the Manager of the Program made in respect of this Act are deemed to be the actions of the Administrator.

13 The Administrator shall prepare a business plan for the Program in the form prescribed by the Minister for approval by the Board and, on a date fixed by the Minister, the Board shall submit the business plan to the Minister.

14 (1) The Board shall, in the form and with the content required by the Minister, provide to the Minister

(a) through the Administrator, annual financial statements; and

(b) such other reports as are required by the Minister.

(2) Subject to the approval of the Minister, the Board shall establish policies with respect to privacy and confidentiality regarding information held by the Program.

(3) The Board shall submit to the Minister an annual report on the activities of the Board and the Minister shall table the annual report of the Board before the Assembly if the Assembly is then sitting or, if the Assembly is not then sitting, during the next ensuing sitting.

(4) The annual report referred to in subsection (3) shall set out the reasons why a drug has been added to or removed from the Program.

15 (1) The Board is not an agent of Her Majesty in right of the Province.

(2) A person employed or engaged by the Board is not an officer, servant or agent of Her Majesty in right of the Province.

16 The Board may make by-laws

(a) providing for the management of the Board;

(b) providing for the holding of meetings of the Board, quorum requirements and conduct of such meetings;

(c) fixing the time and place for regular meetings of the Board, determining by whom meetings may be called, regulating the conduct of meetings, providing for emergency meetings and respecting the notice required in respect of meetings;

(d) providing for the appointment of such committees or subcommittees of the Board as the Board considers necessary;

(e) respecting the composition, powers and duties of committees or subcommittees appointed by the Board and providing for the holding and conduct of meetings of such committees or subcommittees.

17 Pharmacists and prescribers shall comply with this Act and the regulations in relation to the prescribing and dispensing of monitored drugs.

18 Upon the request of the Administrator, prescribers, pharmacists or any other body or person shall provide to the Administrator any information, including medical records, the Administrator reasonably requires to achieve the objects of the Program.

19 Information received by

(a) the Administrator;

(b) any person employed by the Administrator pursuant to this Act; or

(c) the Board,

shall only be used in accordance with this Act and the regulations and not for any other purpose.

20 Notwithstanding the Freedom of Information and Protection of Privacy Act, the Administrator may release

(a) information with respect to monitored drugs; and

(b) personal information with respect to a resident who has a prescription for monitored drugs,

to a prescriber, a pharmacist, a licensing authority or other body or person as is reasonable to achieve the objects of the Program.

21 Information communicated to the Administrator or the Board by persons employed in the administration of the Health Services and Insurance Act is deemed to be information communicated pursuant to clause 34(a) of the Health Services and Insurance Act.

22 (1) Any data provided to the Minister, the Governor in Council or the public with respect to the Program pursuant to this Act shall be non-nominal data.

(2) Notwithstanding subsection (1), a resident may have access to the resident's own personal information with respect to the Program.

23 (1) Where the Administrator has reasonable grounds to believe that an offence has been committed contrary to the Controlled Drugs and Substances Act (Canada) or the Criminal Code (Canada) or successor legislation, information in the possession of the Administrator in respect of such offence may be communicated to the appropriate law enforcement authority by the Administrator or such person as may be designated by the Administrator.

(2) The Administrator may, at any time, file a complaint with a licensing authority regarding the activities of a member of that licensing authority if the Administrator has reason to believe that the member may be practising in a manner that is inconsistent with the objects of the Program.

(3) Where the Administrator lays a complaint pursuant to subsection (2), the Administrator shall provide the licensing authority with all relevant information on which the complaint is based.

24 (1) No action for damages lies against

(a) a licensing authority, the Administrator or the Board;

(b) an officer, director or employee of a licensing authority, the Administrator or the Board;

(c) a member of a committee or subcommittee of the Board; or

(d) a prescriber or pharmacist,

for any proceeding initiated or taken in good faith under this Act, for any act or failure to act in good faith in carrying out their duties or obligations as an officer, director, employee or member under this Act, or for any decision, order or resolution made or enforced in good faith under this Act.

(2) No action lies against any person for the disclosure of any information or any document or anything therein pursuant to this Act if such disclosure is made in good faith.

(3) Without limiting the generality of subsection (2), no action for damages lies against a prescriber or pharmacist or other person for disclosing any information, books, records, papers, and other documents in their possession or control when disclosed in good faith pursuant to this Act.

25 (1) A person who violates this Act or the regulations is guilty of an offence and liable on summary conviction to the penalty provided for in the *Summary Proceedings Act*.

(2) All fines and penalties payable under this Section as a result of a prosecution by or on behalf of the Board belong to the Board.

(3) Any information to be laid pursuant to this Act may be laid by the Chair of the Board with the consent of the Minister of Health.

26 (1) In this Section, "data" includes all documents and information, both physical and electronic, relating to the work of the Board, the Program and the Administrator.

(2) In the event that the Board ceases to operate,

(a) ownership of the data shall be transferred to the Minister; and

(b) the Minister shall allow the licensing authorities access to the data for the purposes of promoting the appropriate use of monitored drugs and reducing the abuse and misuse of monitored drugs.

27 (1) The Governor in Council may make regulations

(a) providing for the implementation of the Program;

(b) respecting a computerized information system to support the Program;

(c) designating drugs that are subject to the Program as monitored drugs;

(d) incorporating by reference, in whole or in part, a written standard, rule, regulation, guideline, designation, code, document or list, including a list of designated drugs, as it reads on a prescribed day or as it is amended from time to time;

(e) respecting the requirements that must be met for the purposes of the Program before a prescriber may prescribe or a pharmacist may dispense monitored drugs;

(f) prescribing the types of forms and records to be used pursuant to this Act and the regulations;

(g) prescribing the duties, functions and responsibilities of the Administrator;

(h) respecting the types of records and accounts to be kept by the Administrator;

(i) respecting the types of reports to be made by the Administrator to the Minister and the Board;

(j) respecting when and in what form information must be provided by a pharmacist or a prescriber or other body or person to the Administrator with respect to the Program;

(k) respecting the release of information to a pharmacist, a prescriber and to a licensing authority or to any other body or person with respect to the Program;

(l) designating additional professional licensing bodies as licensing authorities;

(m) providing for the expansion of the number of the directors of the Board pursuant to Section 8;

(n) respecting the reimbursement of directors and committee and subcommittee members for expenses;

(o) defining any word or expression used but not defined in this Act;

(p) further defining any word or expression defined in this Act; and

(q) respecting any matter that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority in subsection (1) is regulations within the meaning of the Regulations Act.

28 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

