

EC2013-807

CIVIL SERVICE ACT
EXECUTIVE DIVISION
DIRECTOR, COMMUNICATIONS AND LEGISLATIVE AFFAIRS
DESIGNATION AND APPOINTMENT
GEOFF TOWNSEND
(TO RESCIND)

Council, having under consideration Order-in-Council EC2009-505 of September 22, 2009, rescinded the said Order, thus rescinding designation of the position “Director, Communications and Legislative Affairs” as an Executive Division position, and the appointment of Geoff Townsend as Director, Communications and Legislative Affairs, effective November 19, 2013.

EC2013-808

AN ACT TO AMEND THE PHARMACY ACT
DECLARATION RE

Under authority of section 11 of *An Act to Amend the Pharmacy Act* Stats. P.E.I. 2013, c. 45 Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Pharmacy Act" to come into force effective December 1, 2013.

EC2013-809

PHARMACY ACT
STANDARDS REGULATIONS
AMENDMENT

Made by the Prince Edward Island Pharmacy Board, after consultation with the Council of the Prince Edward Island Pharmacists Association pursuant to section 8 of the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6, and approved by the Lieutenant Governor in Council:

1. Subsection 25(1) of the *Pharmacy Act* Standards Regulations (EC618/87) is amended by the deletion of the words “or certificate”.

2. These regulations come into force on December 1, 2013.

EXPLANATORY NOTES

SECTION 1 deletes a reference to a certificate for a pharmaceutical clerk, as such clerks no longer exist as a professional category and have been removed from the Act.

SECTION 2 provides for the commencement of this regulations amendment.

EC2013-810

**PHARMACY ACT
ADAPTATION AND THERAPEUTIC SUBSTITUTION
REGULATIONS**

Made by the Prince Edward Island Pharmacy Board pursuant to section 8 of the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6, after consultation with the Council of the Prince Edward Island Pharmacists Association, and approved by the Lieutenant Governor in Council:

- 1.** (1) In these regulations,
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| | Definitions |
| (a) “Act” means the <i>Pharmacy Act</i> R.S.P.E.I. 1988, Cap. P-6; | Act |
| (b) “adapt a prescription” means to modify the dose, formulation or regimen of a drug that has been prescribed by a prescriber for a patient; | adapt a prescription |
| (c) “controlled substance” means a substance included in Schedule I, II, III, IV or V of the <i>Controlled Drugs and Substances Act</i> (Canada); | controlled substance |
| (d) “formulary” means the formulary established under the <i>Drug Product Interchangeability and Pricing Act</i> R.S.P.E.I. 1988, Cap. D-15; | formulary |
| (e) “make a therapeutic substitution” means to give a prescription for a patient for a drug that contains chemically different active ingredients than a drug originally prescribed by a prescriber for the patient, but that is expected to deliver a similar therapeutic effect; | make a therapeutic substitution |
| (f) “narcotic” means a narcotic as defined by the Narcotic Control Regulations (Canada); | narcotic |
| (g) “patient” means a person for whom a prescription is given; | patient |
| (h) “prescriber” means | prescriber |
| (i) a person authorized by the law of any province or territory to practise as a medical practitioner, a dentist or a veterinarian, or | |
| (ii) a person authorized by the Minister under section 14.1 of the Act to give a prescription; | |
| (i) “representative” means an adult who attends a pharmacy on behalf of a patient to obtain a drug prescribed for the patient. | representative |
- (2) Where
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| | Conflict with formulary |
| (a) a pharmacist is dispensing a drug for a person who is eligible for benefits under the <i>Drug Cost Assistance Act</i> R.S.P.E.I. 1988, Cap. D-14 or another drug benefit program of the province; and | |
| (b) there is a conflict between what is permitted under sections 2 to 4 and the requirements of the formulary, | |
- the pharmacist shall comply with the requirements of the formulary to the extent of the conflict.
- 2.** (1) Subject to subsection (2) and section 3, a pharmacist may adapt a prescription or make a therapeutic substitution, if
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| | Adaptation and therapeutic substitution |
| (a) the prescription is valid and is not expired or spent; | |
| (b) the pharmacist believes that it is in the best interests of the patient to adapt the prescription or make a therapeutic substitution, as the case may be, in accordance with | |
| (i) accepted standards of practice as set out in the NAPRA Model Standards of Practice for Canadian Pharmacists, | |
| (ii) the code of ethics established or adopted by the Board, and | |
| (iii) any applicable practice directives issued by the Board; | |
| (c) the pharmacist discusses with the patient or representative of the patient the nature of, and reasons for, the proposed adaptation or therapeutic substitution, as the case may be; | |
| (d) the pharmacist advises the patient or representative of the patient of the relative prices of the drug specified in the prescription and the drug as the pharmacist proposes to adapt it or the drug the pharmacist proposes to substitute, as the case may be; | |

- (e) after complying with clauses (c) and (d), the pharmacist obtains the consent of the patient or representative of the patient to the proposed adaptation or therapeutic substitution, as the case may be; and
- (f) the pharmacist has professional liability insurance with personal coverage in the amount of at least two million dollars.
- (2) No pharmacist shall adapt a prescription, or make a therapeutic substitution, for a drug that is a narcotic or other controlled substance. Narcotics, other controlled substances
- 3.** (1) Where a prescriber is of the opinion that a prescription he or she is giving should not be adapted, the prescriber may clearly write on the prescription the words "No Adaptation". No adaptation
- (2) Where a prescriber is of the opinion that, with respect to a prescription he or she is giving, a therapeutic substitution should not be made, the prescriber may clearly write on the prescription the words "No Therapeutic Substitution". No therapeutic substitution
- (3) A pharmacist shall comply with the instructions of a prescriber given in accordance with subsection (1) or (2) when dispensing the prescription initially and when dispensing any refills of the same prescription, unless the prescriber otherwise instructs. Pharmacist shall comply
- 4.** (1) A pharmacist who adapts a prescription or makes a therapeutic substitution shall notify the prescriber who gave the original prescription, verbally or in writing, as soon as possible, of the adaptation or therapeutic substitution, as the case may be. Notification of prescriber
- (2) A pharmacist who makes a therapeutic substitution shall provide a clear reference to the original prescription on the prescription for the drug substituted. Reference to original prescription
- (3) A dispenser who dispenses a prescription given by a pharmacist making a therapeutic substitution shall record the name of the pharmacist in the place where the name of the prescriber is to be recorded in the patient record and on the drug container label or multiple drug package label. Record name of pharmacist
- (4) A dispenser who dispenses a prescription that has been adapted by a pharmacist shall record the nature of the adaptation in the patient record. Record nature of adaptation
- 5.** The Board shall, for the purposes of section 17 of the Act, consider a contravention of these regulations by a pharmacist to be improper professional conduct. Improper professional conduct
- 6.** No action lies against a prescriber or a pharmacist on the grounds that a prescription was adapted or not adapted, or a therapeutic substitution was made or not made, in accordance with these regulations. Exemption from liability
- 7.** These regulations come into force on December 1, 2013. Commencement

EXPLANATORY NOTES

SECTION 1 defines terms and phrases used in these regulations. It also provides that where a pharmacist is dispensing a drug for a person who is eligible for benefits under a provincial drug benefit program, any conflict between a provision of sections 2 to 4 of these regulations and the requirements of the formulary shall be resolved in accordance with the requirements of the formulary to the extent of the conflict.

SECTION 2 permits a pharmacist to adapt a prescription or make a therapeutic substitution, for a drug other than a narcotic or other controlled substance, if certain requirements are met.

SECTION 3 provides for a prescriber to instruct that a prescription should not be adapted or a therapeutic substitution should not be made and requires a pharmacist to abide by such instruction.

SECTION 4 requires a pharmacist to notify the original prescriber, verbally or in writing, as soon as possible, where a prescription has been adapted or a therapeutic substitution has been made. It requires a pharmacist who makes a therapeutic substitution to provide a clear reference to the original prescription on the prescription for the drug substituted. It requires a dispenser to record certain information in the patient record and on labels when a prescription has been adapted or a therapeutic substitution has been made.

SECTION 5 provides that the contravention of these regulations by a pharmacist is improper professional conduct.

SECTION 6 exempts prescribers and pharmacists from liability for adapting or not adapting a prescription, or making or not making a therapeutic substitution, in accordance with these regulations.

SECTION 7 provides for the commencement of these regulations.

EC2013-811

PHARMACY ACT AUTHORIZATION REGULATIONS AMENDMENT

Made by the Prince Edward Island Pharmacy Board pursuant to section 8 of the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6, after consultation with the Council of the Prince Edward Island Pharmacists Association, and approved by the Lieutenant Governor in Council:

1. The heading immediately before section 8 and sections 8 to 11 of the *Pharmacy Act* Authorization Regulations (EC575/92) are revoked.

2. The regulations are amended in the following provisions by the deletion of the words “or certificate”:

- (a) section 24;
- (b) subsection 28(1);
- (c) subsection 29(1);
- (d) subsection 30(1).

3. These regulations come into force on December 1, 2013.

EXPLANATORY NOTES

SECTION 1 deletes a heading and provisions respecting making an application for a certificate as a certified pharmaceutical clerk, as such clerks no longer exist as a professional category and have been removed from the Act.

SECTION 2 deletes references to a certificate in several provisions.

SECTION 3 provides for the commencement of this regulations amendment.

EC2013-812**PROVINCE OF PRINCE EDWARD ISLAND
ESTIMATES OF CAPITAL EXPENDITURE
FISCAL YEAR 2014-2015**

This Council in Committee, having under consideration the Estimates of Capital Expenditure required to carry on the public service of the Province for the fiscal year ending March 31, 2015, and amounting in all to the sum of Seventy-Three Million, Six Hundred and Seventy-Six Thousand, Eight Hundred Dollars (\$73,676,800.00), together with a sum sufficient for similar capital expenditure, to carry on the Public Service of the Province from the expiration of the fiscal year ending March 31, 2015 up to and until the final passage of the Capital Estimates for the fiscal year ending March 31, 2016, it was and is hereby recommended that the Capital Estimates be approved by His Honour, the Lieutenant Governor of the Province of Prince Edward Island, and be presented to the Legislative Assembly during the present session thereof.