



College of Physicians and Surgeons of British Columbia

Practice Standard

Sale and Dispensing of Drugs

Effective:	January 1, 2009
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Related topic(s):	Promotion and Sale of Medical Supplies and Devices , Advertising and Communication with the Public , Conflict of Interest

A **practice standard** reflects the minimum standard of professional behaviour and ethical conduct on a specific topic or issue expected by the College of all physicians in British Columbia. Standards also reflect relevant legal requirements and are enforceable under the [Health Professions Act](#), RSBC 1996, c.183 (*HPA*) and College [Bylaws](#) under the *HPA*.

Registrants may seek advice on these issues by contacting the College and asking to speak with a member of the registrar staff, or by seeking medical legal advice from the CMPA.

PREAMBLE

This document is a standard of the Board of the College of Physicians and Surgeons of British Columbia. This standard must be read in conjunction with the standard on *Conflict of Interest*.

The general expectation is that drugs are sold and dispensed to patients by pharmacists as this is their area of professional practice and expertise. Registrants who assess, diagnose and prescribe drugs may be in a perceived conflict of interest if they also sell and dispense drugs to their patients, and as such, must follow the requirements set out in this standard.

This standard applies to circumstances when the selling and dispensing of drugs in schedules I, IA, II, III, IV, and drugs bought under Health Canada's Special Access Program (SAP) to patients is done by a registrant who has prescribing authority. This standard does not apply to drugs which are dispensed for research purposes, drugs provided as pharmaceutical samples, HIV medication provided by the BC Centre for Excellence in HIV/AIDS, STI medication provided by the BCCDC, mental health drugs provided under Plan G, or other medication provided free of charge by the Ministry of Health. Registrants are not to sell and dispense cannabis for medical purposes to their patient, for further information please see the *Cannabis for Medical Purposes* practice standard.

Requirements regarding the selling and dispensing of medical supplies and devices are outlined in the *Promotion and Sale of Medical Supplies and Devices* practice standard.

COLLEGE'S POSITION

It is the College's responsibility to ensure registrants are selling and dispensing drugs in accordance with the regulations set out by the Ministry of Health. Requirements for all registrants who wish to sell and dispense a drug to a patient are outlined in the *Medical Practitioners Regulation* as follows:

- 5 (1) A registrant may sell a drug only if
 - a) standards, limits or conditions have been established, under section 19 (1) (k) or (l) of the Act, respecting the selling of drugs by registrants, and
 - b) the registrant has received written permission from the board to sell drugs in accordance with the standards, limits or conditions described in paragraph (a).

APPROVAL PROCESS

Registrants seeking permission to sell and dispense drugs to their patients must make a written application to the College Board setting out their rationale.

In their written application, registrants must also confirm that they will have appropriate access to PharmaNet as authorized by the Ministry of Health and use PharmaNet in compliance with applicable privacy legislation and provincial standards.

BC PharmaCare will be notified upon the Board's approval of a dispensing physician. Depending on the nature of the registrant's practice, a practitioner identification number for the purposes of billing PharmaCare will be assigned. In most instances this will not be necessary.

Bylaw section 4-11 of the *Health Professions Act* requires dispensing physicians to respond to and comply with all inquiries made by the College of Physicians and Surgeons of BC and the College of Pharmacists of BC.

STANDARDS

1. A registrant must not sell and dispense drugs to their patient except under the following circumstances:
 - a. Point-of-care administration (immediate administration of medication as part of acute treatment at the time of care; as part of a therapeutic procedure performed by the registrant).
 - b. Emergent or unpredictable situations or when the patient does not have reasonable or timely access to a pharmacist (e.g. rural or remote locations).
 - c. Highly specialized treatments for which drugs cannot be accessed through community pharmacies (fertility treatments, serum for allergy desensitization, some cancer treatments, drugs for rare clinical conditions).
 - d. Patient does not have financial resources to obtain the drug if it is not sold and dispensed to the patient by the registrant.
 - e. Drugs are obtained by the registrant on behalf of their patients through Health Canada's Special Access Program.
2. If a registrant sells and dispenses drugs to their patients in accordance with one of the circumstances listed above, they must comply with the following expectations:
 - a. The registrant must sell and dispense drugs only to his/her own patient.
 - b. The registrant must only sell and dispense drugs relevant to the medical consultation or surgical procedure provided to that patient.
 - c. The registrant must meet all practice standards expected of a pharmacist as outlined in the *Pharmacy Operations and Drug Scheduling Act (PODSA)*, and all requirements outlined in federal legislation (*Food and Drugs Act, Controlled Drug and Substances Act*) when ordering, storing, selling and dispensing drugs to their patients. This includes proper storage, security, labelling, packaging, counselling, monitoring for drug interactions, documentation, record keeping, inventory audits, medication reconciliation, and accessing and recording information in PharmaNet- see section f below. The registrant must comply with cold chain custody for temperature-sensitive drugs. These tasks may only be assigned to another regulated health professional; however, the assigning registrant remains responsible for ensuring compliance with all requirements.
 - d. The registrant must not sell and dispense a drug at a price greater than the actual price of the drug paid by the registrant plus reasonable and justifiable handling costs such as shipping and storage of the drug.
 - e. When selling and dispensing a drug to a patient, the registrant must be transparent, and ensure the patient is aware of the option to purchase the drug from a retail pharmacy of their choice, should this option be available.
 - f. In circumstances where the registrant is selling and dispensing a drug to a patient who is eligible for PharmaCare reimbursement, the registrant is required to submit a claim to PharmaCare in PharmaNet. However, if the patient is not eligible for reimbursement, updating the patient's medication profile in Community Health Practice Access to PharmaNet (ComPAP) is sufficient.

If the intent is to claim a PharmaCare benefit for the patient, the registrant must:

- apply with the Ministry to become an alternate payee (as per Provider Enrollment Regulation)
- request the College of Pharmacists BC for a practitioner ID to be recognized by PharmaNet as a dispensing physician
- purchase and implement a community pharmacy PharmaNet application from a Ministry compliant vendor (the College of Pharmacists of BC maintains a list)
- use the community pharmacy application when dispensing drugs to their patients; this will submit both an update to the patient's dispensing history and a claim to PharmaCare (the registrant may need to collect payment from patients for amounts not covered by PharmaCare)

If the intent is to provide a drug that is not a benefit in PharmaCare, the registrant must:

- apply for ComPAP access to PharmaNet with the Ministry
- purchase and implement a ComPAP compliant application (note: this type of application does not allow for PharmaCare claims to be transmitted to PharmaNet)

- g. Registrants who sell and dispense serum for allergy desensitization must have the ability to issue a receipt to the patient for their purchase.