



Newfoundland and Labrador Pharmacy Board

FAQ

Subsection 56 (1) Class Exemption for Patients, Pharmacists Prescribing and Providing Controlled Substances in Newfoundland and Labrador during COVID-19

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Please be advised that Health Canada has issued an exemption for certain provisions of the *Controlled Drugs and Substances Act* (CDSA) and its regulations, in light of the COVID-19 pandemic.

See [CDSA Subsection 56\(1\) Class Exemption and interpretive guide for controlled substances](#).

This exemption expires on the earliest of the following dates:

- September 30, 2021
- The date that it is replaced by another exemption
- The date on which it is revoked

For the duration of this exemption, pharmacists CAN:

- Prescribe controlled substances for **continued** therapy (within the framework of the NLPB *Standards for Prescribing by Pharmacists*)
 - **NOTE:** The prescription **must be filled** at the pharmacy where the prescribing pharmacist is located and at the time it is written
- Transfer a prescription for a controlled substance to another pharmacist **within NL**; interprovincial transfers are **not permitted** under this exemption
- Transfer a prescription for a benzodiazepine or targeted substance (“BZ/TS”) more than once; **interprovincial transfers of BZ/TS is permitted as this was already permissible prior to this exemption**
- Delegate another appropriate individual to deliver prescriptions for controlled substances to patient’s homes or other locations where they may be self-isolating

A pharmacist CANNOT:

- Initiate treatment with a controlled substance
- Accept verbal orders for medications subject to the Tamper Resistant Prescription Drug Pad (TRPP) Program

PLEASE NOTE:

- Only pharmacists who are authorized to prescribe by NLPB can continue prescriptions for controlled substances during the duration of the Health Canada exemption.
- Only pharmacists who are authorized to participate in opioid maintenance treatment (OAMT) services by NLPB can continue prescriptions for OAMT medications. Certain restrictions apply - see the COVID-19 OAMT Guidance Document (available on the NLPB [COVID-19 Guidance for Pharmacy Professionals](#) page of the NLPB website) for specific details.

Frequently-Asked Questions

➤ **What is a “subsection 56 (1) class exemption”?**

The *Controlled Drugs and Services Act (CDSA)* states the following under section 56 (1):

The Minister may, on any terms and conditions that the Minister considers necessary, exempt from the application of all or any of the provisions of this Act or the regulations any person or class of persons or any controlled substance or precursor or any class of either of them if, in the opinion of the Minister, the exemption is necessary for a medical or scientific purpose or is otherwise in the public interest.

Essentially, the CDSA gives the federal Minister of Health the ability to grant special permissions related to controlled substances if they feel it is in the best interest of the public to do so.

➤ **What drug classes are included under “controlled substances”?**

Controlled substances include narcotics, controlled drugs, benzodiazepines and other targeted substances. Wherever you see this term, these classes are being collectively referenced. However, the exemption may apply differently to specific classes within this group (e.g., prescription transfer permissions). In such cases, the specific class permissions are described.

➤ **How does this impact a pharmacist’s ability to assist patients during the COVID-19 pandemic?**

During the pandemic, pharmacies and prescriber offices may have disrupted services. In addition, the public is advised to practice social distancing, and, in certain situations, to self-isolate. These circumstances may make it challenging for patients to visit their usual prescriber or pharmacy for prescription renewals and refills of controlled substances.

The Health Canada exemption helps patients access their prescriptions for controlled substances by:

- Allowing their pharmacist to transfer their prescription to another pharmacist if they cannot access their usual pharmacy for any reason
- Allowing authorized pharmacists to continue prescriptions for controlled substances, in situations where it is considered appropriate
- Allowing pharmacists to delegate another appropriate individual to carry out delivery of controlled substances to patients (or their designated agent)

➤ **Can you clarify what has changed about prescription transfers?**

Typically, federal legislation prohibits prescriptions for narcotics and controlled drugs from being transferred, and benzodiazepines and targeted substances (BZ/TS) can only be transferred once.

For the duration of this exemption, pharmacists can:

- Transfer a prescription for a controlled substance to another pharmacist within NL
- Transfer a prescription for a BZ/TS more than once

The process for transferring a prescription and the required documentation remains consistent with what is usually required. For transfers of narcotics and controlled drugs, the receiving pharmacy is also expected to obtain a copy of the original prescription for their records.

Please note that prescription transfers that occur under the exemption must be pharmacist-to-pharmacist. Pharmacy technicians are **NOT** permitted to transfer prescriptions for controlled substances under the federal legislation.

Prescription information can be provided via phone, fax or the Pharmacy Network. The NL Centre for Health

Information can assist pharmacists if they are unsure how to utilize the transfer function within the Pharmacy Network to release and download prescription information.

➤ ***Can you explain how this exemption changes pharmacists' prescribing scope?***

Generally, under the NLPB Standards for Prescribing by Pharmacists, pharmacists cannot:

- Prescribe Narcotics, Controlled Drugs or Targeted Substances including benzodiazepines
- Prescribe a drug included on the list of drugs subject to the TRPP Program

However, for the duration of this exemption, pharmacists may prescribe controlled substances for **continuation** of treatment in circumstances where the patient's primary care provider is unable to provide a prescription. Under the NLPB Prescribing Standards, this may fall within the categories of interim supply or prescription extension and the general requirements for pharmacist prescribing and criteria specific to these categories must be met.

➤ ***What about TRPP and PMP requirements - do they apply if a pharmacist continues a prescription for a controlled substance?***

If a pharmacist continues a prescription for a medication that is subject to the TRPP Program, they **do not** need to use a TRPP form. However, the prescription **must be filled** at the pharmacy where the prescribing pharmacist is located and at the time it is written. The prescription cannot be given to the patient to take to another pharmacy. Additionally, pharmacists are expected to adhere to the requirements for prescribers and dispensers under the [Prescription Monitoring Act](#).

➤ ***Can prescribers phone in a prescription for a medication on the TRPP list?***

Currently, pharmacists are **NOT** able to accept verbal orders for medications subject to the TRPP program as this requires changes to various pieces of provincial legislation.

➤ ***Can a pharmacist extend controlled substance prescriptions for animals?***

No, pharmacists are not able to prescribe for animals. This limitation under the NLPB Standards for Prescribing by Pharmacists remains.

➤ ***How does this relate to methadone and buprenorphine-naloxone prescribed for opioid use disorder?***

Under this exemption, pharmacists may be able to prescribe interim supplies of methadone or buprenorphine-naloxone. In NL, the following restrictions apply:

- This prescribing authority is only available to pharmacists who are authorized by NLPB to prescribe **AND** authorized by NLPB to participate in OAMT services
- Such pharmacists may only prescribe these OAMT medications in instances where the usual OAMT prescriber is unable to provide a suitable written or faxed prescription
- The duration of the prescription should be for the minimum necessary under the circumstances
- For patients in which stability is a concern, pharmacists should only continue the original prescription one day at a time, reassessing the risks versus overall benefits to the patient each day, until they can reach the primary OAMT prescriber

Please also see the COVID-19 OAMT Guidance Document (available on the NLPB [COVID-19 Guidance for Pharmacy Professionals](#) page of the NLPB website) for additional details.

➤ **What has changed regarding the delivery of controlled substances?**

Pharmacists are regularly permitted to deliver controlled substances to patients and community health facilities when necessary, providing that NLPB delivery standards are met. That includes meeting the necessary security measures and patient confidentiality requirements.

Last year, Health Canada issued guidance and exemption related to this:

- [Transportation of Controlled Substances in Canada](#)
- [Subsection 56 \(1\) Class Exemption for the Person in Charge of a Hospital and/or a Pharmacist who Supplies Controlled Substances to a Community Health Facility](#)
- [Supplementary Information](#)

This **new exemption** allows pharmacists to permit pharmacy team members and other appropriate individuals to deliver controlled substances. In addition to NLPB delivery standards, the Health Canada exemption requires that any individual delivering controlled substances:

- Have a written note from a pharmacist that identifies the name of the person doing the delivery, the name of the controlled substance to be delivered and the place of delivery (drug information may be contained within the package to preserve patient confidentiality); and
- Carry a copy of the above note and the Health Canada exemption while carrying out the delivery

Pharmacists must ensure patients provide consent to the delivery (including the sharing of necessary personal health information); verbal consent is acceptable.

Pharmacists-in-charge must have processes in place to confirm receipt of the delivery by the patient or designated agent.

Special considerations are necessary for the delivery of methadone and buprenorphine-naloxone to patients when prescribed for the treatment of opioid use disorder.

Please also see the COVID-19 OAMT Guidance Document (available on the NLPB [COVID-19 Guidance for Pharmacy Professionals](#) page of the NLPB website) for additional details.

➤ **How does this temporary exemption impact other prescribers and the health system?**

We hope that the exemption provided by Health Canada will alleviate pressures on other prescribers within the health system so that they can focus efforts toward management of COVID-19 and other critical care issues. This exemption also prevents members of the public from increased exposure to the COVID-19 virus as patients will not have to seek emergency care for prescriptions for maintenance controlled substances.

➤ **I am receiving questions from other prescribers about verbal orders and other aspects of the Health Canada exemption, what should I do?**

Pharmacy professionals, members of the public, and other health professionals can contact NLPB at inforx@nlpb.ca if they have questions regarding how the Health Canada exemption applies to the practice of pharmacy in NL.

Questions related to the practice of other health professionals (e.g. physicians, nurse practitioners, dentists) should be directed to the applicable regulatory body.

For questions about application of the TRPP Program, contact [Pharmaceutical Services Division](#) of the Department of Health and Community Services.