



# Newfoundland and Labrador Pharmacy Board

## FAQ

### Subsection 56(1) Class Exemption for Pharmacists Prescribing and Providing Controlled Substances in Newfoundland and Labrador

Originally issued March 27, 2020  
Last revised December 6, 2021

On June 22, 2021, Health Canada extended the previously issued [Subsection 56\(1\) Class Exemption for patients, practitioners and pharmacists prescribing and providing controlled substances in Canada](#). In November, 2021, the exemption was further revised to permit inter-provincial prescription transfers.

**Controlled substances include narcotics, controlled drugs, benzodiazepines and other targeted substances.**

**This new exemption expires on the earliest of the following dates:**

- September 30, 2026;
- The date that it is replaced by another exemption; or
- The date on which it is revoked

**For the duration of this exemption, NL pharmacists CAN:**

- Prescribe controlled substances for **continued** therapy within the framework of the NLPB [Standards of Practice - Prescribing by Pharmacists](#) ("Prescribing Standards"); 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 Canada**
- Transfer a prescription for a benzodiazepine or targeted substance ("BZ/TS") more than once
- Delegate another appropriate individual to deliver controlled substances to a patient's home or another location

**NL pharmacists still CANNOT:**

- Initiate treatment with a controlled substance
- Accept verbal orders for controlled substances 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 agonist maintenance treatment (OAMT) services by NLPB can continue prescriptions for OAMT medications. Additional restrictions apply - see the COVID-19 OAMT Guidance Document posted on the [COVID-19 Guidance for Pharmacy Professionals page](#) 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?**

The Health Canada exemption improves patients’ access to their prescriptions for controlled substances by:

- Allowing a pharmacist to transfer their prescription to another pharmacist if the patient cannot access their usual pharmacy
- 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 Canada**
- 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, federal and provincial legislation prevents pharmacists from prescribing controlled substances as well as other non-controlled substances that are 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 Prescribing Standards, this could be an interim supply or a prescription extension. If a pharmacist does prescribe either an interim supply or prescription extension, the general requirements of the Prescribing Standards 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 **are not** required 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 both prescribers and dispensers under the [Prescription Monitoring Act](#).

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

No, pharmacists still **may not** accept verbal orders for medications subject to the TRPP program.

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

No, pharmacists are not permitted to prescribe for animals, in accordance with the Prescribing Standards.

➤ **How does this relate to medications prescribed for opioid use disorder?**

Pharmacists may be able to prescribe interim supplies of medications prescribed for opioid use disorder, in accordance with the following restrictions:

- This prescribing authority is only available to pharmacists who are authorized by NLPB to prescribe **AND** to participate in OAMT services
- Such pharmacists may only prescribe these medications in instances when the primary 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 prescribe one day at a time, reassessing the risks and benefits each day, until they can reach the primary OAMT prescriber

Please see the COVID-19 OAMT Guidance Document posted on the [COVID-19 Guidance for Pharmacy Professionals page](#) for additional details.

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

Typically, NL pharmacists are permitted to deliver controlled substances to patients and community health facilities when necessary, providing that NLPB delivery standards are met. In 2019, Health Canada issued guidance and an exemption specifically related to this issue:

- [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 exemption** allows pharmacists to delegate the delivery of controlled substances to pharmacy team members and other appropriate individuals. In addition to NLPB's usual 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 see the COVID-19 OAMT Guidance Document posted on the [COVID-19 Guidance for Pharmacy Professionals page](#) for additional details.

➤ ***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](mailto: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.

Questions about the TRPP Program can be directed to the [Pharmaceutical Services Division](#) of the Department of Health and Community Services.