

# PROFESSIONAL PRACTICE POLICY

## Releasing Medication to Patients and their Agents

### Introduction

The duties and responsibilities of a pharmacist include the responsibility to protect patients' personal health information. The Personal Health Information Act's definition of personal health information includes information that relates to the physical or mental health of the patient. As such, the information that can be obtained from a filled prescription would meet this definition and a prescription awaiting pick-up must be protected from inappropriate disclosure.

Pharmacists are also responsible to ensure the security of the drugs in their pharmacy, particularly those drugs that are in the schedules to the Controlled Drugs and Substances Act (CDSA) (e.g. narcotics, controlled drugs, benzodiazepines and other targeted substances, etc.). Measures to achieve security include ensuring that drugs are not inappropriately released to unauthorized individuals.

From time to time, pharmacists use their professional judgement and practice experience to make reasonable inferences of a patient's consent for another individual to pick-up their prescription (e.g. when an individual provides the pharmacist with sufficient knowledge about the patient and/or the prescription being requested.) However, pharmacists are advised that assuming implied consent when releasing prescriptions to individuals:

- can put patients at risk for inappropriate disclosure of their personal health information;
- can put the public at risk for CDSA drugs being provided to unauthorized individuals (potentially resulting in diversion and other illicit activities); and
- can put the pharmacist at risk of allegations of professional misconduct.

### Purpose

To provide pharmacists and pharmacy managers with a means for reducing the likelihood of the inappropriate release of medications, including prescriptions and balances of prescriptions so as to protect the privacy of the patient's personal information through that process.

### Policy

1. Pharmacists are expected to take reasonable steps to confirm the identity of the individual to whom they are releasing a prescription and if the individual is someone other than the patient, that the individual has the patient's authorization to act on their behalf.

2. Pharmacy managers should ensure that the pharmacy's process for delivering prescriptions is consistent with the NSCP's Delivery of Prescriptions guidelines.
3. In consideration of the potential for drug diversion, the NSCP expects pharmacists to exercise vigilance when releasing CDSA drugs including part- fills and balances including:
  - a. Pharmacists should ensure that the individual to whom they release the CDSA drug(s) is either the patient or patient's agent (an individual on record as being explicitly authorized by the patient to act on their behalf).
  - b. Pharmacists should take steps to confirm the identity of individuals unknown to them, including a request for a photo ID. These steps should be documented.
  - c. Pharmacists shall obtain a signature for every release of a narcotic including balances and part- fills and shall file this documentation in a readily retrievable manner consistent with legislation for storage of patient records.
  - d. When delivering narcotic and controlled drugs pharmacy managers shall ensure that the pharmacy's process is consistent with the NSCP's Delivery of Prescriptions guidelines including that:
    - prescriptions are delivered directly to the patient or patient's agent
    - prescription Monitoring Program prescription forms are properly signed
    - an accountability process for prescriptions is in place, including a trail of signatures.

## References

Delivery of Prescription Guidelines, NSCP

[Narcotic Control Regulations](#)

[Nova Scotia Prescription Monitoring Program](#)

[Prescription Monitoring Act](#)

[Prescription Monitoring Regulations](#)