Notice from the Executive Officer

October 27, 2011

Re: Additional Questions on the Narcotics Legislation

As you may be aware, a notice was posted on the ministry's website on October 14, 2011 that provided stakeholders with information about the new requirements under the *Narcotics Safety and Awareness Act, 2010* ("Act") and its regulation, and that the legislation will come into effect on **November 1, 2011**.

Effective November 1, 2011, in order for a patient to obtain a prescription for a monitored drug, there will be a number of new requirements that prescribers, dispensers and patients must follow. We recognize that prescribers and dispensers will need some time to adjust to the implementation of the new legislative requirements, and understand that in certain cases collaborative efforts will need to be made to ensure that patient care is not jeopardized, and to make sure that the patient will continue to receive appropriate treatment. It is our intent that this initial phase of implementation will enable prescribers, dispensers as well as patients, to have an opportunity to become familiar with their responsibilities and obligations prior to the requirement to submit information to the Narcotics Monitoring System in the Spring 2012. As such during this initial phase, the Executive Officer will exercise her discretion not to recover payments made in respect of Ontario Drug Benefit claims submitted pursuant to prescriptions that do not contain the information required under paragraph 1 of section 10(1) of the Act and section 5(1) of the regulation (i.e. the prescriber's registration number, and the patient's identifying information). However, this is time-limited and applies only until November 30, 2011.

We are working with key stakeholders to communicate the legislative requirements to ensure that health care providers will be aware of the new requirements under the Act.

We have developed additional questions in response to the comments that we have received from stakeholders to provide further clarification. These questions, which are found below, will be added to the current collection of frequently asked questions, which are available on the ministry website at: http://www.health.gov.on.ca/en/pro/programs/drugs/ons/ons_faq.aspx

To learn more about Ontario's Narcotics Strategy and the new legislative requirements, please visit the ministry website at: www.ontario.ca/narcoticsstrategy

For Prescribers

What are the new requirements for prescribers when writing a prescription for a monitored drug?

Effective November 1, 2011, in addition to the current requirements, the law requires prescribers to record on a prescription for a monitored drug their College registration number and the patient's identification number and the type of patient identification provided (e.g., driver's licence, Ontario Photo Card, Health Card, etc.). This is intended to improve the accuracy and completeness of prescription information.

For the patients in my clinic, I already have a record of the patient on file. Must I ask to see each patient's identification and do so every time a monitored drug is prescribed?

No. A prescriber should exercise his/her professional discretion to determine the appropriate course of action with respect to reviewing a patient's identification. However, the legislation requires the prescriber

to record on the prescription the patient's identification number and the type of the identification provided by the patient.

Our computer software generates prescriptions that includes the patient identifier as part of the prescription information, does the prescriber need to also write this information by hand?

No. A patient identifier and the College registration information are not required to be hand-written. The prescriber needs to ensure that all of the information required under the Act and regulation, including the patient identifier and College registration number, is recorded on the prescription.

The computer software I use for generating prescriptions does not automatically generate information on patient identification or my college registration number on the prescription. What should I do?

Effective November 1, 2011, the law requires prescribers to record on a prescription for a monitored drug their College registration number and the patient's identification number and the type of patient identification used (e.g., driver's licence, Ontario Photo Card, Health Card, etc.). Prescribers must have processes in place to ensure compliance with these new legal requirements.

Will prescribers be able to have access to the Narcotics Monitoring System?

No. Prescribers will not have access to the Narcotics Monitoring System, as this feature is not included in this current phase of database development. The Narcotics Monitoring System does not yet have the capability to provide information such as patient prescription history to health care providers. At this time, the functions of the Narcotics Monitoring System include limited Drug Utilization Review (DUR) functionality for submitted claims which is currently available as part of the pharmacy management systems, such as, double-doctoring, poly-pharmacy, refill too soon, refill too late, and duplicate drug other pharmacy response messages.

For Dispensers

What are the new requirements for dispensers with respect to patient identification and prescriber information for prescriptions for a monitored drug?

Effective November 1, 2011, in addition to the current requirements, the law requires dispensers to keep a record of the patient's identification number and the type of patient identification used (e.g., driver's licence, Ontario Photo Card, Health Card, etc.), as well as the prescriber's College registration number that appears on the prescription. This is intended to improve the accuracy and completeness of prescription information.

When dispensing a monitored drug, must I ask to see the patient's identification for verification purposes and do so every time a prescription is dispensed?

No. With respect to patient identification, the legislation requires the prescriber to record on a prescription for a monitored drug the patient's identification number and the type of the identification provided by the patient, and the dispenser has to keep a record of this information. The dispenser should use her professional judgment to determine whether or not the patient's identification needs to be presented for verification purposes.

I have a prescription for a monitored drug that predates November 1, 2011 to be filled at my pharmacy, and the prescription does not have the necessary patient identification and/or prescriber registration number. What are the expectations for these prescriptions and for prescription refills?

The requirements with respect to patient identification and prescriber registration number do not apply to prescriptions for a monitored drug that have been written prior to November 1, 2011. This also applies for prescription refills for which the original prescription predates November 1, 2011.

What are the requirements with respect to patient identification and physician information for prescription refills and part-fills?

Prescription refills and part-fills are extensions of the original prescription. If requirements have been met for the original prescription, there are no additional requirements for refills or part-fills.

I have a prescription and the prescriber has omitted to write down the patient identification and his college registration number. What can I do? Can I fill the prescription if I have the information in my pharmacy files already? Can I get a verbal order from the physician? Is a faxed prescription acceptable?

The ministry recognizes that prescribers and dispensers will need some time to adjust to the implementation of the new legislative requirements, and understand that in certain cases collaborative efforts will need to be made to ensure that the patient would continue to receive appropriate treatment. The dispenser should follow the customary process that is taken to ensure that the prescription information is complete; for example, this may include confirming the information with the prescriber.

A faxed or verbal prescription for monitored drugs may be accepted similar to the current requirements for a faxed or verbal prescription subject to the applicable legal requirements surrounding verbal and faxed prescriptions.

Are prescriptions with patient identification generated from computer software or printed labels acceptable?

Yes. There are no specifications on whether this information has to be recorded on the prescription by hand. With respect to patient identification, the legislation requires the prescriber to record the patient's identification number and the type of the identification used on the prescription for a monitored drug, and the dispenser has to keep a record of this information.

What are the new requirements for prescriptions of a monitored drug that are received by an agent of the patient (i.e. third-party pick-ups and deliveries)?

Effective November 1, 2011, the dispenser is required to verify the name and address of the agent who picks up the prescription on behalf of the patient, as well as keep a record of the name and address of the agent, the form of identification provided that verifies the name and address of the agent, and the number on the identification.

What types of agent identification is deemed acceptable?

The identification must verify the name and address of the agent. Acceptable identifications may include, but are not limited to, a driver's licence, an Ontario Photo Card, a billing statement, etc.

How should information relating to the agent and the agent's identification be documented and kept on file? Must this information be recorded on the actual prescription or could it be recorded electronically on the patient's file?

The dispenser is required to verify the name and address of the agent, as well as keep a record of the name and address of the agent, the form of identification provided that verifies the name and address of the agent, and the distinguishing number on the identification. The agent's information is not required to be recorded on the prescription. There are no specific requirements with respect to recording the information by hand or in electronic format.

Are there circumstances in which using an agent to fill a prescription for a monitored drug is not allowed?

Yes. Using an agent to receive a monitored drug is not permitted when a prescriber relies on the exception set out in section 6 of the regulation, which applies, in part, when the patient is unable to present an identification number to the prescriber and the prescriber has documented on the prescription the clinical reason why the patient needs the monitored drug before he or she can present an identification number.

A patient has presented to my pharmacy with a prescription with the appropriate patient identification information. Must I ask the patient to present her identification in order to dispense the drug? Must I verify patient identification at the time of pick-up?

No. Dispensers are not required to verify patient identification for the dispensing or pick-up of a monitored drug, but they should exercise professional judgment as to whether this should be done.

A prescription is being dropped off and picked up by an agent. Must the agent present the patient's identification in order to drop off or pick up of the prescription?

Dispensers are only required to record the agent's information at the time that the agent picks up the monitored drug. Dispensers are not required to record this information when the agent drops off the prescription.

A patient of mine always asks her husband to pick up her medications. Must I ask to see her husband's identification on every pick-up?

No. The dispenser is required to verify the name and address of the agent, as well as keep a record of the name and address of the agent, the form of identification provided that verifies the name and address of the agent, and the number on the identification. The dispenser should use his/her professional judgment as to the appropriate verification and documentation process that is taken to ensure that these requirements are met.

A patient of my pharmacy has asked an agent to pick up his prescription. The prescription was written prior to November 1, 2011 and does not contain information on patient identification. Is a third-party pick-up allowed in this circumstance?

Yes. If a prescription for a monitored drug is written prior to November 1, 2011, a third-party pick-up is allowed even though information on patient identification has not been included on the prescription. The dispenser is however required to verify the name and address of the agent, as well as keep a record of the name and address of the agent, the form of identification provided that verifies the name and address of the agent, and the number on the identification.

My pharmacy services long-term care homes. What are my responsibilities with respect to a monitored drug being received by an agent?

The requirements for a monitored drug received by a long-term care home are the same as those for a monitored drug received by an agent in any other circumstance. The dispenser is required to verify the name and address of the agent, as well as keep a record of the name and address of the agent, the form of identification provided that verifies the name and address of the agent, and the distinguishing number on that identification. The dispenser should use her professional judgment as to who constitutes the appropriate patient representative in theses situations and what verification and documentation process should be taken to ensure that the requirements are met.

What are requirements for prescription deliveries?

The requirements for prescription deliveries of a monitored drug received are the same as those for a monitored drug received by an agent in any other circumstance. The dispenser is required to verify the name and address of the agent, as well as keep a record of the name and address of the agent, the form of identification provided that verifies the name and address of the agent, and the distinguishing number on that identification. The dispenser should use her professional judgment as to who constitutes the appropriate patient representative in theses situations and what verification and documentation process should be taken to ensure that the requirements are met.

Miscellaneous

Are over-the-counter medications (e.g., Tylenol 1) subject to the new requirements?

No. The new requirements only apply to monitored drugs with a prescription.

Are veterinary prescriptions subject to the new requirements?

No. Prescriptions of monitored drugs for veterinary use are not subject to the new requirements.

How will prescribers/dispensers know if the ID the patient presents is valid?

Prescribers/dispensers are not expected to validate the ID but if there are obvious concerns with the document, e.g., suspected forgery, the ID should not be accepted. The regulation sets out the requirements for acceptable forms of identification which includes the following:

- have a unique identifying number
- be issued by a government (federal, provincial or municipal) or government agency
- bear the name of the individual,
- be approved by the Minister, and
- be listed on the website of the Ministry of Health and Long-Term Care

The ministry has set out a list of forms of identification that meet the above criteria, and which have been approved by the Minister as providing an acceptable level of certainty of identification of the individual that a patient can present to a prescriber or dispenser. Health care providers are encouraged to report to the appropriate bodies if they suspect that the document presented is invalid.

When will dispensers be required to submit information into the Narcotics Monitoring System? Will there be further communications?

A narcotics monitoring system database is being developed to collect and store information on prescribing and dispensing activities for monitored drugs. The ministry is working with pharmacy software vendors to confirm the final requirements. It is anticipated that implementation of the system will begin in the Spring 2012.

The ministry will provide communications to stakeholders to provide guidance relating to its operations prior to the implementation date of the narcotics monitoring database. To learn more about the narcotics monitoring system, the ministry has posted the *Narcotics Monitoring System Pharmacy Reference Manual* on the ministry website at:
http://www.health.gov.on.ca/english/providers/program/drugs/resources/narcotics_manual.pdf

Once the Narcotics Monitoring System is implemented in the Spring 2012, how will the ministry use the data to educate and inform health care providers?

Ontario's Narcotics Strategy is aimed at making the prescribing and dispensing of narcotics and other controlled substance medications safer and more secure. One of the key goals is to promote awareness of inappropriate prescribing, dispensing and utilization of these drug products. The ministry intends to work with health care professional bodies to examine various types of information that it could share with heath care providers to promote and support appropriate prescribing and dispensing of narcotics and other controlled substances.

The ministry will provide additional communications to stakeholders once the Narcotics Monitoring System is finalized.

What is the process for ordering more patient information tear pads?

To order patient information tear pads, please contact,

by **telephone:** 416-326-5300 (local) or 1-800-668-9938 or 1-800-268-7095 (tty)

or **online** at www.publications.serviceontario.ca;

Please note the catalogue number for the tear pad is **016694**.