Draft Regulations

Draft Regulation

An Act respecting prescription drug insurance
(R.S.Q., c. A-29.01)

Benefits authorized for pharmacists

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting benefits authorized for pharmacists, appearing below, may be made by the Government on the expiry of 45 days following this publication.

For the purposes of the prescription drug insurance plan, the draft Regulation determines which benefits relating to pharmaceutical services or medications for which a pharmacist is claiming payment are authorized under the Act respecting prescription drug insurance (R.S.Q., c. A-29.01).

Further information on the draft Regulation may be obtained by contacting:

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Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15e étage, Québec (Québec) G1S 2M1.

PHILIPPE COUILLARD,
Minister of Health and Social Services

Regulation respecting benefits authorized for pharmacists

An Act respecting prescription drug insurance
(R.S.Q., c. A-29.01, s. 22; 2005, c. 40, s. 9)

1. The only benefits authorized within the meaning of the third paragraph of section 22 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01) are the professional allowances and the other authorized benefits provided for in this Regulation.

2. A professional allowance is a reduction as a discount, rebate or premium, good, service, gratuity or any other benefit granted, paid or provided, directly or indirectly, by a generic drug manufacturer to an owner pharmacist, other than the discount referred to in paragraph 2 of section 2 of Schedule I to the Regulation respecting the conditions on which manufacturers and wholesalers of medications shall be recognized*, that is used only for the purposes and before the expiry date and limit set in this section.

The purposes contemplated by this section are

(1) the funding of training and continuing education programs and activities in Québec intended to upgrade the scientific knowledge or professional skills of pharmacists and pharmacy technical assistants. The cost of the programs or activities and their frequency must be reasonable in relation to the nature of the activities offered;

(2) the funding of activities intended for the general public that take place in the pharmacy concerning the promotion or protection of health, disease prevention and the communication of information on diseases or medications, and that are based on scientific grounds. The cost of the activities, their frequency and the number of patients involved per pharmacy must be reasonable in relation to the nature of the activities offered;

(3) the acquisition of educational equipment and material used in the pharmacy and intended to improve the management of chronic diseases and services to train in the reading of devices required for that purpose, in particular devices to measure arterial pressure, glycemia or used for asthma management or anticoagulant therapy, including the relevant software but excluding the purchase or rental of computers. Professional allowances may not be used by an owner pharmacist to purchase an inventory of devices or materials intended for sale at retail;

(4) the acquisition or maintenance of equipment intended to achieve greater quality and safety in the distribution of medications in the pharmacy, in particular devices used for the automated processing of medica-

* A regulation amending that Regulation was published as a draft on page 1556.

tions. To calculate the professional allowances received by an owner pharmacist, the cost to acquire equipment referred to in this subparagraph may be spread over a reasonable number of years subsequent to the acquisition, taking into account the service life of the equipment; and

(5) the remuneration of pharmacists and pharmacy technical assistants assigned to maintaining or improving the delivery of professional services to promote the optimal use of medications, in particular the preparation and implementation of pharmaceutical care plans.

The limit set in this section is a maximum amount per generic drug manufacturer for a given pharmacy and a given year, corresponding to 20% of the total value of the sales by the manufacturer of generic drugs on the list of medications to an owner pharmacist or, as the case may be, to each owner pharmacist, for that same year, under the basic prescription drug insurance plan.

The expiry date set in this section is the last day of the sixth month following the end of the year in which the reduction, rebate, discount, premium, good, service, gratuity or other benefit was granted, paid or provided to the owner pharmacist.

For the purposes of the third and fourth paragraphs, "year" means a fiscal year of the pharmacy.

3. For the purposes of this Regulation, a good or service provided by a manufacturer of innovative drugs to an owner pharmacist or paid by such a manufacturer for the benefit of the owner pharmacist is an authorized benefit other than a professional allowance, provided that the good or service is used exclusively for one of the following purposes:

(1) the carrying out of training and continuing education programs and activities in Québec intended to upgrade the scientific knowledge or professional skills of pharmacists and pharmacy technical assistants. The cost of the programs or activities and their frequency must be reasonable in relation to the nature of the activities offered;

(2) the carrying out of activities intended for the general public that take place in the pharmacy concerning the promotion or protection of health, disease prevention and the communication of information on diseases or medications, and that are based on scientific grounds. The cost of the activities, their frequency and the number of patients involved per pharmacy must be reasonable in relation to the nature of the activities offered;

(3) the supply of educational equipment and material used in the pharmacy and intended to improve the management of chronic diseases and services to train in the reading of devices required for that purpose, in particular devices to measure arterial pressure, glycemia or used for asthma management or anticoagulant therapy, including the relevant software but excluding the purchase or rental of computers. The goods supplied may not constitute an inventory of devices or materials intended for sale at retail.

4. An owner pharmacist must keep a record of all the professional allowances and other benefits authorized under this Regulation, including any other benefit received by the pharmacist, directly or indirectly, from a manufacturer.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Draft Regulation

An Act respecting prescription drug insurance
(R.S.Q., c. A-29.01)

Conditions on which manufacturers and wholesalers of medications are recognized — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the conditions on which manufacturers and wholesalers of medications shall be recognized, appearing below, may be made by the Minister of Health and Social Services on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to make the consequential amendments required by the coming into force of the Controlled Drugs and Substances Act (S.C. 1996, c. 19).

It also modifies the maximum profit margin that applies to drug wholesalers.

The proposed amendment will reduce some of the distortions that have appeared in the drug market and decrease the considerable disparity in the profit margins of wholesalers, which ranges from 5.00% to 7.15% without that difference necessarily reflecting a different level of services.