

Regulations and other acts

Gouvernement du Québec

O.C. 898-2007, 17 October 2007

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

Pharmacists

— Benefits authorized

Regulation respecting benefits authorized for pharmacists

WHEREAS section 78 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01) provides that, in addition to the regulatory powers otherwise conferred on it by the Act, the Government may, after consulting the Régie de l'assurance maladie du Québec, make regulations for the purposes listed therein;

WHEREAS the third paragraph of section 22 of the Act respecting prescription drug insurance, introduced by section 9 of chapter 40 of the Statutes of 2005, provides that if, after an investigation, the Board believes that a pharmacist has received rebates, gratuities or other benefits not authorized by regulation for pharmaceutical services or medications and the pharmacist is claiming payment for those services or medications or has received payment for them in the preceding 36 months, the Board may deduct an amount corresponding to the value of the rebates, gratuities or other benefits from the payment for those pharmaceutical services or medications or obtain the reimbursement of that amount by way of compensation or otherwise, as the case may be;

WHEREAS it is expedient to determine which benefits are authorized for pharmacists for the purposes of that section;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting benefits authorized for pharmacists was published in Part 2 of the *Gazette officielle du Québec* of 20 June 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 78 of the Act respecting prescription drug insurance, the Régie de l'assurance maladie du Québec has been consulted on the draft Regulation;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation respecting benefits authorized for pharmacists, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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 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, made by Minister's Order 92-06 dated 6 July 1992, 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 medications. 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 all the owner pharmacists, 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, the following good or service provided by a manufacturer of innovative drugs to an owner pharmacist or paid by such a manufacturer for the benefit of an owner pharmacist is an authorized benefit other than a professional allowance for the following purposes and under the following conditions:

(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 educational equipment or 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) the device to measure glycemia or the insulin pen given without consideration to a patient by the pharmacist.

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*.