

Regulations and other Acts

Gouvernement du Québec

O.C. 1400-2020, 16 December 2020

Medical Act
(chapter M-9)

Certain professional activities that may be engaged in by a pharmacist

Regulation respecting certain professional activities that may be engaged in by a pharmacist

WHEREAS, under subparagraph *b* of the first paragraph of section 19 of the Medical Act (chapter M-9), the board of directors of the Collège des médecins du Québec must, by regulation, in particular determine among the professional activities that may be engaged in by members of the Order, those which, under certain prescribed conditions, may be engaged in by classes of persons other than physicians;

WHEREAS, in accordance with the second paragraph of section 19 of the Medical Act, the Collège des médecins du Québec consulted the Office des professions du Québec, the Ordre des pharmaciens du Québec, the Ordre des dentistes du Québec, the Ordre des infirmières et infirmiers du Québec, the Ordre des optométristes du Québec, the Ordre des podiatres du Québec and the Ordre des sages-femmes du Québec before adopting, on 24 April 2020, the Regulation respecting certain professional activities that may be engaged in by a pharmacist;

WHEREAS, pursuant to section 95 of the Professional Code (chapter C-26), subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting certain professional activities that may be engaged in by a pharmacist was published in Part 2 of the *Gazette officielle du Québec* of 10 June 2020 with a notice that it could be examined by the Office and then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 25 September 2020 and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Higher Education:

THAT the Regulation respecting certain professional activities that may be engaged in by a pharmacist, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting certain professional activities that may be engaged in by a pharmacist

Medical Act
(chapter M-9, s. 19, 1st par., subpar. *b*)

DIVISION I GENERAL

1. The purpose of this Regulation is to determine, among the professional activities that may be engaged in by physicians, those that may be engaged in by a pharmacist pursuant to the terms and conditions prescribed in the Regulation.

DIVISION II PRESCRIPTION OF MEDICATION

2. In the practice of his or her profession, a pharmacist may prescribe medication referred to in Schedule I to the Regulation respecting the terms and conditions for the sale of medications (chapter P-10, r. 12) to a patient who has received treatment for one of the following health problems in the past:

- (1) minor acne (without nodules or pustules);
- (2) mouth ulcers;
- (3) dermal candidiasis;
- (4) oral candidiasis;

- (5) allergic conjunctivitis;
- (6) atopic dermatitis requiring the use of a moderate strength of corticosteroids;
- (7) primary dysmenorrhea;
- (8) diaper rash;
- (9) hemorrhoids;
- (10) herpes labialis;
- (11) urinary infections in women, where the patient has received not more than one treatment for that health problem in the last 6 months or not more than two treatments in the last 12 months;
- (12) allergic rhinitis;
- (13) yeast vaginitis.

However, a pharmacist may not prescribe medication where more than 5 years have elapsed since the last treatment prescribed for that same health problem by another professional empowered to prescribe medication. For the treatment of oral candidiasis not resulting from the use of a corticosteroid inhaler and the health problems referred to in subparagraphs 7 and 9, that time period is reduced by 2 years.

In addition, medication prescribed under this section must belong to a class of medications of equal or lesser strength than the medication prescribed in the past.

3. A pharmacist may also prescribe

- (1) antiviral treatment to a patient showing signs and symptoms similar to herpes zoster, except where they are present in the head region;
- (2) antiviral treatment against influenza to a symptomatic patient who is at risk of developing complications.

The pharmacist must then enter the reasons for initiating medication therapy on a form to be given to the patient. In addition, the pharmacist must refer the patient to a physician or specialized nurse practitioner:

- (1) within 3 days after the initiation of the antiviral treatment against herpes zoster;
- (2) 2 days after the initiation of the antiviral treatment against influenza, if the condition of the patient deteriorates.

4. Despite sections 2 and 3, a pharmacist may not prescribe medication where the health problem is accompanied by one of the following elements:

- (1) a recurrent or persistent sign or symptom after the first medication prescribed by the pharmacist is taken;
- (2) a sign or a symptom suggesting the presence of an undiagnosed chronic or systemic disease;
- (3) a sign or symptom suggesting a decline or alteration in the functioning of an organ or a system;
- (4) an unusual reaction to the medication.

The pharmacist must then refer the patient to a professional empowered to assess his or her state of health and enter the reasons justifying the decision on a form to be given to the patient.

5. A pharmacist who prescribes medication under this Regulation must send the following information to the initial prescriber or to the physician or specialized nurse practitioner to whom the patient was referred:

- (1) the health problem treated;
- (2) the full name of the medication;
- (3) the dose, including the pharmaceutical form, the dosage and, where applicable, the concentration;
- (4) the duration of the treatment and the quantity prescribed.

DIVISION III
AUTHORIZATION OF OTHER PERSONS

6. A person referred to in section 1 of the Regulation respecting the professional activities that may be engaged in by persons other than pharmacists (chapter P-10, r. 3) may engage in the professional activities provided for in Division II if the person engages in the activities under the supervision of a pharmacist and engaging in the activities is required for the purpose of completing a program of studies, a training period or training.

DIVISION IV
FINAL

7. This Regulation replaces the Regulation respecting certain professional activities that may be engaged in by a pharmacist (chapter M-9, r. 12.2).

8. This Regulation comes into force on 25 January 2021.