

Draft Regulations

Draft Regulation

Health Insurance Act
(chapter A-29)

An Act respecting prescription drug insurance
(chapter A-29.01)

Application of the Health Insurance Act Basic prescription drug insurance plan — Amendment

Notice is hereby given, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), that the proposed regulation to amend the Regulation respecting the application of the Health Insurance Act and the Regulation respecting the basic prescription drug insurance plan, the text of which appears hereafter, may be made by the Government on the expiry of the 10-day period following this publication.

In accordance with sections 12 and 13 of that Act, this proposed regulation may be made in a shorter time than the 45 days referred to in section 11 of that Act on account of the urgency, the opinion of the Government, due to the following circumstances:

- (1) the COVID-19 pandemic currently raging, which is placing increasing pressure on the health system;
- (2) the urgency of relieving certain health professionals, notably family doctors, of certain services that may be dispensed at pharmacies.

This proposed regulation aims to allocate certain professional activities by pharmacists so that they are covered either by the health insurance plan or the basic prescription drug insurance plan. It also aims to ensure that no contribution will be payable with respect to certain pharmaceutical services whose cost is born by the Régie de l'assurance maladie du Québec (the Board), insurers transacting group insurance or administrators of employee benefit plans, under the basic prescription drug insurance plan.

This proposed regulation aims to specify the contents of the itemized invoice to be given by preparing pharmacists to dispensing pharmacists for a magistral preparation, a parenteral therapy, an ophthalmic solution or any other medication requiring preparation.

This proposed regulation will affect pharmacists who will be able to offer their services such that costs do not limit access for patients, as well as insurers and private prescription drug insurance plans where several pharmaceutical services will henceforth be taken in charge by health insurance rather than by prescription drug insurance. Furthermore, as the result of the changes made to the itemized invoice, preparing pharmacists will have to adapt their computer systems to be able to give dispensing pharmacists invoices that meet the new criteria.

Additional information concerning this proposed regulation is available by contacting Dominic Bélanger, acting director, Direction des affaires pharmaceutiques et du médicament, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 7^e étage, Québec (Québec) G1S 2M1, Telephone: 418 266-8815, email: dominic.belanger@msss.gouv.qc.ca.

Anyone wishing to comment on this proposed regulation may write, before the expiry of the 10-day period mentioned above, to the Minister of Health and Social Services, at 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

CHRISTIAN DUBÉ,
Minister of Health and Social Services

Regulation to amend the Regulation respecting the application of the Health Insurance Act and the Regulation respecting the basic prescription drug insurance plan

Health Insurance Act
(chapter A-29, s. 69, 1st para., subparas. e.1, e.2 and e.3)

An Act respecting prescription drug insurance
(chapter A-29.01, s. 78, 1st para., subparas. 1.2, 1.4 and 2.1)

1. Section 60 of the Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5) is amended by replacing subparagraphs *f* to *o* with the following subparagraphs:

“(f) a service rendered in order to administer a medication orally, topically, subcutaneously, intradermally or intramuscularly, or by inhalation, to establish its appropriate usage, in accordance with the Regulation respecting the initiation and modification of medication therapy, the administration of a medication and the prescription of tests by a pharmacist made by Order in Council 1401-2020 dated 16 December 2020;

(g) a service rendered, in accordance with the Regulation respecting the initiation and modification of medication therapy, the administration of a medication and the prescription of tests by a pharmacist, in order to:

i. extend a prescription so that a treatment prescribed to a patient is not interrupted, in accordance with subparagraph 6 of the second paragraph of section 17 of the Pharmacy Act (chapter P-10);

ii. adjust or terminate a medication therapy to ensure its effectiveness or a patient’s safety;

iii. replace a prescribed medication with another medication, in the cases provided in paragraphs *a* to *d* of subparagraph 8 of the second paragraph of section 17 of the Pharmacy Act;

(h) a service rendered in order to prescribe laboratory analyses or other tests, for the purpose of ensuring the appropriate use of medications, in accordance with the Regulation respecting the initiation and modification of medication therapy, the administration of a medication and the prescription of tests by a pharmacist;

(i) a service rendered following a hospitalization lasting more than 24 hours, targeting at least three medications prescribed for a period of 90 days or more that must be added to the therapy underway, be terminated or be adjusted with respect to their dose or dosage regimen and that are not calcium, vitamin B12 per os or vitamin D, acetaminophen, acetylsalicylic acid, contraceptives, laxative-purgatives or proton-pump inhibitors.”.

2. Section 60.1 of that Regulation is replaced with the following section:

“**60.1.** For the purposes of the fourth paragraph of section 3 of the Act, the following services must be considered insured services:

(a) a service rendered in order to administer orally, topically, subcutaneously, intradermally or intramuscularly, or by inhalation and in accordance with the Regulation respecting the initiation and modification of medication therapy, administration of a medication and the prescription of tests by a pharmacist, a medication;

i. required for the purposes of vaccinating an insured person covered by the Québec Immunization Program who meets the program’s conditions for receiving the vaccination free of charge;

ii. in an emergency situation;

(b) a service rendered in order to adjust or terminate the medication therapy of a patient in accordance with a prescription by another professional authorized to prescribe medications or following a consultation request, in the cases and in accordance with the conditions determined by the Regulation respecting the initiation and modification of medication therapy, administration of a medication and the prescription of tests by a pharmacist made by Order in Council 1401-2020 dated 16 December 2020. The cost of tests performed in a pharmacy is not included in the remuneration of the pharmacist for this service;

(c) a service rendered in order to evaluate the need for prescribing a medication, in the cases and in accordance with the conditions determined by the Regulation respecting the initiation and modification of medication therapy, administration of a medication and the prescription of tests by a pharmacist;

(d) a service rendered in order to evaluate the need to prescribe a medication, in the cases and in accordance with the conditions determined by the Regulation respecting certain professional activities that may be engaged in by a pharmacist (chapter M-9, r. 12.2);

(e) a service rendered to a person receiving palliative care including collaborating with an interdisciplinary care team, establishing a pharmaceutical care plan and ensuring its follow-up and making the required adjustments to a medication, where appropriate, to ensure the person’s relief and comfort;

(f) a service rendered in order to prescribe an over-the-counter medication determined in a regulation made under section 37.1 of the Pharmacy Act, if the person’s clinical situation or any circumstance so warrants it.

The service referred to in paragraph ii of subparagraph *a* of the first paragraph must be related to a medication on the List of medications.”.

3. Section 60.2 of that Regulation is amended:

(1) by replacing, in the first paragraph:

(a) “a vaccine referred to in” with “a medication referred to in subparagraph *a* of the first paragraph of”;

(b) “list of medications drawn up by the Minister under section 60 of the Act respecting prescription drug insurance (chapter A-29.01)” with “List of medications”;

(2) by replacing, in the second paragraph, “a vaccination referred to in” with “a medication referred to in subparagraph *a* of the first paragraph of”.

4. Section 1.1 of the Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4) is amended by replacing subparagraphs 2 to 11 of the first paragraph with the following subparagraphs:

“(2) a service rendered in order to administer orally, topically, subcutaneously, intradermally or intramuscularly, or by inhalation, to establish its appropriate usage, in accordance with the Regulation respecting the initiation and modification of medication therapy, administration of a medication and the prescription of tests by a pharmacist;

(3) a service rendered, in accordance with the Regulation respecting the initiation and modification of medication therapy, administration of a medication and the prescription of tests by a pharmacist, in order to:

(a) extend a prescription so that a treatment prescribed to a patient is not interrupted, in accordance with subparagraph 6 of the second paragraph of section 17 of the Pharmacy Act (chapter P-10);

(b) adjust or terminate a medication therapy to ensure its effectiveness or a patient’s safety;

(c) replace a prescribed medication with another medication in the cases provided in paragraphs *a* to *d* of subparagraph 8 of the second paragraph of section 17 of the Pharmacy Act;

(4) a service rendered in order to prescribe laboratory analyses or other tests, for the purpose of ensuring the appropriate use of medications, in accordance with the Regulation respecting the initiation and modification of medication therapy, the administration of a medication and the prescription of tests by a pharmacist;

(5) a service rendered following a hospitalization lasting more than 24 hours, targeting at least three medications prescribed for a period of 90 days or more that must be added to the therapy underway, be terminated or be adjusted with respect to their dose or dosage regimen and that are not calcium, vitamin B12 per os or vitamin D, acetaminophen, acetylsalicylic acid, contraceptives, laxative-purgatives or proton-pump inhibitors.”.

5. That Regulation is amended by inserting, after section 3.1, the following section:

“**3.2** For the purposes of section 11 of the Act respecting prescription drug insurance (chapter A-29.01), no contribution is payable for the pharmaceutical services referred to in subparagraphs 2, 3 and 5 of section 1.1, whose costs is borne by the Board, an insurer transacting group insurance or the administrator of employee benefit plans.”.

6. That Regulation is amended, after section 14, by inserting the following section:

“**14.1.** The itemized invoice to be given by the preparing pharmacist to the dispensing pharmacist must indicate the following information:

(1) the preparing pharmacist’s professional fee for each service provided;

(2) each of the ingredients or supplies having served for the preparation of the medication, the quantity used and the associated cost;

(3) the amount of the wholesaler’s profit margin, if applicable”.

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

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