

Standards for Saskatchewan Pharmacies Providing Services via the Internet

Without limiting the following, this policy applies to international prescription service pharmacies (hereinafter known as “Internet pharmacies”) and pharmacists practising therein who meet one or both of the following criteria:

- 1) Fills prescriptions for patients who have not physically attended the pharmacy:
- 2) Provides for the shipment of drugs by any means other than personal delivery to the person for whom the drugs have been prescribed, including, without limitation, by mail, courier, or otherwise (collectively “mail order service”), using the Internet as a means to promote the pharmacy’s services.

Pharmacists providing pharmacy services to patients via an Internet pharmacy must ensure that the operation complies with the following practice standards, in addition to compliance with *The Pharmacy Act, 1996* (the *Act*) and the bylaws of the Saskatchewan College of Pharmacists (SCP) and all usual standards and policies imposed in the traditional environment.

1. Minimal Information to be Displayed on the Pharmacy Homepage

The home page must clearly show:

- I. That the pharmacy has been duly granted a permit to operate a proprietary pharmacy by the SCP. This notice must also advise consumers that if they reside outside the province of Saskatchewan they may not be protected in the event of a problem.
- II. The physical location (address) of the pharmacy operation;
- III. The mailing address of the pharmacy;
- IV. The pharmacy telephone number including area code; and
- V. The name of the Pharmacist Manager.
- VI. Who to contact in case of problem (ie. Saskatchewan College of Pharmacists)

2. Sale of Schedule II and III Drugs

The pharmacist must comply with all established Standards of Practice. For instance, the pharmacist must make the decision to sell Schedule II drug products, and he or she must be available for consultation when Schedule III drug products are ordered.

3. Sale of Schedule I (Prescription) Drugs

The pharmacist must comply with all established Standards of Practice, including developing a professional relationship with the patient and counseling the patient.

4. Prescriptions

The pharmacist can only accept prescriptions if they are ordered verbally or via facsimile transmission by the prescriber (i.e. practitioner as defined in provincial and federal legislation) in accordance with provincial law and SCP policies. In those cases where the prescription is written, the original written form must be received by the pharmacy prior to the release of the drug(s).

5. Advertising

The pharmacy website must be in compliance with federal and provincial legislation regarding the advertising of drugs and pharmacy services.

6. Physician-pharmacist partnerships

It is professional misconduct for pharmacists to enter into agreements with prescribers that would limit the patient's choice of pharmacies, including Internet pharmacy operations. At all times the patient retains the right to select the pharmacy of their choice and the selection is not the prerogative of the physician.

7. Validity of Prescriptions

The College of Physicians and Surgeons of Saskatchewan and the Saskatchewan College of Pharmacists have a long-standing understanding relating to the validity of prescriptions. The understanding, based on SCP's standards of practice, is that good medical and pharmacy practice requires that a prescription is only valid for 12 months from the date it was issued and only while the prescribing physician is attending the patient. This means that good medical and pharmacy practice requires that a prescription should not generally be filled if the prescription exceeds 12 months of age, or when the physician ceases to attend the patient for reasons such as, but not limited to, death, retirement and leaving practice.

For the purposes of Internet pharmacy services, the standards of good medical practice require that a physician should not prescribe a medication unless he/she has an appropriate relationship with the patient to permit the physician to form a professional opinion that a prescription is required and appropriate, or the physician is issuing a prescription for a refill of a medication prescribed by another licensed Saskatchewan physician with whom the physician has a professional relationship. The standards of good pharmacy practice require that a pharmacist should not accept a prescription if the pharmacist has reason to believe that the prescription was not based upon an appropriate prescriber-patient relationship to permit the prescriber to form a professional opinion that the prescription is required and appropriate and that the prescription is not for the refill of a medication prescribed by a licensed Saskatchewan physician with whom the physician has no professional relationship.

8. Patient Information

The pharmacist must ensure that safeguards are in place so that patient's personal health information is collected, recorded and used in a manner to protect confidentiality and privacy.

9. Disclaimers

A release or disclaimer that purports to exempt the pharmacy operation or pharmacist from meeting the usual professional duties and obligations to the patient is contrary to the public interest and the profession.

10. Permit

The Registrar may use discretion in determining whether a pharmacy is an Internet pharmacy, and if so determined, may grant a conditional proprietary pharmacy permit. Such a conditional permit is granted subject to the proprietor and its manager at all times complying with the *Act* and the bylaws, regulations, rules and standards made there under (collectively "Saskatchewan Pharmacy Law"), as well as the following additional restrictions, terms and conditions:

- a) Cooperation between the proprietor, the pharmacy manager and SCP in the establishment and ongoing operation of the pharmacy;
- b) The pharmacy is not operated in a surreptitious or underground manner;

- c) The proprietor shall ensure that in no event will pharmacy services be provided that result, directly or indirectly, in the shipment of drugs by the proprietor, or any person on behalf of the proprietor, to jurisdictions other than Canada or the United States of America;
- d) The pharmacy will also provide services to members of the public who attend the pharmacy premises. The pharmacy is operated as a conventional pharmacy with mail order service only to United States residents or to Canadian citizens who are temporarily in the United States, and;
- i. persons ordinarily resident in Canada (a “Canadian resident”), provided that any drugs prescribed to such person are shipped to:
 - the Canadian resident’s permanent residence located in Canada;
 - the Canadian resident’s temporary address located in the United States of America;
 - ii. persons ordinarily resident in the United States of America (an “American resident”), provided that any drugs prescribed to such person are shipped to the American resident’s permanent address located in the United States of America;
- e) Regarding United States residents, the process that will be followed is that which is described in a workflow diagram and description acceptable to the Registrar. At a minimum, the diagram and description should depict the flow of the work and information gathered during the process of providing service including, but not limited to:
- Contact with the patient;
 - How a patient-physician relationship is determined;
 - How the eligibility of the prescriber to practise medicine is determined;
 - How the prescription is confirmed into a legal document providing the pharmacist with lawful authority to sell the drug;
 - Documentation procedures; and,
 - Policies and procedures in place to prevent the sale of the drug if any of the foregoing in this paragraph are not met;
- f) Without limiting the foregoing, a patient-physician relationship can exist by virtue of the issuance of a prescription by an American physician. The proprietor shall obtain, and maintain, a copy of a prescription written by the applicable licensed American physician. The prescription will then be authorized by a physician entitled to practise medicine in Canada, and the pharmacist will take the necessary steps to verify the eligibility of the Canadian physician to prescribe. Prior to this step, the pharmacist will verify that the American physician who issued the initial prescription is eligible to prescribe in the United States by using information from a credible authority such as the U.S. Drug Enforcement Agency;
- g) The proprietor shall ensure that all contacts, and attempted contacts with patients are documented and in no event shall a prescription be dispensed if the pharmacist is unable to contact the patient;
- h) In no event shall the proprietor dispense, or permit to be dispensed, any drugs listed in the Schedules to the Controlled Drugs and Substances Act; “lifestyle drugs” (which is interpreted to mean any drugs that are subject to abuse); or sildenafil, alosetron hydrochloride, bosentan, clozapine, dofetilide, fentanyl citrate, isotretinoin, mifepristone, sodium oxybate, thalidomide, trovafloxacin mesylate, or alatrofloxacin mesylate injection;

- i) Notwithstanding that the pharmacy manager is accountable to this College for the proper operation of the pharmacy and that the pharmacists practising therein are accountable to this College for the proper practice of their profession, the proprietor assumes all risks, including legal and financial risks, associated with the operation of the pharmacy, and will carry liability insurance that exceeds the minimum levels of insurance currently prescribed by the College, and includes coverage for services provided to United States residents in an amount of coverage sufficient to reasonably satisfy claims for the jurisdiction to which pharmacy services are provided;
- j) The pharmacy manager and any other pharmacists that may be employed by the proprietor will comply with bylaw 4.4.4 by ensuring that they have acceptable malpractice insurance that meets the requirements of this bylaw, and includes coverage for services provided to United States residents in an amount of coverage sufficient to reasonably satisfy claims for the jurisdiction to which pharmacy services are provided;
- k) The College may monitor the operation of the pharmacy and the practice of the pharmacists providing services therein by allowing an inspector (i.e. the College's Field Officer and/or other officer(s) designated by the Registrar) to conduct an inspection pursuant to section 50 of the *Act* as frequently as the Registrar may deem is necessary;
- l) The College reserves the right to establish fees payable by the pharmacy for the administration of these conditions and/or to establish a separate or distinct process to regulate the operation of the pharmacy;
- m) During the currency of the permit, the proprietor shall immediately advise the College in writing of any claims or complaints of any nature, type or kind, made with respect to any pharmacy services contemplated in the conditional pharmacy permit;
- n) The proprietor shall maintain all records reasonably necessary to evidence compliance with these conditions and as may from time to time be directed by the College;
- o) The conditional permit may only be granted to new pharmacies upon a satisfactory pre-opening inspection, and to existing pharmacies with or without an inspection at the discretion of the Registrar; and
- p) The College reserves the right to revoke the permit if any of these conditions are not met.