NEWFOUNDLAND & LABRADOR PHARMACY BOARD

THE APOTHECARY NEWSLETTER

SPRING 2021 - nlpb.ca

IN THIS ISSUE:

- **MESSAGE FROM THE REGISTRAR**
  COVID-19 Immunization and the Role of Pharmacists
- **2020 ELECTED BOARD MEMBER** Spotlights
- **BOARD MEETING** Update
- **NLPB PROFESSIONAL LIABILITY INSURANCE** Taskforce
- **COMPLAINTS AND DISCIPLINE** Update
- **SUMMARY OF RECENT ADJUDICATION TRIBUNAL** Decision

The official newsletter of the Newfoundland & Labrador Pharmacy Board.

Registrants are responsible for reviewing all information within this publication.

@NLPHARMACYBOARD

Welcome to the Spring 2021 edition of The Apothecary! Please read all of the content in this issue. If you have any questions or comments please email inforx@nlpb.ca.

MESSAGE FROM THE REGISTRAR

COVID-19 Immunization and the Role of Pharmacists

It has been more than a year since the first case of COVID-19 was diagnosed in Newfoundland and Labrador, and though it has been a hard year, progress has been made in combating the spread of the virus. More than one-third of the population has received at least one dose of an approved COVID-19 vaccine during Phase I and Phase II of the Provincial Government's COVID-19 Immunization Plan. As we move into Phase III to vaccinate the remainder of the population, pharmacists will play an important role in the vaccine rollout in our province.

Throughout the past year, pharmacy professionals have been increasingly recognized for their role as essential service providers. In many cases, they have become a patient's primary touch point with the health care system. In the early days of the pandemic, dispensing and managing the drug supply became a priority, but as we have adapted to our "new normal", pharmacists' expanded scope of practice has become an important focus. Whether it be prescribing, or administration of inhalations and injections or provision of treatments, the accessibility of community pharmacists has been key to providing quality patient care to the public during this time. This was quite evident during the seasonal influenza vaccine campaign this past fall, which saw the role of community pharmacies expanded. With pharmacists anticipated to begin administering COVID-19 vaccine injections in the coming weeks, the important role that pharmacists play in a patient's circle of care will once again come into focus.

Registrants who will take part in the COVID-19 vaccine rollout must ensure they are prepared to do so:

- Pharmacists interested in participating in the administration of COVID-19 vaccinations can identify themselves by completing the COVID-19 Immunizer Registration Form in HEALTHeNL.
- Administration of the COVID-19 vaccine must be done in accordance with the *Administration of Drug Therapy by Inhalation or Injection Regulations*, which can be found on the Board website.
- Only authorized pharmacists and pharmacy students and interns under direct supervision of an authorized pharmacist, may administer injections, and this authority may not be delegated to a pharmacy technician.
- Pharmacists-in-charge must ensure that all staff providing injection services in their pharmacy have the skills and authorization required to do so.
- Pharmacists-in-charge must ensure all pharmacy staff that play a role in the provision of the vaccine receive appropriate training relevant to that role.

As a pharmacist, regardless of your participation in administering the COVID-19 vaccine, the public will look to you for knowledge and guidance regarding the vaccine and vaccine safety. It is your role to stay informed and provide accurate and up-to-date information. Please visit the *COVID-19 Guidance for Pharmacy Professionals* page on the Board website for a list of resources to help you stay informed.

Thank you for your service on the frontlines of this pandemic and for a continued commitment to public health and safety during this trying time.

Kind regards,

Margot Liddle

For specific information regarding vaccine ordering, storage, and documentation please contact your regional health authority once advised to do so by the Department of Health and Community Services.

BOARD MEMBERS

BOARD UPDATES

Earlier this year, NLPB sought nominations for Zone 1 and Zone 4 Board representatives. The deadline for nominations for the 2021 board member elections was Monday, March 8, 2021. Due to nominations received, voting is not required; results will be announced at the NLPB Annual General Meeting this summer.

Effective Thursday, March 4, 2021, Government-Appointed Representative Christopher Smith has resigned from the NLPB board.

EXECUTIVE COMMITTEE

CHAIR
Gerri Thompson

VICE CHAIR
Taggarty Norris

EXECUTIVE MEMBER
Henry White

PAST CHAIR
Colleen Squires *(ex officio)*

PUBLIC REPRESENTATIVES

BOARD-APPOINTED
Shirlene Murphy
Mark Sheppard

GOVERNMENT-APPOINTED
Gerri Thompson

DEAN, MEMORIAL UNIVERSITY SCHOOL OF PHARMACY

Shawn Budgen

ELECTED MEMBERS

ZONE 1 PHARMACIST
Keith Bailey

ZONE 2 PHARMACIST
Jason Ryan

ZONE 3 PHARMACIST
Jennifer Godsell

ZONE 4 PHARMACIST
Henry White

ZONE 5 HOSPITAL PHARMACIST
Nicole MacDonald

ZONE 6 PHARMACY TECHNICIAN
Jillian Thorne

ZONE 7 AT-LARGE PHARMACISTS
Timothy Buchanan
Taggarty Norris

ANNUAL GENERAL MEETING

NLPB'S AGM will take place virtually on **Friday, August 6, 2021.**

2020 ELECTED BOARD MEMBER SPOTLIGHTS

In the summer of 2020, a board member election took place for representatives of Zones 5, 6, and 7, resulting in three registrants being elected to the board for the first time, Nicole MacDonald, Jillian Thorne, and Tim Buchanan. NLPB also welcomed back long-serving board member, Taggarty Norris. Learn more about the experience of these members and their goals for their board service.

Nicole MacDonald

ZONE 5 HOSPITAL PHARMACIST

Nicole currently works as the Systemic Therapy Manager of Pharmacy Services at Eastern Health, overseeing oncology funding in Newfoundland and Labrador for the Provincial Cancer Care Program and the Regional Medicine Program. She sits as a representative for the province on the Provincial Advisory Group (PAG) for the pan-Canadian Oncology Drug Review (pCODR) as well as for the pan-Canadian Pharmaceutical Alliance (pCPA). Previously, Nicole worked as a clinical oncology pharmacist at the Health Sciences Centre in St. John's. She completed her Bachelor of Pharmacy at Memorial University and subsequently completed an accredited hospital residency in New Brunswick. Recently, she obtained her Doctor of Pharmacy from the University of Toronto.

Nicole has always focused on improving pharmacy practice, notably leading a best possible medication history project during her residency that achieved Accreditation Canada standards for patient safety and obtained national recognition with CSHP. She has previously been involved with CSHP as an advocacy representative and is currently an education task-force member with CAPhO. Nicole is involved with improving order-entry processes at the Health Sciences Centre to reduce medication errors. Her experiences have allowed her to develop a passion for advancing pharmacy practice, which will enable her to significantly contribute to the Board and the profession and represent the zone with a patient-focused perspective. She is committed to the vision and mission of the Board and will strive for quality and ethical care for patients.

Jillian Thorne

ZONE 6 PHARMACY TECHNICIAN

Jillian Thorne became a Registered Pharmacy Technician in January 2016 through bridging education programs. She is currently employed with Lawtons Drugs in Gander, where she is involved with servicing Personal Care Homes. Jillian sits as chair of the Program Advisory Committee with Keyin College in Grand Falls-Windsor. Prior to her election to the board, Jillian served as a member of the Professional Development Committee with NLPB. By serving with the board, Jillian hopes to help advance the role of Registered Pharmacy Technicians to support and work together with Pharmacists to advance pharmacy care for a more safe & healthy community.

2020 ELECTED BOARD MEMBER SPOTLIGHTS

Tim Buchanan

ZONE 7 AT-LARGE PHARMACIST

Tim Buchanan currently lives in Grand Falls-Windsor with his fiancé, 2 dogs and a cat, where he works as a pharmacist at Loblaw Pharmacy. Tim was born and raised in Springdale and graduated from the School of Pharmacy at Memorial University in 2012. He began his career with Shoppers Drug Mart in Thunder Bay, ON, where he worked for nearly 5 years before returning to Newfoundland and Labrador permanently in 2017 and began working at Shoppers Drug Mart in Gander. After 2 years, he relocated to Loblaws in Grand Falls-Windsor where his fiancé recently began practicing as a family physician.

Throughout his career, he has been involved in many initiatives and have always embraced expanded scope of practice. He is passionate in regard to smoking cessation counseling and have been performing injections and immunizations since 2012, always approaching any new practice opportunities with a sense of enthusiasm. He believes self-regulation is a privilege that must be respected and is proud to play his part in the future of the pharmacy profession in Newfoundland and Labrador.

Taggarty Norris

ZONE 7 AT-LARGE PHARMACIST

Taggarty Norris' passion for pharmacy first began in 2004 when she worked as a pharmacy assistant while attending Memorial University. She graduated from Memorial's School of Pharmacy in 2011 and has been working as a community pharmacist for Sobeys National Pharmacy Group ever since.

Taggarty currently works as Pharmacy Manager at Lawtons Drugs in Paradise where she has been practicing since 2017. She has been honored to serve as Member at Large on the NLPB board since 2014. Throughout her tenure on the board, she has served in several positions, including Vice Chair 2016-2017, Chair 2017-2018, and current Chair of the Finance and Audit Committee.

Some of the proudest moments of her career have occurred while serving on the board. Having the opportunity to advance the pharmacy profession has been an invaluable and rewarding experience that she continues to diligently work towards while keeping the safety of all Newfoundlanders and Labradorians at the forefront.

LinkedIn www.linkedin.com/company/newfoundland-labrador-pharmacy-board-nlpb

NLPB's LinkedIn page is dedicated to providing support and up-to-date information to registrants. Follow our page for updates on the pharmacy profession and resources relevant to pharmacy professionals in NL.

BOARD MEETING UPDATE (*meeting took place on March 5, 2021*)

Prohibition of Inducements – Code of Ethics and Interpretation Guide

During the March 5th board meeting in which the board discussed issues relating to inducements, the question of whether or not the language in the Code of Ethics referring to inducements was inclusive enough. Upon further discussion and consultation with legal counsel, the board approved a re-wording of section 6.7 of the NLPB Code of Ethics to replace the word "patient" with the words "person or entity" when referring to the offering of inducements. The revised section now states:

> 6.7. *Registrants do not offer inducements to any person or entity that are conditional on, or related to, a patient obtaining medications or services from the registrant.*

Since 1998, NLPB (under former Newfoundland Pharmaceutical Association) has had a prohibition on inducements in the form of a Practice Policy. However, due to frequent inquiries from registrants, pharmacy owners, and the public, it has become clear that the policy lacked detail and needed further clarification. As such, in addition to the revision approved to the NLPB Code of Ethics, the board approved the revision and reclassification of the Practice Policy as an Interpretation Guide.

> The *Practice Policy – The Use of Promotional Enticements in Community Pharmacies*, has been rescinded.
>
> The *Interpretation Guide – Prohibition on Inducements* has been approved.

The Interpretation Guide includes examples of inducements, medications, and services in the context of the NLPB Code of Ethics section 6.7, as well as expectations and exclusions.

As per the Interpretation Guide, registrants should note that "the provision of an inducement could be considered professional misconduct and, therefore, may be regarded as constituting conduct deserving sanction."

Registrants are advised to review the updated Code of Ethics and the new Interpretation Guide, which can be found on the Standards, Guidelines, Policies and Positions page of the NLPB website.

Updates to Standards of Practice

With the introduction of the COVID-19 vaccine and the possible inclusion of pharmacists in future phases of the delivery of the vaccine, NLPB has recieved a number of inquiries regarding pharmacists as it relates to prescribing or administering the vaccine. NAPRA has indicated that COVID-19 vaccines are included in Schedule II of the Drug Schedule (no prescription required) due to the fact that the vaccines require special enhanced public access due to the current global disease outbreak. As such, a prescription is not required prior to administration. To offer further clarity, NLPB has updated the *Standards of Practice – Prescribing by Pharmacists* by adding COVID-19 to the list of preventable diseases approved for prescribing by the board in *Appendix B*.

In addition, the *Standards of Practice – Administration of Drug Therapy by Inhalation or Injection* were reviewed and revised in accordance with the NLPB Document Review Cycle. Revisions included the removal of the requirement for notification. Registrants must note that **documentation of vaccines in the electronic health record is a baseline requirement** in accordance with public health expectations. The revised document was approved by the board.

Registrants are advised to review the updated Standards of Practice, which can be found on the Standards, Guidelines, Policies and Positions page of the NLPB website.

The next NLPB Board Meeting is scheduled to take place on Friday, August 6, 2021.

NLPB PROFESSIONAL LIABILITY INSURANCE TASKFORCE

Professional Liability Insurance compliance has been an ongoing issue with registrants over the past several years. During audits conducted in 2017 and 2019, the Board identified a number of registrants who inadvertently missed the renewal deadline for their professional liability insurance policies. With concern for public safety, the Board struck a Professional Liability Insurance Taskforce in February 2020 to examine this important issue and recommend a path forward. The taskforce is currently reviewing several possible solutions.

What's the risk of practicing without Professional Liability Insurance?

Having sufficient professional liability insurance coverage is essential to protect both you and your patients. Mistakes happen. Fortunately, most mistakes are identified and rectified before they can result in harm, but this is not always the case; sometimes medication errors are made or patient counselling goes wrong. If you do not have an active professional liability insurance policy when such a mistake occurs, you may be held personally liable for financial damages resulting from that mistake. These financial damages may include a patient's long-term medical bills, lost wages, and legal fees. If you do not have the money to pay these bills, you may lose personal assets such as investments, vehicles, or even your home. Worst of all, you may cause further undue suffering to the patient effected by the mistake, as a lack of funds may result in them being unable to access the support and resources they need.

To protect both you and your patient from this situation, the *Pharmacy Act, 2012* and *Pharmacy Regulations, 2014* requires all registrants – pharmacists, pharmacy interns, pharmacy students, and pharmacy technicians – to obtain and continue to have professional liability insurance "in a form and amount satisfactory to the board." The professional liability insurance requirements are as follows:

1. To be acceptable, coverage under professional liability insurance must be personal insurance – that which names the pharmacist, pharmacy technician, student or intern personally as an insured and covers the insured for all aspects of their practice and in all locations in the province in which that practice occurs.
2. An amount of $2,000,000 per claim or per occurrence and $4,000,000 annual aggregate is the acceptable minimum limit of coverage. In some situations, it may be appropriate for a higher level of coverage to be obtained on an optional basis.
3. Either "claims made" or "occurrence" forms of policies are acceptable. "Claims made" policies require an extended reporting period provision for a minimum of three years.
4. The policy must not contain a retroactive date and must provide for full prior acts protection.
5. An annual certificate of coverage, provided by the insurance carrier, is required to confirm that the professional liability insurance policy meets the criteria set by the Board.
6. Legal defence payments for regulatory proceedings or other legal proceedings afforded by a professional liability insurance policy must not erode the minimum limit of liability coverage required by the Board.
7. A crown servant within the meaning of the Treasury Board Policy on the Indemnification of and Legal Assistance for Crown Servants, is not obligated to hold and continuously maintain acceptable malpractice insurance, provided that the member:
    i. at all times restricts his or her practice to the scope of duties and employment as a Crown servant; and
    ii. completes a Practice Undertaking in a form approved by the Board.

Check your professional liability insurance policy today to ensure it is active and complies with all the requirements listed above. Then check your policy's expiration date and schedule one or more reminders in the time leading up to your renewal date. If you discover that your policy has lapsed, contact your insurer immediately to renew and back-date your policy to the day your policy expired.

COMPLAINTS AND DISCIPLINE UPDATE

Dispensing 3 month vs 1 month supplies

An allegation was filed by a physician that he was writing prescriptions for 3 months of medications and the dispensing pharmacy was only supplying one month and charging three dispensing fees.

With respect to only dispensing one month supply, the pharmacist claimed this is how the physician normally wrote his prescriptions, so they were just following status quo.

The Committee issued a caution to the registrant. They are cautioned that, pursuant to s. 3.7 of the Community Standards, prescriptions must be dispensed as written under normal circumstances, and if a prescription is not dispensed in that manner, it should be documented.

With respect to refunding the money paid to all patients of the Pharmacy who received one-month supplies, the CAC determined that they were not parties to this matter before it, but it will strongly suggest to the Pharmacist that they begin the process of refunding these overpayments.

Lapse in professional liability insurance

An allegation was filed by the Registrar when 3 registrants came forward to acknowledge there was a lapse in their liability insurance. These Pharmacists were all members of a National Pharmacy Chain and it was noted in their responses to the Board, they were under the assumption that their liability insurance would be taken care of by their Head Office.

It is important to remember that all registrants are personally responsible for ensuring they maintain adequate personal liability insurance at all times. A copy of that policy should be readily available to the registrant at all times and, as well, there should be a copy uploaded to the registrant's profile during registration.

In this matter all registrants were asked to sign an Undertaking with the Board and any further breach could result in an allegation of conduct deserving of sanction.

Student lapse in liability insurance while taking a semester off

During the professional liability insurance audit of 2020, it was determined a student did not have an insurance policy in place for approximately four months.

It was determined that the student had taken a semester off and let his insurance policy lapse as they currently were not in school. The student signed an Undertaking noting that further breaches could result in an allegation deserving of sanction.

Registrants are advised that when a person registers with the Board it is for the entire year and a liability insurance policy must be in place whether they are practicing or not unless they make it clear to the Board in advance that they wish to be labelled inactive.

Lapse in professional liability insurance

This allegation was filed by the Registrar while investigating another matter. It was alleged that members of a small community chain of pharmacies were using a corporate blanket insurance policy instead of individual policies which are required under the regulations.

As with the previous liability insurance allegation, the registrant assumed their Head Office would take care of their policy.

This also led to an Undertaking being signed by the registrant, and any breach of any of the terms of the Undertaking could result in the referral of conduct deserving of sanction to be dealt with under Part V of the Act.

LESSONS LEARNED

Under s. 14(e) of the *Pharmacy Act, 2012*, for pharmacists and s. 5, 1(c) of the *Pharmacy Regulations, 2014*, for pharmacy students, providing proof that they have obtained professional liability insurance coverage is a requirement of registration, which means if a registrant does not maintain coverage the validity of their registration is questionable. Therefore NLPB is compelled to address situations where a registrant is found to have not met this condition of provincial legislation.

SUMMARY OF RECENT ADJUDICATION TRIBUNAL DECISION

An Adjudication Tribunal (the "Tribunal") of the Disciplinary Panel of the Newfoundland and Labrador Pharmacy Board (the "Board") held a hearing in the matter of a Complaint made by the Registrar of the Board against member Beverley Vey, registration number 86-577 (the "Respondent"), Pharmacist-in-Charge at Virginia Park Pharmacy, 262 Newfoundland Drive, St. John's, NL.

On 04 November 2016, the Respondent refused to permit the Board's Associate Registrar of Quality Assurance to conduct a practice site assessment pursuant to the Board's Quality Assurance Program. The practice site assessment process involves direct communication with the Board and a pharmacist-in-charge regarding the regulatory standards applicable to their site. The pharmacist-in-charge first completes a self-assessment and the Board site assessors complete an onsite assessment. The Respondent argued that the Board did not have the authority to do practice site assessments and did not have the authority to appoint assessors.

The Respondent's position was rejected by the Tribunal and she was found guilty of conduct deserving of sanction by contravening section 12(o) of the *Pharmacy Regulations, 2014*:

> 12. In addition to the responsibilities prescribed in the Act, a pharmacist in charge shall be responsible for the following: … (o) cooperating with any person appointed by the board in accordance with the Act.

By written decision dated 11 May 2021, the Tribunal ordered that:

1. The Respondent's licence to practise pharmacy be suspended for a 42 day period, with the suspension to commence 60 days after the date of this Order;
2. The Respondent pay costs to the Board in the amount of $90,007.31 over a three year period;
3. The Respondent be restricted from acting as a Preceptor for a two year period from the date of this Order;
4. There be completion by the Respondent within two months of the date on which her suspension commences of an Ethics course approved by the Board which course is to be at the Respondent's own expense; and
5. There be publication of a summary of this decision in accordance with the legislation.

LESSONS LEARNED

- Pharmacists-in-charge are obligated to cooperate with any person apppointed by the board in accordance with the *Pharmacy Act, 2012*.
- Under s. 54 of the *Pharmacy Act, 2012*:
    - (2) An assessor may, for the purpose of the quality assurance program (a) enter without notice at reasonable times, places where pharmacy is practised to make necessary inspections.
- Under s. 85 of the NLPB By-Laws, the term professional misconduct for the purposes of considering an allegation or a complaint and the institution of disciplinary proceedings includes but is not limited to including (n) refusing to allow the Registrar or a designated agent to enter at a reasonable time the pharmacy in which the registrant is engaged in the practice of pharmacy for the purpose of an assessment or investigation.

NEWFOUNDLAND & LABRADOR PHARMACY BOARD

NLPB OFFICE CONTACT INFORMATION	
Address Suite 201 145 Kelsey Drive St. John's, NL A1B 0L2	**Phone/Fax** Phone: 709-753-5877 Toll-Free: 877-453-5877 Fax: 709-753-8615
General Information	inforx@nlpb.ca
Sonya Doran Office Administrator *(Leave Replacement)*	sdoran@nlpb.ca
Meghan Handrigan *(on Leave)* Office Administrator	mhandrigan@nlpb.ca
Melanie Healey Associate Registrar – Professional Practice	mhealey@nlpb.ca
Gayle Johnson Complaints and Quality Assurance Coordinator	gjohnson@nlpb.ca
Aileen O'Keefe Registration and Licensing Administrator	aokeefe@nlpb.ca
Noelle Patten *(on Leave)* Associate Registrar – Quality Assurance	npatten@nlpb.ca
Natalie Payne *(on Leave)* Legal Counsel	npayne@nlpb.ca
Margot Priddle Registrar	mpriddle@nlpb.ca
Julie Reddy Communications Specialist	jreddy@nlpb.ca
Russell White Practice Consultant/Practice Site Assessor	rwhite@nlpb.ca

@NLPHARMACYBOARD