



FREQUENTLY ASKED QUESTIONS (FAQs)

Removal of incentives on prescriptions and pharmacy services

What is the role of the New Brunswick College of Pharmacists?

According to the New Brunswick Pharmacy Act, 2014:

5(1) The objects and duties of the College are to:

- (a) promote and protect the health and well-being of the public, in collaboration with other health disciplines, through regulation and development of the pharmacy profession;
- (b) require that for the safety of the public, all persons engaged in the practice of pharmacy within the Province are acquainted with the processes of the profession and possess a competent practical knowledge of pharmacy;
- (c) require that the profession of pharmacy is practised by its members in accordance with standards set by the College;
- (d) regulate the practice of pharmacy and govern its members;
- (e) maintain and develop standards of practice for members;
- (f) establish, maintain and develop standards of professional ethics for its members;
- (g) administer this Act and perform such other duties and exercise such other powers as are imposed or conferred on the College by or under any Act;
- (h) uphold and protect the public interest in the practice of pharmacy;

(i) hold forth the independence, integrity and honour of the profession;

(j) establish and maintain standards for the education, knowledge, qualifications, professional responsibility and competence of its members and applicants; and

(k) ensure the safe, rational and effective use of drugs and devices, and support members in the continued improvement of pharmacy services to the public.

What is not affected by this regulation change?

With this regulation change, the College now deems that a manager or pharmacy professional is in a *conflict of interest* where the pharmacy or a related person or a related corporation offers or confers a benefit including but not limited to loyalty programs or redeemable incentives to a client in relation to the sale of a drug provided under a prescription or the provision of professional pharmacy services other than:

- a) an adjustment in the fee or amount that would otherwise be charged by the pharmacy with regard to that client for that drug or that professional pharmacy service
- b) the provision to a client, at no charge, of an item of a nominal value, to be used in maintaining or promoting well-being or health.

The removal of incentives maintains the high ethical and practice standards we, other health-care professionals, and New Brunswickers expect.

Why does the New Brunswick College of Pharmacists believe the removal of incentives is necessary?

The role of pharmacists and pharmacy technicians and the delivery of health care are evolving. Pharmacists are not simply retailers of drugs. Pharmacy professionals have transitioned into roles with greater patient care responsibilities. They help ensure that you are on the most appropriate medication therapy, give injections – including COVID-19 and other vaccines – assess and prescribe for minor ailments. As in other jurisdictions, the role of pharmacy professionals has been evolving and changing quickly in order to provide more primary health care services to New Brunswickers.

In doing so, pharmacy professionals are assuming more significant roles as essential health-care professionals. This means developing trusted relationships with individuals and other health-care professionals in their team.

Across Canada, the provision of incentives by pharmacy professionals is largely considered to be unethical and unprofessional. This is now the case for pharmacy professionals serving more than 90% of Canadians, including residents of British Columbia, Alberta, Ontario, Quebec, Prince Edward Island and Newfoundland and Labrador – and now, New Brunswick.

The College must provide a regulatory environment where decisions about patient health care are based solely on the patient's health, without the inherent conflict introduced where an incentive is offered.

The relationship between pharmacy teams and their patients will continue to evolve in a manner that has pharmacy professionals playing a greater role in patients' primary health care and further integrating into the patients' health-care teams. The relationships pharmacists have with patients and other health-care professionals need to be built on a foundation of trust, not financial rewards.

When does the removal of incentives come into effect?

The mandatory removal of incentives comes into effect at 12:00 a.m. on Wednesday, July 13, 2022.

It should be noted that the provision of incentives did not involve all pharmacies in New Brunswick prior to the regulation change.

What specifically is being removed?

Please note: For a description of the types of drug products, please refer to Appendix A at the end of this document.

The New Brunswick College of Pharmacists has amended its Regulations to remove incentives that are offered on the condition a patient obtains a prescription drug product or a professional service from a pharmacy or pharmacy professional. Incentives mean:

- a reward
- a gift, including a gift of cash
- a prize
- a coupon
- points or other mechanisms in incentive or loyalty programs that can be redeemed for rewards, gifts, cash, prizes or other goods or services.

A prescription drug product means:

- limited access drugs as defined in the New Brunswick Pharmacy Act, 2014
- any drug product provided under a prescription.

Professional services means any service that falls within the practice of pharmacy in which a person provides the services of:

- a. Identifying and assessing drug-related and device-related problems and taking action to prevent or resolve those problems;
- b. Promoting health and preventing diseases, disorders and conditions through drug therapy;
- c. Monitoring drug therapy and advising on therapeutic values, contents and hazards of drugs and devices; and
- d. Compounding and dispensing drugs and devices.

The change applies to all pharmacy technicians, pharmacists and licensed pharmacies in New Brunswick.

The change does not apply to:

- Drug products that are not provided under a prescription
- Products or services that are not drug products or professional services
- Free or discounted parking to patients or patients' representatives
- Free or discounted delivery services to patients or patients' representatives
- Accepting payment for a drug or device by a credit or debit card that is linked to an incentive

Can incentives be offered on a health-care product/aid/device, over-the-counter medication?

Please note: For a description of the types of drug products, please refer to Appendix A at the end of this document.

Incentives cannot be offered or provided for any prescription. For example, when any of these products are dispensed and sold pursuant to a prescription, are entered on a patient record, or are compounded; a professional service is required, and incentives would be inappropriate. However, if these products are self-selected as non-prescription products, the offering or provision of an incentive may be acceptable.

Pharmacy professionals are encouraged to continue creating comprehensive health records that include all services and products provided to a patient.

Are rewards for dispensing fees prohibited?

The New Brunswick College of Pharmacists does not set or provide guidelines for dispensing fees or professional fees.

What about patients who don't choose their pharmacy or pharmacist based on incentives?

As the provincial regulator of pharmacy practice, the College has a duty to consider what is best for all New Brunswickers. The College's mission is to support and protect the public's health, safety, and well-being by governing pharmacists, pharmacy technicians, and pharmacies.

The direction on incentives, as reflected in the amended Regulations, is consistent with other pharmacy regulators in Canada.

New Brunswick is one of many jurisdictions across Canada that have removed or restricted such incentives. Currently, such incentives are completely prohibited in:

- British Columbia
- Alberta
- Ontario
- Quebec
- Prince Edward Island
- Newfoundland and Labrador
- New Brunswick
- Saskatchewan (in progress)

This means that more than 90% of Canadians do not receive consumer incentives on prescriptions or pharmacy services because a growing number of pharmacy professional regulatory bodies consider such incentives to be unethical, unprofessional and a conflict of interest.

Incentives are partially allowed or in the process of being removed in:

- Manitoba (some restrictions apply with removal pending)
- Nova Scotia (transfer-only incentives not permitted)

The trend in Canada is clearly toward ending these types of incentives related to prescriptions or pharmacy services.

As well, when challenged, the decision was upheld by the courts in both British Columbia and Alberta, including on appeal. The Supreme Court of Canada also declined to hear the cases, leaving the prohibitions in effect.

Why is this change being done now?

This change has been discussed for a number of years. In fact, the decision follows in the footsteps of a national trend against incentives for pharmacy services and prescriptions.

During the more restrictive months of the ongoing COVID-19 pandemic, the College focused primarily on its mission. As restrictions ease, the College once again began concentrating on more proactive and forward-looking initiatives to enhance the integrity, safety and professionalism of the pharmacy profession.

As pharmacy professionals took on a growing number of responsibilities, it was clear that the time for the regulatory change was now in New Brunswick – and in order to put the province’s regulatory structure on incentives in line with regulations under which the vast majority of Canadians fall.

Can incentives be offered to patients who transfer their prescriptions to another pharmacy?

No. While patients will continue – of course – to have the autonomy to choose their pharmacy and where they want to obtain pharmacy products and services, these decisions should be made based on health outcomes; not influenced by rewards or incentives.

It is now considered a conflict of interest for pharmacies to offer such incentives.

Appendix A

Outline of Drug Schedules

Source: National Association of Pharmacy Regulatory Authorities (NAPRA)

Link: <https://www.napra.ca/sites/default/files/documents/Schedules-Outline.pdf>

Schedule 1 drugs require a prescription for sale and are provided to the public by the pharmacist following the diagnosis and professional intervention of a practitioner. The sale is controlled in a regulated environment as defined by provincial pharmacy legislation.

Schedule 2 drugs, while less strictly regulated, do require professional intervention from the pharmacist at the point of sale and possibly referral to a practitioner. While a prescription is not required, the drugs are available only from the pharmacist and must be retained within an area of the pharmacy where there is no public access and no opportunity for patient self-selection.

Schedule 3 drug products may present risks to certain populations in self-selection. Although available without a prescription, these drugs are to be sold from the self-selection area of the pharmacy which is operated under the direct supervision of the pharmacist, subject to any local professional discretionary requirements which may increase the degree of control. Such an environment is accessible to the patient and clearly identified as the "professional services area" of the pharmacy. The pharmacist is available, accessible and approachable to assist the patient in making an appropriate self-medication selection.

Unscheduled drugs can be sold without professional supervision. Adequate information is available for the patient to make a safe and effective choice and labeling is deemed sufficient to ensure the appropriate use of the drug. These drugs are not included in Schedules 1, 2 or 3 and may be sold from any retail outlet.