

# Prescription Delivery Regulation

**ONE YEAR LATER**



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*I*n 2008, the *Drug and Pharmacies Regulation Act* (DPRA) was modified to require pharmacies to obtain a signature from a patient or an agent when a prescription is delivered or mailed. The requirement was effective June 4, 2008. Pharmacies were given notification in *Pharmacy Connection*. A Practice Q&A article in the July/August 2008 issue of *Pharmacy Connection* went over specifics of the new delivery regulation.

The new requirement in the DPRA regarding deliveries is law, and all pharmacies must comply with it. A driver must obtain a signature before giving a prescription to a patient or agent; it is no longer acceptable to leave a prescription in the mailbox. Prescriptions sent by post must go as registered mail and be signed for. In order to meet the requirements that deliveries are “auditable and traceable” pharmacies have to keep the signatures for delivery on file at the pharmacy. A signature by the patient or the patient’s agent for Schedule I or prescription drugs is a legislated requirement of the DPRA. How other over-the-counter medications or sales are handled would fall under best practices for businesses.



## Systems to Comply with the Regulations

There are two systems which inspectors have seen in practice that meet the new delivery regulations. The first involves having a delivery log set up listing the patients' names and addresses, with a line for the patient or agent to sign. The second involves using delivery slips to which privacy labels for the prescriptions sent to the patient are attached and the patient or agent signs the delivery slip. Whatever the system used, it must ensure patient confidentiality. The name of the medications being delivered should not appear on the outside of the prescription bag.

## Auditable and Traceable Delivery

The delivery system developed must be auditable and traceable. The patient or agent must sign for exactly what was sent. A patient could argue he or she has signed for only one medication if nothing is specified. The delivery log or system should list the prescription/transaction numbers of the medications sent and/or the number of prescriptions sent. In this way, the patient or agent knows exactly what they are signing for and the pharmacy has this record. With delivery of a compliance package, the patient or agent needs only to sign for the package (each medication does not need to be listed). Auditable and traceable delivery also requires that the pharmacist knows where the patient's prescription is at all times. The driver or service should go directly to deliver prescriptions, unless other direction has been given or approved by the pharmacist.

## Best Practices of Delivery

As a best practice, the pharmacy should receive the signatures from patients or agents daily from the driver. This helps to ensure that the driver or service is not keeping medications overnight. Professional judgement is required and regular contact with the driver may be necessary to ensure proper delivery of the medication. It is likewise a matter of professional judgement as to whether a pharmacist will send controlled substances by delivery. It is the pharmacist's responsibility to prevent fraud and protect patient confidentiality until the delivery gets to the patient.

## Maintenance of Delivery Records

The delivery signature is a requirement and must be kept on file at the pharmacy. The designated manager should create policies and procedures for maintaining these records. At present, we recommend pharmacies maintain their delivery records for at least three months.

## Patients and the New Regulations

Some problems pharmacists have relayed to inspectors with the new regulation are that their patients do not want to change how they get their prescriptions. They are used to having them left in the mailbox and still want this, or their concierge is refusing to sign for the delivery. It is important that pharmacists explain to their patients that the change is mandatory. A pharmacist is responsible for the storage of the prescription and protection of the patient's confidentiality until a patient or agent signs for the prescription. Do you, as a pharmacist, trust the storage of medication in a mailbox? If the medication is lost, who is at fault? Clearly, it is the pharmacist who is responsible until a patient or agent signs for the prescription. If a patient is unable to sign for a prescription due to a medical condition, a pharmacist must contact the patient or agent and discuss the new regulation and what can be done. Use professional judgement -- can the patient or agent make a mark on the delivery slip? If not, the driver may sign on behalf of the patient or agent. Note that the pharmacy cannot accept waivers signed by patients or agents requesting that a prescription be left in the mailbox. A signature must be obtained for each delivery. If no one is home to sign for the prescription, it cannot be left. The pharmacy should make sure someone is home to sign for the deliveries before they are sent.

Pharmacists are very good at ensuring that physicians sign their prescriptions before filling medications. They should be equally diligent in obtaining signatures from patients or agents before leaving a medication during delivery. It is required that all pharmacies in Ontario follow the DPRA regulations. If you have any questions or concerns, go to our website, <http://www.ocpinfoc.com>, or contact our Practice Advisory department.