|  |
| --- |
| Red%20Word_Newsletter%20Factsheet%20cover%20header%20170dpi Information for pharmacists 2014.1 |
|    |

This document has been prepared by Drugs and Poisons Regulation (DPR) to highlight concerns and legal issues associated with the practice of supplying multiple packs of medications either “over the counter” or by dispensing multiple repeats of prescription medications. Please refer to the Drugs, Poisons and Controlled Substances Act 1981 and Regulations 2006 at ([www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)) or the DPR website (www.health.vic.gov.au/dpcs/reqhealth) for full details or documents relating to other problematic issues to which pharmacists have been exposed.

Supplying multiple packs or multiple repeats

Schedule 4 and Schedule 8 poisons

A pharmacist is not authorised to supply multiple repeats of a prescription merely because the patient requests it or the pharmacist wants to do so.

Where a prescription authorises the original supply of a medication plus a number of repeats, it is implicit that each repeat supply should occur on a separate occasion and not more frequently than a specified interval (if any). If a prescriber had a different intent, he or she could:

* Seek a PBS Authority prescription for a larger quantity and/or a larger number of repeats
* Direct the pharmacist to provide repeat supplies on the same occasion as the original supply by endorsing the prescription with the term “regulation 24” (for PBS medications)
* In the case of private (non-PBS) prescriptions, prescribe the quantity and number of repeats he or she believes to be appropriate.

In each case, it is the prescriber who has the legislative responsibility to determine the quantity to be supplied, the number of repeats and the interval between repeat supplies.

A pharmacist does not have the authority to vary from the details of a prescription without the expressed approval of the prescriber. In fact, regulation 31 of the Drugs, Poisons and Controlled Substances Regulations 2006 makes it an offence to supply Schedule 4 or Schedule 8 poisons, in excess of the quantities authorised on a prescription or when the quantity authorised has already been supplied.

Pharmacists who are requested to provide multiple repeats on the same occasion or to supply repeats more frequently than a specified interval (or more frequently than reasonably necessary) should obtain the prescriber’s consent and are strongly advised to make a contemporaneous note of the circumstances.

The Australian Pharmacy Council has indicated that the simultaneous supply of multiple quantities (e.g. supply of multiple repeats at one time) may not be in accordance with the prescriber’s intention, is contrary to good pharmaceutical practice, is contrary to the National Medicines Policy and may deprive the consumer of regular review and provision of medicine information which can assist in minimising medication misadventure.

Two contrasting scenarios

One pharmacist was concerned when requested to dispense a repeat supply of three Sustanon® injections to a person only eight days after the original supply. She phoned the prescriber, who informed her that the Sustanon® was intended for bodybuilding purposes. She refused supply, informed DPR and the medical practitioner was subsequently prosecuted.

Another pharmacist repeatedly dispensed multiple repeats of Sustanon® on the same occasion without contacting the purported prescriber (or notifying DPR). The prescriptions were subsequently found to be forgeries and the pharmacist was prosecuted.

Possible prosecution and litigation

Pharmacists who supply multiple repeats on the same occasion (or too frequently) without the expressed approval of the prescriber render themselves liable to prosecution and/or professional review by the Pharmacy Board of Australia. The likelihood of such an outcome would be greater in circumstances where:

* drugs of dependence or other commonly misused medications are involved
* a patient suffers harm
* medications are hoarded in excessive quantities
* communicating with a purported prescriber (or DPR) would have prevented or limited the extent of offending or misadventure (e.g. dispensing multiple forged prescriptions)

The same factors could also contribute to a pharmacist’s liability in the event that litigation and/or allegations that harm resulted from his or her failure to exercise the care and standards expected of a pharmacist, regardless of whether medications were supplied on prescription or “over-the-counter”.

Schedule 2 and Schedule 3 poisons

Supplying multiple packs

The Australian Medical Association (AMA) has expressed concerns about pharmacists who offer discounts for multiple packs of “over-the-counter” medications. The AMA suggests that this practice does not encourage sensible use or regular review with a health practitioner. The practice is of particular concern when it involves medications that are subject to misuse and abuse (e.g. cough mixtures, analgesics, preparations containing pseudoephedrine, Unisom® gel capsules) or medications that are likely to cause adverse reactions if used excessively (e.g. ibuprofen and codeine tablets).

The poisons schedules of various medications are directly related to the number of doses contained in a particular pack size and in some cases a larger pack size will cause a medication to be subject to the stricter legislative controls of a higher schedule. It is recommended that pharmacists apply the stricter legislative controls when requested to supply multiple smaller packs in circumstances where a larger pack, containing a comparable number of doses, would place the medication in a higher schedule.

Trafficking

A pharmacist who supplied multiple packs of “over-the-counter” medications containing pseudoephedrine was successfully prosecuted for trafficking a drug of dependence; the cumulative total of pseudoephedrine supplied exceeded the amount that corresponds to a traffickable quantity.

Related regulations

Pharmacists may supply Schedule 2 and Schedule 3 poisons without a prescription. However, as Schedule 3 poisons have a greater potential for misuse or abuse, the supply of Schedule 3 poisons is subject to regulations which require the personal involvement of a pharmacist to exercise competent professional judgement in assessing both the appropriateness of the medication and the quantity that is to be supplied in addition to providing professional advice about the safe and effective use of the medication.

The requirement for a pharmacist to take “all reasonable steps” to ensure there is a therapeutic need before supplying a Schedule 3 poison (regulation 61), is unlikely to be achieved unless the pharmacist is able to personally examine and communicate with the person seeking to obtain the medication.

Therefore, unless a pharmacist has already taken the necessary steps to ensure a particular person has an existing therapeutic need, Schedule 3 poisons must not be supplied in response to requests forwarded by correspondence or via the internet.

Notwithstanding other regulatory requirements, regulation 62 makes it an offence to store or display any Schedule 3 poison in a manner that will promote the sale or draw undue attention to it.

Display material that promotes a price discount for multiple packs of a Schedule 3 poison might be considered unacceptable, unlawful or professionally irresponsible.

Contemporaneous notes

It is strongly recommended that pharmacists make contemporaneous notes in the dispensing records, of any communications with prescribers or the authorities, to demonstrate compliance and to ensure that colleagues know whether notifications and communications have occurred - so that false assumptions are not made.

For further information

Department of Health (DH)

Drugs and Poisons Regulation,

GPO Box 4541

Melbourne 3001

Tel: 1300 364 545

Fax: 1300 360 830

Email: **dpcs@health.vic.gov.au**

Web: [**www.health.vic.gov.au/dpcs**](http://www.health.vic.gov.au/dpu)

|  |
| --- |
| Authorised and published by the Victorian Government, 50 Lonsdale St, Melbourne.To receive this publication in an accessible format phone Drugs and Poisons Regulation on 1300 364 545 or forward an Email to dpcs@health.vic.gov.auApril 2014 |