Proposed changes to Pharmacy Act will clarify the scope of activities that can be performed by pharmacists

Author(s): Nathalie Beauregard, Carine Bouzaglou

Jurisprudence shows that the Order of Pharmacists and the Order of Chemists have a history of disagreeing about the extent of each other’s scope of activities. Courts have been reluctant to intervene in this age-old debate, so Quebec’s legislator has responded by attempting to clarify this scope.

On May 29, 2012, An Act to amend various legislation respecting the professions and other legislative provisions in the field of applied sciences (Bill 77) was presented to the national assembly. If adopted, it will modify both the Professional Chemists Act and the Pharmacy Act and provide for a clear power-sharing structure between the two Orders.

Currently:

i) the practice of pharmacy is defined as consisting in “determining and ensuring the proper use of medications, particularly to identify and prevent pharmacotherapeutic problems, and in preparing, storing and delivering medications in order to maintain or restore health,” and

ii) the Professional Chemists Act provides pharmacists with a broad exemption, allowing them to practice professional chemistry in a pharmaceutical context.¹

If Bill 77 is adopted, the broad exemption contained in the Professional Chemists Act will be removed and replaced with the following wording: “subject to the rights and privileges expressly granted by law to other professionals.”²

If Bill 77 is adopted, the amendments to the Pharmacy Act will be twofold. First, it will redefine the practice of pharmacy as also including engaging in scientific activities that involve analyzing, designing, determining, carrying out, monitoring or certifying:

- the composition, properties and transformation of a medication; and
- processes that act on a medication, excluding the industrial scaling of such processes.³

Second, it will reserve the following activities involved in the practice of pharmacy, as it is described above, to pharmacists:
determining parameters for the transport, storage or use of a medication to ensure its quality or integrity, as well as parameters for the disposal of a medication;
- analyzing, formulating and carrying out an instruction pertaining to a medication; and
- analyzing, designing and carrying out a process.⁶

With these proposed amendments, the definition of what constitutes the practice of pharmacy is legislatively expanded. From a practical point of view, if Bill 77 is adopted, pharmacists will still be able to perform the same tasks as before, but they will no longer be required to reference an exemption found in the Professional Chemists Act in order to do so. Their powers will be clearly defined in their own Pharmacy Act, leading to more certainty as to the scope of their competence, and less potential conflicts with the Order of Chemists.

If you have any questions, or should you wish to discuss this matter further, please contact Nathalie Beauregard.

² Ibid, s. 17.
³ Professional Chemists Act R.S.Q., c C-15, s. 16(1).
⁴ Bill 77, s. 20.
⁵ Ibid, s. 51.
⁶ Ibid.

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If Bill 77 is adopted, the broad example contained in the Professional Chemists Act will be removed and replaced with the following wording: "subject to the rights and privileges expressly granted by law to other professionals".

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