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2020-07-13

20-109292-31

Taryn Walsh
Assistant Deputy Minister,
Strategic Priorities and Initiatives
British Columbia Ministry of Mental Health and Addictions
PO Box 9672 Stn Prov Govt
Victoria BC V8W 9P6

Dear Taryn,

Please find attached the exemption from the *Controlled Drugs and Substances Act* (CDSA) for patients and nurses prescribing and providing buprenorphine/naloxone in British Columbia. The exemption is being granted pursuant to subsection 56(1) of the CDSA and is valid until September 30, 2021.

Please carefully review the exemption and all terms and conditions that are included. Please note that failure to comply with the terms and conditions of the exemption may, among other things, result in the exemption being suspended or revoked.

Health Canada is available to discuss the exemption and its terms and conditions with you at any time. Should you have any questions, please do not hesitate to contact our office at hc.exemption.sc@canada.ca.

Sincerely,

Michelle Boudreau
Director General
Controlled Substances Directorate
Health Canada

Attachment

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SUBSECTION 56(1) CLASS EXEMPTION FOR PATIENTS AND NURSES PRESCRIBING AND PROVIDING BUPRENORPHINE/NALOXONE IN BRITISH COLUMBIA, CANADA

Pursuant to subsection 56(1) of the *Controlled Drugs and Substances Act* (CDSA), and subject to the terms and conditions herein, nurses, authorized within their scope of practice, are hereby exempted from the following provisions of the CDSA and its regulations when prescribing, selling, or providing buprenorphine/naloxone, to patients:

- Subsections 4(1) and 5(1) of the CDSA with respect to the controlled substance;

Patients who receive buprenorphine/naloxone from a pharmacist pursuant to this exemption, are exempt from subsection 4(1) of the CDSA with respect to the controlled substance.

Pharmacists who receive a prescription from a nurse pursuant to this exemption, are exempt from subsection 31(1) of the Narcotic Control Regulations (NCR)

Except as provided below, the terms used in this exemption have the same meaning as those provided in the CDSA and its regulations:

Buprenorphine/naloxone means an approved Health Canada product containing both buprenorphine and naloxone for the treatment of opioid use disorder.

Patient means:

- a) A person who is under the professional treatment of a nurse in British Columbia;
- b) A person who was prescribed buprenorphine/naloxone by a nurse in British Columbia; and
- c) A person to whom a nurse is authorized, pursuant to the laws of British Columbia and any applicable regulations, bylaws and policies of the British Columbia College of Nursing Professionals, to prescribe buprenorphine/naloxone.

Nurse means a person:

- a) who is entitled under the laws of British Columbia to practise as a registered nurse or a registered psychiatric nurse; and
- b) whose scope of practice of nursing includes prescribing buprenorphine/naloxone as authorized under this exemption and, in a manner consistent with the laws of British Columbia including any applicable nursing legislation in British Columbia, and any applicable policies of the British Columbia College of Nursing Professionals.

This exemption provides the aforementioned nurses, authorized within their scope of practice, with the authority to prescribe, sell or provide buprenorphine/naloxone to patients subject to the terms and conditions of this exemption.

The exemption is only applicable if the following conditions are met.



Nurses acting under the authority of this exemption must:

1. Only prescribe, sell, provide buprenorphine/naloxone to a patient while that patient is under their professional treatment;
2. Only prescribe buprenorphine/naloxone to a patient in accordance with any policies and/or guidelines established by the British Columbia government and the British Columbia College of Nursing Professionals;
3. Comply with all record keeping obligations established by the British Columbia government and the British Columbia College of Nursing Professionals regarding all transactions involving buprenorphine/naloxone;
4. If not already required pursuant to item 3, keep records of the following:
 - a. the name and address of any patient who is prescribed, sold, or provided buprenorphine/naloxone under this exemption;
 - b. the name, quantity and form of the buprenorphine/naloxone prescribed;
 - c. the name or initials of the nurse who prescribed, sold or provided the buprenorphine/naloxone; and
 - d. the date on which the buprenorphine/naloxone was prescribed, sold or provided;
5. All records should be kept for a period of two years from the date that each record is made.

This exemption expires on the earliest of the following dates:

- September 30, 2021;
- The date that it is replaced by another exemption; or
- The date on which it is revoked.

Failure to comply with the terms and conditions of this exemption may, among other things, result in immediate suspension of this exemption, and ultimately, in its revocation.

This exemption may be suspended without prior notice if the Minister deems that such suspension is necessary to protect public health, safety or security. If necessary, the Minister may change the terms and conditions of this exemption. Should this be the case, you will be informed in writing and reasons for the changes will be provided.

Notwithstanding the conditions above on the ability to suspend, the Minister may suspend or revoke the exemption if she believes that it is no longer necessary.

Signed for and on the behalf of the Minister of Health,

Michelle Boudreau
Director General
Controlled Substances Directorate
Controlled Substances and Cannabis Branch

Effective Date: July 13, 2020