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CANADIAN PHARMACY LAW

Marie Berry

Release No. 1, March 2022

Publisher's Special Release Note 2021

The pages in this work were reissued in July 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the July 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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This release features updates to Chapter 2: Drug Regulation — Federal and Provincial, Chapter 3: Intellectual Property Patents, Chapter 5: Civil Liability and Professional Liability and Chapter 9: Selected Court Cases. As well there are updates to Federal legislation as well as legislation from Alberta, Nova Scotia, Nunavut, P.E.I., Quebec, Saskatchewan and Yukon.

Highlights

- **Author’s Comments** — The profession of pharmacy’s focus is patient care, however as many of the matters that appear before discipline committees illustrate, patient care is sometimes lacking in the dispensary. Checking allergies prior to dispensing a prescription and checking mathematical calculations thoroughly to ensure correct concentrations seem to exemplify patient care. And, of course arguing with patients or being arrogant and rude are more likely to be detrimental to patient care. Pharmacists need to remember the various codes of ethics which certainly put patient care first and foremost.
- **Case Law Highlights** — Accessing confidential patient information from provincial data bases was at the core of two Alberta cases; *Alsaadi v. Alberta College of Pharmacy*, [2021] 12 W.W.R. 420 (Alta. C.A.) and *Alberta College of Pharmacy v. Stanislaus*, 2021 (October 25, 2021), available at www.abpharmacy.ca. Confidentiality of patient information is one of the tenants of codes of ethics in all jurisdictions and there are a variety of health information acts that outline just how personal health information can be accessed and used. These were intentional unauthorized accesses of health information, but there can be breaches that are unintentional or due to carelessness. *Yellowknife Medical Clinic (Re)*, (October 4, 2021), Doc. 21-HIA 41; 20-133-6, 2021 NTIPC 68 (CanLII) dealt with a fax with personal health information erroneous sent to a pharmacy, and the pharmacy had not mechanisms in place to deal with such breaches.

ProView Developments

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