



# Prescribing Medical Marihuana

## NEW MARIHUANA ACCESS REGULATIONS

### What you need to know

1. Health Canada will no longer authorize new or renewal applications for medical marihuana.
2. The only form of authorization physicians can provide for *new applicants and existing users* is a “medical document” provided to the patient which authorizes the patient to obtain marihuana from a licensed producer.
3. The decision whether to provide a “medical document” to the patient is now solely that of the physician. There are no longer any categories of medical conditions for which it can be prescribed, nor any requirement to involve a specialist.
4. A patient who receives a “medical document” from a physician will provide that document to a licensed producer of marihuana. The producer will ship the marihuana to the patient’s address in accordance with the requirements of the regulations.
5. Health Canada’s only role is to license producers to grow and sell marihuana for medical purposes.

### Concerns

The College’s concerns are similar to the concerns which have been expressed by the Canadian Medical Association, the College of Family Physicians of Canada, the Federation of Medical Regulatory Authorities of Canada and other organizations.

These concerns are:

- the potential for abuse. The system does not permit the College to track the prescribing of marihuana, unlike what is available for drugs of possible abuse under the Prescription Review Program.
- that physicians are being placed in a difficult position by being expected to make decisions whether to provide a “medical document” to patients when there is insufficient information available about risks, benefits, dosages, strengths, etc. to allow physicians to practice evidence-based medicine. Marihuana is a substance which is not subject to any of the regulatory controls which are required of all other drugs to become approved for medical use in Canada.
- that potential conflicts of interests may arise for physicians who are involved in authorizing the use of marihuana by patients.

### Regulations prior to June 19, 2013

*On June 19, 2013 the Government of Canada published new regulations which changed how patients are authorized to possess marihuana for medical purposes.*

*Under the previous system, physicians would complete a document which was provided to Health Canada. Health Canada would then decide whether to grant a patient an exemption to allow the patient to possess or grow marihuana. There were listed conditions for which a family physician could support a patient’s use of marihuana. Other medical conditions required a specialist be involved in the decision to support a patient’s use of medical marihuana.*

## Bylaws and Standards

The College's bylaw (19.2\*) which regulates physician authorization of medical marihuana is now in effect.

A summary of the bylaw follows:

1. The bylaw acknowledges there has not been sufficient scientific or clinical assessment to provide evidence about the safety and efficacy of marihuana for medical purposes. However, federal government regulations have authorized the **use of marihuana for medical purposes**.
2. A physician cannot authorize the use of marihuana for a patient unless the physician is **also the treating physician** for the condition for which the patient is authorized to use marihuana.
3. A physician must **review** the patient's medical history, review relevant records pertaining to the condition for which the use of marihuana is authorized and conduct an appropriate **physical examination** before authorizing the patient's use of marihuana.
4. The patient must sign a **written treatment agreement\*\*** which states that the patient:
  - a. will not seek a prescription for marihuana from any other physician during the period for which the marihuana is prescribed;
  - b. will utilize the marihuana as prescribed, and will not use the marihuana in larger amounts or more frequently than is prescribed;
  - c. will not give or sell the prescribed marihuana to anyone else, including family members;
  - d. will store the marihuana in a safe place;
  - e. understands that if he or she breaches the agreement, the physician may refuse to prescribe further marihuana.
5. The **physician's record** for the patient must include the requirements for all medical records as well as:
  - a. The treatment agreement signed by the patient;
  - b. The diagnosis for which the patient was authorized to purchase marihuana;
  - c. A statement of what other treatments have been attempted for the condition for which the use of marihuana was prescribed and the effect of such treatments;
  - d. A statement of what, if anything, the patient has been advised about the risks of the use of marihuana;
  - e. A statement that in the physician's medical opinion the patient is likely to receive therapeutic or palliative benefit from the use of marihuana to treat the patient's condition.
6. The physician must retain a **single record, separate from other patient records**, which can be inspected by the College, and which contains:
  - a. The patient's name, health services number and date of birth;
  - b. The quantity and duration for which marihuana was prescribed;
  - c. The medical condition for which marihuana was prescribed;
  - d. The name of the licensed producer from which the marihuana will be obtained, if known to the physician.
7. Physicians who prescribe marihuana will be required to provide the College with the **information** referenced in paragraph 6):
  - a. Every twelve months if the physician has prescribed marihuana to fewer than 20 patients in the preceding 12 months;
  - b. Every six months if the physician has prescribed marihuana to 20 or more patients in the preceding 12 months.
8. Physicians are **prohibited** from:
  - a. diagnosing or treating patients at the premises of a licensed producer;
  - b. having an economic or management interest in a licensed producer when prescribing marihuana;
  - c. storing or dispensing marihuana from any location where the physician practices medicine.

\* *Bylaw 19.2 of the regulatory bylaws is available on the College's website at [www.cps.sk.ca](http://www.cps.sk.ca).*

\*\* *See attached sample treatment agreement.*

## Sample treatment agreement to comply with the College Bylaw

I \_\_\_\_\_ understand that I will be receiving a medical document from Dr. \_\_\_\_\_ which will authorize me to purchase marihuana for a medical purpose.

I agree to the following:

- a. I will not seek to obtain a medical document to authorize me to purchase marihuana from any other physician during the period for which the marihuana is authorized;
- b. I will utilize the marihuana as authorized in the medical document and I will not use the marihuana in larger amounts or more frequently than is authorized in the document;
- c. I will not give or sell the prescribed marihuana to anyone else, including family members;
- d. I will store the marihuana in a safe place;
- e. I understand that if I break any of these conditions, Dr. \_\_\_\_\_ may refuse to provide any future medical authorization to purchase marihuana.

\_\_\_\_\_  
Patient's signature

\_\_\_\_\_  
Date