

## Agreement

as entered into

\_\_\_\_\_ **(Pharmacy name)**  
Represented herein by the Responsible Pharmacist,

\_\_\_\_\_ [insert initials and surname]

[or, in the case of Pharmacy Groups]

\_\_\_\_\_ **(Pharmacy Group name)**  
lawfully representing the pharmacy sites affiliated to it / owned by it, which will be each bound by the provisions of this Agreement

(hereinafter “the Pharmacist”)

And

**Community Pharmacist Sector of the Pharmaceutical Society of South Africa**

(hereinafter “CPS”)

Whereas the CPS has embarked on a Codeine Care Program through an independent service provider in the interest of patient safety in codeine use; and

Whereas the 2008 Rules Relating to the Code of Conduct for pharmacists, published in terms of the Pharmacy Act, 1974, requires of pharmacists to “exercise professional judgement in the supply of unnecessary and excessive quantities of medicines and other products, particularly those that are liable to be misused or abused” and that pharmacists should be alerted to the possibility of medicine dependency and make enquiries to ensure the responsible use of medicine, as well as “refuse to dispense medicines under circumstances that warrant such refusal”;

Therefore the Pharmacy Parties hereby agree to participate in a program aimed at ensuring compliance with the aforementioned rules and agree to the terms and conditions set out in this Agreement:

- The Pharmacist will ensure the use of the Codeine Care Program in the pharmacy and that all staff empowered by legislation to dispense various schedules of codeine products are familiar with all aspects of the program.
- The Pharmacist will ensure that in working with and on the Codeine Care Program, s/he and his/her staff limit their counselling of patients to that within the scope of practice of a pharmacist, and that s/he will not attempt to provide services that fall within the scope of experienced and trained substance abuse counsellors and professionals, and that referral contacts of reputable facilities and professionals are provided to patients or clients for all matters that fall outside of the basic counselling associated with the safe use of medicine.
- The Pharmacist takes note of the Protocol provided that guides the implementation of the program at a pharmacy level.
- The Pharmacist shall ensure that the patient (purchaser) of codeine are informed about the program using the information provided by the CPS, and that prior to recording, the patient consents to his/her details to be included into the program and that such consent is confirmed by means of a signature in the pharmacy’s schedule 2-book or any other register or form designated by the pharmacist for this purpose.
- The pharmacist undertakes to accurately record all data on the program, including the patient’s consent, or to indicate if a person did not provide consent (in which case no personal details are recorded at all). If

the pharmacist falsely records- consent or - any other information, such false recording will not only constitute a violation of the applicable ethical- and legal provisions, it will also constitute fraud, and the CPS, when this comes to its attention, may report such recording to any appropriate authority it deems fit.

- The Codeine Care Program is not a substitute for the details required to be recorded in terms of the Medicines and Related Substances Act.
- Based on the information provided by the program, the pharmacist will exercise his/her judgement in taking appropriate steps in dispensing, or prior to dispensing a codeine-product to the patient, such as counselling the patient or referring the patient to an appropriate service provider. The pharmacist may also choose to make a note on the particular patient and any circumstances that may warrant use in excess of the maximum indicated.
- This Program does not absolve the pharmacists from exercising his/her professional judgement and discretion in relation to medicines to be dispensed. Of particular importance in the Codeine Care Program is the consideration of the patient's weight when the Program-imposed daily dosage cap is considered.
- CPS will provide support to the Pharmacist if there is any challenge in relation to the Program.
- The Pharmacist and the CPS shall keep all information and all personal information which they may access as part of using the Codeine Care Program in the utmost of confidence and shall under no circumstance disclose any information contained in the database, and only use the database for the purposes as set out in the Protocol of the Codeine Care Program.
- Any requests for access to the program made in terms of the Promotion of Access to Information Act shall be referred to the CPS. However a patient would be able to obtain his/her own information as it was entered at that particular pharmacy, but no other information or information collected at other pharmacies.
- Although the program provides for advertisements on mobile devices and on the scanning device only, these shall not be construed as an instruction to use such product, or as an endorsement thereof.
- The Pharmacist indemnifies CPS and its service providers from any harm, loss, damage or any negative consequence that may flow from the use of the Codeine Care Program.
- Nothing in the Codeine Care Program shall be construed as the Pharmacist not having to comply with any of his or her legislative and/or ethical duties, including his/her duty to provide advice and counselling to patient on the correct and safe use of all medicines.
- The use of the Codeine Care Program is managed by CPS. All rights in the program, the concept and all trade marks, and intellectual property vests, as is applicable in each instance, in CPS and its contracted service providers to the extent applicable in each case. The use of the program does not entitle the Pharmacist or any third party to any rights in the Program whatsoever. All source code and intellectual property residing in the software is owned by the respective service providers as is applicable.

Signed at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
For CPS

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Responsible Pharmacist

\_\_\_\_\_  
Witness