AUTHORISED PRESCRIBERS

Introduction

The following question often arises “Who is an authorised prescriber”? This guideline explains the legal requirements for a practitioner to be recognised as an authorised prescriber and some of the important ethical and legal obligations a pharmacist has in dispensing prescriptions.

What does the law say?

The control of medicines and scheduled substances is governed by Section 22A of the Medicines and Related Substances Act 101 of 1965, which specifies “no person shall sell, have in his or her possession or manufacture any medicine or scheduled substance, except in accordance with the prescribed conditions”. These prescribed conditions are then explained in detail in this section of the Act.

It is important to note Section 22A (16)(b) which states; “any person may possess a Schedule 3, Schedule 4, Schedule 5 or Schedule 6 substance if he or she is in possession of a prescription issued by an authorised prescriber”.

The term “authorised prescriber” is then defined in Section 22A (17)(a) as follows; “authorised prescriber” means a medical practitioner, dentist, veterinarian, practitioner, nurse or other person registered under the Health Professions Act, 1974.

By definition in the Medicines and Related Substances Act, “medical practitioner” means a person registered as such under the Health Professions Act 1974, and includes an intern registered under that Act.

All healthcare professionals may only prescribe, supply, possess or administer medicine in accordance with their training and scope of practice as specified in regulations and the ethical rules governing their respective professions.

Medical practitioners, dentists and veterinarians have access to all schedules of medicines when prescribing, but must still do so within their scope of practice.
Other healthcare professionals may only prescribe in accordance with the following section of the Medicines and Related Substances Act 101 of 1965:\(^5\)

5 (f) a practitioner, a nurse or a person registered under the Health Professions Act, 1974, other than a medical practitioner or dentist, who may—

(i) prescribe only the Scheduled substances identified in the Schedule for that purpose;

(ii) compound and dispense the Scheduled substances referred to in subparagraph (i) only if he or she is the holder of a licence contemplated in section 22C (1) (a).

In the preliminary paragraphs to each of the Schedules 1-6, there is the following statement, for example, for Schedule 4:\(^6\)

*In terms of section 22A(5) (f) of the Act, a practitioner, nurse or a person registered under the Health Professions Act, 1974 (Act 56 of 1974) other than a medical practitioner or dentist may prescribe and supply, only within his/her scope of practice and subject to the indication for use of such substances and medicines and to the conditions determined by the Medicines Control Council, to patients under his/her care, the Schedule 4 substances and medicines provided for in the Annexures to this Schedule published in the Gazette in terms of the Act.*

Other than in the case of medical practitioners, dentists and veterinarians, prescribing medicine is not generally included in the scope of practice of most other healthcare professionals. For a practitioner, a nurse or other person registered under the Health Professions Act to be able to prescribe legally, the following must be in place:

1. the right to prescribe should form part of the scope of practice of the practitioner
2. the practitioner should have undergone appropriate training and must be able to prove competency in prescribing those scheduled substances and medicines
3. the necessary annexures to the Schedules must be in place to specify which medicines they may prescribe.

When healthcare professionals need to use medicine in the course of their duties, this must be done in accordance with Section 22A(16)(c) of the Medicines and Related Substances Act 101 of 1965 which reads as follows:\(^7\)

*“any medicine or scheduled substance may be possessed by a medical practitioner, dentist, veterinarian, practitioner, nurse or other person registered under the Health Professions Act, 1974, or under the Veterinary and Para-Veterinary Professions Act, 1982, for the purposes of administering it in accordance with his or her scope of practice.”*

So, for example, a medical practitioner or paramedic will need to carry certain emergency medicines in their bag but the order for these medicines must be written by an authorised prescriber.

**What are the pharmacist's obligations?**

According to the Regulations Relating to the Practice of Pharmacy, one of the Acts specifically pertaining to the profession of a pharmacist is: *“dispensing of any medicine or scheduled substance on the prescription of a person authorised to prescribe medicine.”* \(^8\)
The pharmacist must dispense and the pharmacy must generally be conducted in accordance with the Pharmacy Act, the Medicines and Related Substances Act and Good Pharmacy Practice Rules and the Code of Conduct.  

In terms of the Code of Conduct, the pharmacist has an ethical obligation to exercise control over medicines.

“1.9 CONTROL OVER MEDICINES
Principle: A pharmacist must at all time exercise proper and/or reasonable care in respect of and control over medicines
1.9.1 General guidelines
(a) a pharmacist has a professional responsibility to exercise control over all medicinal and related products, which are purchased or supplied;
and
(f) Medicines may only be sold/supplied to persons who are appropriately authorised to be in possession of such medicines”

A pharmacist must dispense in accordance with Good Pharmacy Practice Regulations, specifically:
“Section 2.7 Minimum Standards for the Dispensing of Medicine or Scheduled Substances on the prescription of an authorised prescriber.
Phase 1: Interpretation and evaluation of the prescription
(i) identifying the patient, the prescriber and the entity responsible for payment (as applicable);
(ii) ensuring the legality/authenticity of the prescription”

If the prescription has not been issued and signed by an authorised prescriber, then it is not legally valid and should not be dispensed.

Conclusion

“Two wrongs don’t make a right”! If you knowingly dispense prescriptions written by an unauthorised prescriber, you could be just as guilty of unethical and illegal practice as the unauthorised prescriber!

Gary S Black (Dip.Pharm) FPS

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Disclaimer: This document is a guideline and does not necessarily reflect official policy of the Pharmaceutical Society of SA. Any member wishing to implement proposals made in this document, must do so in accordance with the requirements of the Pharmacy Act, Medicines & Related Substances Act and all other relevant legislation, and, if necessary, should seek legal advice to ensure compliance.

For further information please contact gary@pssacwp.co.za

1 Medicines And Related Substances Act No. 101 of 1965 – Section 22A(1)
2 Medicines And Related Substances Act No. 101 of 1965 - Section 22A(16)
3 Medicines And Related Substances Act No. 101 of 1965 – Section 22A(17)
4 Medicines And Related Substances Act No. 101 of 1965 – Section 1. Definitions
5 Medicines And Related Substances Act No. 101 of 1965 - Section 22A(5)
6 Medicines And Related Substances Act No. 101 of 1965 – Schedule 4
7 Medicines And Related Substances Act No. 101 of 1965 – Section 16(c)
8 Regulation relating to the practice of pharmacy – Section 3
9 Regulation relating to the practice of pharmacy – Chapter I Section 2
10 Regulation relating to the practice of pharmacy – Chapter VII Section 20
11 Rules relating to Code of Conduct - Section 1.9
12 Good Pharmacy Practice Regulations – Section 2.7.1