

Authorizing the Use of Cannabis for Medical Purposes

2019



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On February 21, 2019, ARNNL Council approved that NPs in Newfoundland and Labrador (NL) who have the individual competence (necessary knowledge, skills, and judgment) could authorize the use of cannabis for medical purposes. This regulatory direction outlines the legislative and regulatory requirements for NPs who are contemplating offering this service. NPs are required to comply with legislation, regulation, applicable evidence-informed clinical practice guidelines and employer/agency policies related to authorizing the use of cannabis for medical purposes in their practice setting.

NPs must only provide a medical document for clients under their professional treatment. Under Section 272(1) of the *Cannabis Regulations*, "a health care practitioner is authorized, in respect of an individual who is under their professional treatment and if cannabis is **required** for the condition for which the individual is receiving treatment, .

- a) to provide a medical document;
- b) while practicing in a hospital, to issue a written order;
- c) to administer to the individual a cannabis product, other than cannabis plants or plant seeds;
or
- d) to transfer to the individual, or an adult who is responsible for them, a cannabis product, other than cannabis plants or plant seeds,
 - that has been received from a holder of a license to sell or a license for processing, and
 - in respect of which the quantity of cannabis does not exceed that individual or adult is authorized to possess under Section 266 or 267".

It is prudent for an NP to ensure that their nursing assessment supports their decision that in their professional opinion cannabis **is required** for the condition and that clinical documentation adequately reflects the rationale for the plan of care. While a patient may request that an NP authorize cannabis as treatment, the ultimate decision rests with the individual NP who should be satisfied that the treatment is required for the patient's condition. Some possible questions for consideration when making that determination:

- Does the client have a primary care provider? If so, consider the rationale for being involved in the authorization of cannabis for medical purposes when a primary care provider is involved in the client's care.
- Do I have enough information about the client to provide a treatment recommendation?
- Do I know enough about the client's treatment history to determine whether cannabis is required for their condition? Can I adequately assess the client?
- Does the client understand the risks and benefits of proceeding with cannabis for medical purposes to treat the condition?
- If nursing care is being provided remotely (e.g., through telenursing),
- is the client under my professional treatment when practicing telenursing?
- have I properly considered whether the patient's complaints can be addressed remotely?
- have I managed the risks associated with providing an assessment via telehealth?

The NP must assess whether cannabis is the most appropriate treatment and consider available evidence in support of cannabis as well as the evidence regarding risks or contraindications. It is also important for the NP to educate clients on the risks; benefits of cannabis, including its therapeutic effects; side effects; contraindications with other drugs; safe transportation and storage of cannabis as well as the importance of obtaining cannabis from an authorized supplier.



NPs who authorize the use of cannabis for medical purposes are accountable to have the necessary knowledge, skills and judgment to provide the medical document and to maintain their competence through educational courses and training. ARNNL does not require the completion of a mandatory educational program. When working with clients to determine a plan of care, NPs must apply critical inquiry and evidence-informed processes within the existing evidence for the use of cannabis. It will be essential to acquire and apply up-to-date knowledge of cannabis as evidence for its use evolves. With the legalization of cannabis, it is anticipated that more vigorous research will be undertaken to provide more evidence-informed indications for cannabis.

In summary, if an NP is contemplating undertaking any activities with cannabis, they are required to:

- Be knowledgeable of the new *Cannabis Act* and the *Cannabis Regulations*;
- Be knowledgeable of any applicable provincial or territorial laws (e.g., the NL *Cannabis Control Act*, etc.) regarding access to cannabis for medical purposes and ensure that these activities fall within the scope of practice of an NP;
- Practice in occurrence with the Standards of Practice, Code of Ethics and other relevant ARNNL documents;
- Ascertain whether these activities can be undertaken in the employment setting (including self-employment) and review any applicable employer policies, guidelines, procedures and/or processes to guide the NP's practice in relation to cannabis for medical purposes;
- Ensure they have the knowledge, skills, judgement and individual competence to participate in these activities safely. This may include additional educational courses and training;
- Provide therapeutic interventions only to individuals under their professional treatment;
- Authorize cannabis for medical purposes only when it is required or shown in evidence to be a therapy for the condition for which the client is receiving treatment;
- Obtain informed consent in accordance with legislation, regulatory standards and employer/ agency policies (consent may include a signed treatment agreement); and
- Thoroughly document the client assessment and determination that cannabis is required.

If NPs have specific questions related to their regulatory requirements for authorizing the use of cannabis for medical purposes, they may contact ARNNL. NPs may also wish to seek legal advice (e.g., CNPS) to better understand the relevant provisions of the *Cannabis Act* and the *Cannabis Regulations*.

Evolution of Legislative Support for the Use of Cannabis

Prior to October 17, 2018, the use of cannabis for medical purposes in Canada was regulated through the *Access to Cannabis for Medical Purposes Regulations (ACMPR) (2016)*, the *Narcotic Control Regulations*, the *Controlled Drugs and Substances Act (CDSA)*, and the *Food and Drugs Act*, while the use of cannabis for recreational purposes was illegal. As of October 17, 2018, the ACMPR was repealed and the use of cannabis for recreational purposes was legalized and the legislative requirements for the use of cannabis for medical purposes were modified.

The *Cannabis Act* and *Cannabis Regulations* came into force on October 17, 2018, and the legislative requirements for health care practitioners (medical or nurse practitioner) to authorize the use of cannabis for medical purposes are contained in Part 14 of the *Cannabis Regulations: Access to Cannabis for Medical Purposes*.



Under the *Cannabis Regulations (2018)*, a nurse practitioner is defined as “an individual who:

- a) is entitled under the law of a province to practice as a nurse practitioner or an equivalent designation and is practicing as a nurse practitioner or an equivalent designation in that province;
- b) **is not restricted**, under the laws of the province in which they practice, from authorizing the use of cannabis; and
- c) is not named in a notice issued under section 335 that has not been restricted”.

Resources

The following resources are included (but not limited to) to provide further relevant information regarding authorizing the use of cannabis:

Cannabis Act:

<https://laws-lois.justice.gc.ca/eng/acts/C-24.5/>

Cannabis Regulations

<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2018-144/>

Controlled Drugs and Substances Act

<https://laws-lois.justice.gc.ca/eng/acts/C-38.8/>

Food and Drug Act

<https://laws-lois.justice.gc.ca/eng/acts/F-27/>

CNPS: Access to Cannabis for Medical Purposes: What Every Nurse Should Know

<https://www.cnps.ca/index.php?page=502>

Information for Health Care Practitioners – Medical Use of Cannabis

<https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/information-medical-practitioners.html>

Canadian Nurses Association: Cannabis

<https://www.cna-aiic.ca/en/policy-advocacy/cannabis>

College of Family Physicians of Canada: Cannabis Resources for Family Physicians

<https://www.cfpc.ca/ProjectAssets/Templates/Category.aspx?id=12164&terms=cannabis>

College of Family Physicians of Canada: Authorizing Dried Cannabis for Chronic Pain or Anxiety

<https://www.cfpc.ca/uploadedFiles/Resources/PDFs/Authorizing%20Dried%20Cannabis%20for%20Chronic%20Pain%20or%20Anxiety.pdf>

Public Health Agency of Canada New Cannabis Toolkit to Educate Health Professionals

<https://www.canada.ca/en/public-health/news/2018/12/statement-from-the-chief-public-health-officer-health-professional-forum-on-new-cannabis-toolkit-to-educate-health-professionals.html>



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