

## Prescribing Dangerous Drugs and the Law (Part 3)

Atty. Rodel V. Capule, M.D.\*

Inclusion of dangerous drugs in first aid kits, ambulances, domestic or international flights or voyages or medical missions need to comply with existing regulations. "The PDEA may, on written application made in the prescribed form by an applicant, grant a permit to include a dangerous drug or drug preparations containing controlled chemicals in an emergency medical kit/bag/case."<sup>27</sup> Specifically, "medical ambulances that are organic to registered and licensed hospitals or Philippine Uniformed Services hospitals and field medical units are authorized to carry emergency medical bag/case containing dangerous drugs and drug preparations containing controlled chemical and shall be under the control of the duty medical officer in charge who shall be responsible for signing out and signing in of the medical bag/case from the Philippine Uniformed Service field medical supply unit or hospital medical department (pharmacy) as the case may be. The medical bag/case shall be stored with the pharmacy department of the hospital or field medical unit when the ambulance is not on emergency medical run."<sup>28</sup> Acquisition of emergency medical kits that are packaged with dangerous drug preparations shall be subject to the guidelines issued by PDEA (Annex E).<sup>29</sup>

Also under the rule, "no person shall engage in a conduct that constitutes the professional supply of any dangerous drug or drug preparations containing controlled chemical, in any dosage form, which requires a valid S-2 license except"<sup>30</sup> "a licensed practitioner, provided that such supply at all times takes place under the immediate supervision of a pharmacist"<sup>31</sup> or a "medical practitioner who, in accordance with the norms and standards of his or her profession administers the drug directly to a patient in the ordinary course of treatment"<sup>32</sup> or "supplies the drug to a patient in the ordinary course of treatment from a place more than a five kilometer-radius from the place of business of a pharmacy or within a five kilometer-radius where there is no pharmacy store dispensing dangerous drugs and/or drug preparations containing controlled substances."<sup>33</sup>

Simply stated, the preceding paragraph prohibits a physician to supply or "sell"<sup>34</sup> dangerous drugs or controlled substance to patients except "that such supply at all times takes place under the immediate supervision of a pharmacist" or the "medical practitioner who, in accordance with the norms and standards of his or her profession administers the drug directly to a patient in the ordinary course of treatment" or "supplies the drug to a patient in the ordinary course of treatment from a place more than a five kilometer-radius from the place of business of a pharmacy or within a five kilometer-radius where there is no pharmacy store dispensing dangerous drugs and/or

drug preparations containing controlled substances."

Carrying or possession of dangerous drugs and/or drug preparation containing controlled chemical for personal use by international travelers is likewise governed by specific rule. Failure to secure the necessary "permit" to carry or possess dangerous drugs and/or drug preparation containing controlled chemical carries serious consequences. The rule states that "(a)ny person undergoing treatment of a medical condition, who is entering, leaving or passing through the Philippines, may possess such quantities of a dangerous drug, or drug preparation containing a controlled chemical, in any dosage form, wherever prescribed by a valid PDEA S2-licensed physician, as are reasonable for the purposes of such treatment."<sup>35</sup> As an international traveler with pre-existing medical conditions, such person shall carry the following items: <sup>36</sup>

- (a) Letter from attending physician, describing the medical condition of the traveler (for incoming and outgoing passenger);
- (b) Physician's prescription medication including the trade and generic names of the prescribed dangerous drugs and/or preparations or drug preparation containing a controlled chemical (for incoming and outgoing passenger not exceeding 30 days supply);
- (c) Certificates of Authorizations issued by a National Competent Authority of his home country and PDEA (for incoming passenger with dangerous drugs and/or drug preparation containing a controlled chemical exceeding 30 days supply);
- (d) Certificates of PDEA Authorization and National Competent Authority of country of destination. (for outgoing passenger with dangerous drugs and/or and/ or drug preparation containing a controlled chemical exceeding 30 days supply);
- (e) Prescription of dangerous drugs and/or drug preparation containing controlled chemical in original/personalized container and properly labeled accordingly.

"A request for PDEA Authorization to carry dangerous drugs and/or drug preparation containing a controlled chemical exceeding 30 (30) days supply shall be made in writing including a letter from the attending physician describing the medical condition of the traveler, medication including the trade and generic names and Certificates of Authorization issued by a National Competent Authority of either his home country or destination country, to PDEA 30 working days prior to arriving in the Philippines. PDEA's reply will be made within 15 working days upon receipt of

\*Dr. R.V. Capule is an attorney specializing in medical malpractice, physical injuries and food torts. He is a law professor of Legal Medicine at Arellano University School of Law and a consultant in Legal Medicine at Adventist Medical Center Manila and Makati Medical Center.

request.”<sup>37</sup> “It is mandatory that the outgoing passenger must check with the Embassy of the country of destination for the regulatory requirements for dangerous drugs or drugs under international control to be carried for personal use.”<sup>38</sup>

## References

27. **Section 13, par. 1(a)**, Permits in Relation to First Aid Kits, Ambulances, Domestic or International Flights or Voyages , Medical Missions; [Dangerous Drug Board] Board Regulation I, 2014
28. **(c), Annex E** - Pharmaceutical Drugs in Airplanes and Vessels
29. **Section 13, par. 2**, Permits in Relation to First Aid Kits, Ambulances, Domestic or International Flights or Voyages , Medical Missions; [Dangerous Drug Board] Board Regulation I, 2014; See Annex E - Pharmaceutical Drugs in Airplanes and Vessels
30. **par. 1, Section 30**. Persons Authorized to Engage in the Professional Supply of Dangerous Drugs or Drugs containing Controlled Chemicals; [Dangerous Drug Board] Board Regulation I, 2014
31. **par. 1(b), id.**
32. **par. 1(c)(i), id.**
33. **par. 1(c)(i), id.**
34. **“Sell” means any act of giving away any dangerous drug and/or controlled precursor and essential chemical whether for money or any other consideration. Section 1 (iii), [Dangerous Drug Board] Board Regulation I, 2014**
35. **Section 35 (1)**. Carrying of Dangerous Drugs and/or Drug Preparation containing Controlled Chemical by International Travelers; [Dangerous Drug Board] Board Regulation I, 2014
36. **Section 35 (2), id.**
37. **Section 35 (4), id.**
38. **Section 35 (3), id.**