



ENHANCING PRESCRIPTION CONTROL: A MECHANISM TO CURB THE DISSEMINATION OF PSYCHOACTIVE SUBSTANCES

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Abstract:

The medical prescription is a document issued by a licensed physician, specifying the medication to be dispensed by a pharmacist. It plays a crucial role in medical practice, being the only means to obtain certain drugs and medical preparations. However, it can be exploited by some individuals to facilitate the acquisition and distribution of psychoactive substances through forgery, formal alteration, or obtaining them through favoritism. Therefore, controlling prescriptions and increasing the responsibility of both the physician in issuing them and the pharmacist in dispensing them has become necessary to combat the trafficking and distribution of psychoactive substances, as enshrined by Algerian legislation in Law No.18-11 on Health and Executive Decree No.19-397 on the administrative, technical, and security control measures for psychoactive substances. Therefore, through this research, we will attempt to outline the key mechanisms of control over medical prescriptions, which can help curb the dissemination and trafficking of psychoactive substances.

Keywords: *Medical prescription, physician responsibility, pharmacist responsibility, psychoactive substances.*

INTRODUCTION

The phenomenon of addiction to psychoactive substances has become a threat to individuals and communities, as it has emerged as a frightening concern for countries and governments, especially since it has proliferated among youth, adolescents, and children, and has spread among students in schools due to the ease of access. Due to the severity of this scourge and in an attempt to contain it, the Algerian legislator has responded with a legal arsenal regulating the procedures for licensing the use and possession of psychoactive substances for medical or scientific purposes on one hand, and suppressing the unauthorized use and trafficking thereof on the other hand. However, this has not curbed their circulation and the increase in trafficking volume due to the evolution of methods to circumvent the law.

One of the means that facilitated the process of trafficking psychoactive substances and acquiring them through illegal means is the medical prescription, due to the ease of forging and falsifying it. Therefore, the Algerian legislator has surrounded it with a set of guarantees, ensuring the regulation of certain aspects related to its preparation, delivery, and monitoring, especially through Executive Decree No. 19-379, which specifies the procedures for administrative and security control of psychoactive substances. Thus, the problem highlighted in this research lies in understanding the mechanisms introduced by the Algerian legislator to control the circulation of psychoactive substances illegally on one hand and to curb the phenomenon of their trafficking on the other hand. To address this issue, we will adopt a descriptive-analytical approach, as studying the mechanisms introduced by the Algerian legislator to control medical prescriptions requires us to analyze the legal texts related to prescriptions, foremost among them being Executive Decree 19-379, which outlines the procedures for monitoring psychoactive substances.

1. Regulation of Medication Dispensing

To mitigate the phenomenon of psychoactive substances trafficking through medical prescriptions, the Algerian legislator has tightened the procedures for issuing prescriptions containing

psychoactive substances due to their inherent danger. They have surrounded it with a set of legal conditions and regulations.¹

1.1. Legal Regulations of Medication Dispensing

Although Algerian legislation penalizes actions committed by physicians during prescription dispensing, such as providing a forged prescription or through favoritism, this has not curbed the phenomenon of psychoactive substances trafficking or the ease of obtaining them through medical prescriptions. Consequently, the legislator has tightened the obligations of the physician associated with prescription writing and imposed formal and objective legal regulations that can entail criminal liability in case of violation².

1.1.1. Regulation of Formal Medication Dispensing

The Algerian legislator has designated the dispensing of prescriptions for medications and psychoactive substances as the responsibility of specialist physicians. This is stipulated in Articles 16 and 21 of Executive Decree No. 19-379, which specifies the administrative and technical control procedures for psychoactive substances.

The physician is granted the exclusive authority to dispense medical prescriptions, affording them the freedom to prescribe the medication deemed most suitable for the patient's condition. However, this freedom is subject to limitations, including the inclusion of essential physician-related data. This comprises a serial number for the prescription, identification of the structure or institution, whether public or private, employing the prescribing physician, identification of the prescribing physician along with their stamp and signature, as well as patient-related information and prescription details. These include the patient's title, name, gender, age, address, the international drug name, dosage, quantity, and form of the medication.

The Algerian legislator has introduced a new mechanism aimed at continuous monitoring of prescriptions for psychoactive substances and tracking the quantities prescribed by physicians, through Executive Decree No. 19-379. This mechanism also aims to combat the phenomenon of falsifying and photocopying medical prescriptions, through the use of the three-copy prescription form. Physicians are required to prescribe psychoactive substances on a separate prescription form with different colors: white, yellow, and pink. The patient receives the white and yellow copies, while the physician retains the pink copy for a period of two years³.

The medical prescription is recorded in a register opened for this purpose, which is numbered and marked by the health directorate for physicians practicing in private institutions, or by the institution directorate for physicians practicing in public institutions⁴.

It is not sufficient for the medical prescription to contain a set of data, nor is it sufficient for its author to be a physician. Rather, conditions related to the content of the prescription are required. In addition to adhering to the scientific principles of the medical profession and precision and clarity in medical terminology, the Algerian legislator stipulated through Article 16 of Executive Decree No. 19-379 that the physician must specify the duration of treatment in the prescription, not exceeding 3 months.

Furthermore, psychoactive substances must be prescribed separately from other medications. The physician is not allowed to prescribe or use any substances other than those registered and approved in human medicine and listed in the national code.


1.2. Periodic Inspection and Regulation of Medical Dispensing Procedures

¹- Selkh Mohamed Lamine. Physician's Responsibility for Prescription. Legal Loyalty Library, Alexandria, First Edition, 25.

²- Falih Kamal Mohamed Abdel Majeed. The Legal System of Medical Prescription in Algerian Law. Journal of Legal and Political Research, Issue No. 7, 2016, University Moulay Tahar of Saida.

³- Executive Decree No. 19-379 dated December 31, 2019, specifying the administrative and technical monitoring mechanisms for psychotropic substances. Official Journal, Issue No. 01, dated January 5, 2020.

⁴- Executive Decree No. 19-379 dated December 31, 2019, specifying the administrative and technical monitoring mechanisms for psychotropic substances. Official Journal, Issue No. 01, dated January 5, 2020.



To enhance administrative oversight over the prescription of medications with psychoactive properties, the Algerian legislator has authorized certain authorities to monitor healthcare institutions and ensure their compliance with the procedures for prescribing psychoactive drugs.

1.2.1.Regulation of Medical Inspector

The inspecting physician conducts periodic and surprise inspections of both private and public healthcare facilities to monitor the extent of compliance with legal procedures regarding the prescription of psychoactive substances. This includes reviewing specific records and the quantity prescribed.

In the event of procedure violations, the inspecting physicians prepare a report and submit it to the provincial committee responsible for psychoactive medications, along with a copy sent to the relevant department of the Ministry of Health.

1.2.2.The Provincial Committee for Psychoactive Substances

The composition of the provincial committee is determined by a decision of the Minister responsible for health and operates under the supervision of the provincial health directorate. It undertakes several tasks, including monitoring and tracking pharmacists and physicians, and taking all necessary measures aimed at curbing the dissemination of psychoactive substances.

2. Regulation of Medication Dispensing

The Algerian legislature has given particular importance to psychoactive substances due to their impact on human health. Dealing with them is considered a crime unless they are used for medical purposes, prescribed in specific quantities, and continuously monitored for their consumers. To combat all unauthorized actions, Algerian law criminalizes the dealing and trafficking of psychoactive substances under Law No. 04/18 related to the prevention of drugs and psychoactive substances. In an attempt to address the deficiencies and loopholes in previous laws, the legislature addressed this issue by enacting a specific regulation through Executive Decree No. 19-379. This decree aims to administratively, securely, and technically monitor psychoactive substances, emphasizing the responsibilities of pharmacists in acquiring and dispensing them.

2.1. Pharmacist Obligations During Dispensing of Psychoactive Substances

The pharmacist is responsible for dispensing medications and preparing related formulations in accordance with the physician's prescription and the established scientific principles of the profession. Additionally, they oversee the preparation of medications. The pharmacist shoulders a set of obligations associated with the medical prescription, including:

2.1.1.Receipt of White and Yellow Prescription Copies

The pharmacist's compliance with receiving both the white and yellow prescription copies marks the necessary starting point for dispensing. The pharmacist shall not dispense psychoactive substances based on a single prescription or an illegal template. This is stipulated by Article 26 of the executive decree concerning the administrative and security control of psychoactive substances, which states, "The dispensing of substances and medications with psychoactive properties is under the responsibility of the pharmacist, and it is a requirement to present both the white and yellow prescription copies."¹


2.1.2.Verification of the Prescriber's Active Credentials

The pharmacist shall verify whether the prescription is issued by a specialist physician or not. They ensure that the prescriber is a licensed physician and should include essential information such as the physician's name, address, date of issuance, and specialty, written clearly, printed, and stamped with their seal. The pharmacist is responsible for dispensing incomplete or non-compliant prescriptions or those issued by unauthorized individuals.

2.1.3.Verification of Prescription Validity Period

During the pharmacist's inspection of the prescription, it is necessary to verify the validity period of the prescription containing substances and medications with psychoactive properties. Its validity

¹- Executive Decree No. 19-379 dated December 31, 2019, specifying the administrative and technical monitoring mechanisms for psychotropic substances. Official Journal, Issue No. 01, dated January 5, 2020.



shall exceed three months, and it shall be dispensed in quantities for three months if presented at the beginning of the first month of the prescription. In the case of presenting the prescription in the second month following its issuance, it shall be dispensed for two months. Additionally, the pharmacist shall record the dispensing date on the prescription.

2.1.4. Storing Prescription Records Containing Psychoactive Substances

In order for administrative bodies to regulate the dispensing and circulation of psychoactive substances, Article of Executive Decree No. 19-379 stipulates that pharmacists are obligated to maintain prescription records. These registers must adhere to a model specified by the law. Additionally, pharmacists are required to keep an entry log, which is indicated by supervisory authorities. This log specifies the quantity acquired, enabling administrative bodies to monitor the movement of psychoactive substances.¹

2.2. Regulation of Psychoactive Substances Dispensing

The penal law alone is not sufficient to address the phenomenon of psychoactive substance trafficking. The legislator has attempted to regulate psychoactive substances, track their movement, and control their circulation in order to identify those responsible for their distribution or involvement therein. This effort is reflected in Decree 19-379 concerning the monitoring of psychoactive substances. Certain entities have been tasked with monitoring psychoactive substances, including the inspecting pharmacist and the provincial committee responsible for psychoactive substances.

2.2.1. Pharmacy Inspections

A system for inspecting all activities related to psychoactive substances has been established, wherein the pharmacist inspector monitors dispensed prescriptions and their corresponding records, ensuring their compliance with receipt documents. Article 31 of Decree 19-379 stipulates: "Pharmacist inspectors conduct periodic and surprise inspections at the premises of pharmacies and public or private healthcare institutions to monitor documents, prescriptions, and records."

The pharmacist shall grant the pharmacist inspector access to all documents, and in case of violations, the pharmacist inspector prepares a report and submits it to the competent provincial committee regionally, with a copy sent to the relevant authority at the Ministry of Health.

2.2.2. The Provincial Committee Responsible for Psychoactive Substances

In case of detecting irregularities, the pharmacist submits all documents to the provincial committee, justifying them for scrutiny and follow-up, as included in Articles 36 and 38 of Executive Decree No. 19-379.

Conclusion

Combating the crime of illicit trafficking and consumption of psychotropic substances, coupled with regulating the issuance of medical prescriptions with a set of technical and formal rules, the law has imposed obligations on both physicians and pharmacists to adhere to and has established criminal liability for any breach of these rules and obligations. The legislator has strengthened the control measures over medical prescriptions containing psychotropic substances to limit their trafficking, illegal trade, and consumption through Executive Decree No. 19-379 concerning the monitoring of psychotropic substances. However, this does not entirely eliminate the phenomenon of illicit trafficking and consumption. Therefore, we propose the following recommendations:

- Activating Executive Decree No. 19-379, which specifies the monitoring mechanisms for psychotropic substances; as to date, this law has not been implemented.
- Although the legislator attempted to regulate prescriptions containing psychotropic substances through the mechanism of the triple prescription or three-copy prescription, the paper-based nature of the prescription may facilitate its falsification by addicts and forgers. Therefore, substituting paper-based prescriptions with electronic prescriptions is a necessary step to combat the phenomenon of addiction to psychotropic substances.

¹- Executive Decree No. 19-379 dated December 31, 2019, specifying the administrative and technical monitoring mechanisms for psychotropic substances. Official Journal, Issue No. 01, dated January 5, 2020.



- Digitizing healthcare institutions and activating the electronic medical record system therein, along with administratively and security-wise supervising it, has become imperative. This would enable administrative and pharmaceutical authorities to inventory the quantities of psychotropic substances procured, monitor their electronic and rapid circulation and movement.

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