

ONTARIO COLLEGE OF PHARMACISTS – BY-LAW NO. 2

A by-law relating generally to the conduct of the affairs of the Ontario College of Pharmacists.

TABLE OF CONTENTS

	Page
ARTICLE 1 INTERPRETATION.....	1
1.1 Meaning of Words.....	1
ARTICLE 2 MEMBERSHIP IN THE COLLEGE.....	3
2.1 Certificates of Registration.....	3
2.2 Insurance Requirements for a Certificate of Registration.....	3
2.3 Evidence of Insurance.....	4
ARTICLE 3 RESTRICTION ON COUNCIL MEMBERS.....	4
3.1 Restriction on Council Members.....	4
ARTICLE 4 ELECTION OF COUNCIL MEMBERS.....	4
4.1 Electoral Districts K, L, M, N, P.....	4
4.2 Electoral District H.....	5
4.3 Electoral District T.....	5
4.4 Electoral District TH.....	5
4.5 Number of Members to be Elected.....	5
4.6 Voting Eligibility.....	5
4.7 Terms of Office.....	6
4.8 Election Date.....	7
4.9 Eligibility for Election.....	7
4.10 Registrar to Supervise Nominations.....	9
4.11 Notice of Election and Nominations.....	9
4.12 Nomination Procedure.....	9
4.13 Acclamation.....	10
4.14 Registrar’s Electoral Duties.....	11
4.15 Scrutineers.....	11
4.16 Ballots.....	11
4.17 Voting.....	12
4.18 Number of Votes to be Cast.....	13
4.19 Tie Votes.....	13
4.20 Recounts.....	13
4.21 Interruption of Service.....	14
4.22 Disqualification of Elected Members.....	14
4.23 Filling of Vacancies.....	15
4.24 Supplementary Election Procedures.....	16
ARTICLE 5 MEETINGS OF COUNCIL.....	16
5.1 Meetings of Council.....	16
5.2 Meetings Held By Technological Means.....	19
ARTICLE 6 REMUNERATION AND EXPENSES.....	20

TABLE OF CONTENTS

(continued)

	Page
6.1	Remuneration and Expenses..... 20
ARTICLE 7	COMMITTEES OF THE COLLEGE 21
7.1	Statutory Committees under the Act..... 21
7.2	Statutory Committee under the Pharmacy Act..... 21
7.3	Standing Committees..... 21
7.4	Appointment of Special Committees..... 22
7.5	Reporting of Committees..... 22
7.6	Appointments of Statutory and Standing Committees..... 22
7.7	Appointment of Elections Committee..... 23
7.8	Disqualification, Vacancies and Term Limits of Committee Members..... 23
7.9	Non-Council Committee Members..... 24
7.10	Quorum..... 25
7.11	Vacancies 25
ARTICLE 8	COMPOSITION AND DUTIES OF STATUTORY AND STANDING COMMITTEES 25
8.1	Composition of the Executive Committee..... 25
8.2	Chair of the Executive Committee..... 25
8.3	Duties of the Executive Committee 25
8.4	Composition of the Registration Committee 27
8.5	Duties of the Registration Committee..... 27
8.6	Composition of the Inquiries, Complaints and Reports Committee..... 27
8.7	Duties of the Inquiries, Complaints and Reports Committee..... 28
8.8	Composition of the Discipline Committee..... 28
8.9	Duties of the Discipline Committee 28
8.10	Composition of the Fitness to Practise Committee..... 29
8.11	Duties of the Fitness to Practise Committee 29
8.12	Composition of the Quality Assurance Committee 29
8.13	Duties of the Quality Assurance Committee 29
8.14	Composition of the Patient Relations Committee..... 30
8.15	Duties of the Patient Relations Committee 30
8.16	Composition of the Accreditation Committee 30
8.17	Duties of the Accreditation Committee 31
8.18	Composition of the Finance Committee..... 31
8.19	Duties of the Finance Committee 31
8.20	Composition of the Professional Practice Committee..... 32
8.21	Duties of the Professional Practice Committee 32

TABLE OF CONTENTS

(continued)

	Page
8.22	Composition of the Elections Committee..... 33
8.23	Duties of the Elections Committee 33
8.24	Composition of the Compensation Committee 33
8.25	Duties of the Compensation Committee..... 34
8.26	Composition of the Communications Committee 34
8.27	Duties of the Communications Committee 34
ARTICLE 9	OFFICERS 35
9.1	Election of the President and the Vice-President 35
9.2	Duties of the President and the Vice-President 35
ARTICLE 10	BUSINESS OF THE COLLEGE..... 36
10.1	Seal..... 36
10.2	Execution of Documents 36
10.3	Banking and Finance..... 37
10.4	Financial Year and Audit 37
10.5	Inspectors 38
10.6	Grants 38
10.7	Funds..... 38
10.8	College Membership..... 39
ARTICLE 11	THE REGISTER 39
11.1	Member’s Name 39
11.2	Business Address..... 39
11.3	Business Telephone Number 39
11.4	Information to be Kept in Register - Members 39
11.5	Additional Information to be Kept in Register-Members 40
11.6	Additional Information to be Kept in Register – Health Profession Corporations..... 44
11.7	Deletion of Information 45
11.8	Disclosure..... 45
ARTICLE 12	FILING OF INFORMATION BY MEMBERS, PHARMACIES AND HEALTH PROFESSION CORPORATIONS 45
12.1	Filing of Information by Members 45
12.2	Filing of Information by Pharmacies 47
12.3	Filing of Information for New, Acquired or Relocated Pharmacies 48
12.4	Filing of Information for Closing Pharmacies..... 49
12.5	Filing of Information by Health Profession Corporations 49

TABLE OF CONTENTS
(continued)

	Page
ARTICLE 13 MEMBER FEES.....	50
13.1 Application and Issuance Fees.....	50
13.2 Examination Fee.....	51
13.3 Annual Fees.....	51
13.4 Fee to Lift Suspension or for Reinstatement.....	52
13.5 Election Recount Fee.....	52
13.6 Other Fees.....	52
ARTICLE 14 PHARMACY FEES.....	52
14.1 Application Fee.....	52
14.2 Renewal Fee	52
14.3 Relocation and Sale Fees.....	53
14.4 Re-Inspection Fee.....	53
ARTICLE 15 CERTIFICATE OF AUTHORIZATION FEES.....	53
15.1 Application Fee.....	53
15.2 Renewal Fee	53
ARTICLE 16 CODES OF ETHICS AND CONDUCT.....	54
16.1 Code of Ethics.....	54
16.2 Code of Conduct.....	54
ARTICLE 17 MAKING, AMENDING AND REVOKING BY-LAWS	54
17.1 Requirements	54
17.2 Repeal of Former By-Laws	54
17.3 Effective Date	54
17.4 Conflict	54

BE IT ENACTED as a by-law of the **ONTARIO COLLEGE OF PHARMACISTS** (the College) as follows:

ARTICLE 1 – INTERPRETATION

1.1 Meaning of Words. In this By-Law, and in all other By-Laws and resolutions of the College, unless the context otherwise requires:

1.1.1 “**Act**” means the *Regulated Health Professions Act, 1991, S.O. 1991, c.18*, as amended;

1.1.2 “**By-Law**” or “**By-Laws**” means the By-Laws of the College, as the same may be amended from time to time;

1.1.3 “**Certificate of Accreditation**” means a certificate of accreditation issued to a pharmacy by the Registrar pursuant to the *Drug and Pharmacies Regulation Act*;

1.1.4 “**Certificate of Authorization**” means a certificate of authorization issued to a health profession corporation by the College;

1.1.5 “**Certificate of Registration**” means a Certificate of Registration issued to a Member by the Registrar pursuant to the Code;

1.1.6 “**Chair**” means, depending on the context, the Chair of a Statutory Committee or a standing Committee, or the person presiding at a meeting of the Council;

1.1.7 “**Code**” means the Health Professions Procedural Code, being Schedule 2 to the Act;

1.1.8 “**Code of Conduct**” means the Code of Conduct and Procedures for Council and Committee Members which is set out in Schedule B to this By-Law, as it may be amended from time to time;

1.1.9 “**Code of Ethics**” means the Code of Ethics which is set out in Schedule A to this By-Law as it may be amended from time to time;

1.1.10 “**College**” means the Ontario College of Pharmacists;

1.1.11 “**Committee**” or “**Committees**” means a Committee or Committees of the College, whether statutory, standing or special Committees;

1.1.12 “**Council**” means the Council of the College;

- 1.1.13 **"Council member"** or **"member of the Council"** means a person who has been elected or appointed as a member of the Council;
- 1.1.14 **"Deputy Registrar"** means the Deputy Registrar of the College;
- 1.1.15 **"Designated Manager"** means the manager designated by the owner of a pharmacy as required by Section 146 (1) (b) of the *Drug and Pharmacies Regulation Act*;
- 1.1.16 **"Director of Finance and Administration"** means the Director of Finance and Administration of the College;
- 1.1.17 **"Director of Professional Development"** means the Director of Professional Development of the College;
- 1.1.18 **"Director of Professional Practice"** means the Director of Professional Practice of the College;
- 1.1.19 **"Director of Programs"** means the Director of Programs of the College;
- 1.1.20 **"District"** or **"Electoral District"** means an Electoral District as set out in Article 4;
- 1.1.21 **"Drug and Pharmacies Regulation Act"** means the *Drug and Pharmacies Regulation Act*, R.S.O. 1990, Chap. H.4, as amended;
- 1.1.22 **"Drug and Pharmacies Regulation Act Regulations"** means the Regulations made under the *Drug and Pharmacies Regulation Act*;
- 1.1.23 **"Member"** means a member of the College, to whom a Certificate of Registration has been issued by the Registrar;
- 1.1.24 **"Narcotic Signer"** means a pharmacist who is designated by a pharmacy to be authorized to sign the documentation required under the *Controlled Drug and Substances Act* (Canada) or the regulations thereunder in order to obtain narcotics for the pharmacy;
- 1.1.25 **"Pharmacy Act"** means the *Pharmacy Act, 1991*, S.O. 1991, c.36;
- 1.1.26 **"Pharmacy Act Regulations"** means the Regulations under the *Pharmacy Act*;
- 1.1.27 **"President"** and **"Vice-President"** mean, respectively, the President and the Vice-President of the Council;

1.1.28 “**Register**” means the Register required to be kept pursuant to the Code;

1.1.29 “**Registrar**” means the Registrar of the College;

1.1.30 “**Regulations**” means the Regulations under the Act; and

1.1.31 “**Statutory Committees**” means the Committees listed in Section 10 of the Code as of the date of enactment of these By-Laws, and the Accreditation Committee as required under the *Pharmacy Act*.

ARTICLE 2 MEMBERSHIP IN THE COLLEGE

2.1 Certificates of Registration. The following are prescribed in the Pharmacy Act Regulations as classes of Certificates of Registration:

2.1.1 Pharmacist- every member of this class is listed in either Part A or Part B of the Register, as defined in the Pharmacy Act Regulations;

2.1.2 Registered Pharmacy Student;

2.1.3 Intern; and

2.1.4 Pharmacy Technician.

2.2 Insurance Requirements for a Certificate of Registration. Interns and Pharmacists who are listed in Part A of the Register must maintain personal professional liability insurance as follows:

2.2.1 **Limit of Liability.** The policy of insurance must contain limits of a minimum of \$2,000,000 per claim or per occurrence and \$4,000,000 in the annual aggregate.

2.2.2 **Definition of Insured Services.** The definition of Insured Services under the policy must include all professional services in the practice of pharmacy as regulated by the College.

2.2.3 **Type of Insurance.** Both “claims made” and “occurrence” form policies will be acceptable.

2.2.4 **Retroactive Date.** The policy must not contain a retroactive date and must provide for full prior acts protection.

2.2.5 **Extended Reporting Period (ERP).** If the policy is a “claims made” policy, it must contain an extended reporting period provision for a minimum of three years.

2.2.6 **Personal Professional Liability Insurance Coverage.** The policy must be issued in the name of the individual Member and provide that Member with mobility and coverage wherever in Ontario that Member practises.

2.2.7 **Legal Defence Payments.** Legal defence payments for regulatory proceedings or other legal proceedings potentially afforded by a personal professional liability policy must not erode the minimum limits of liability under the policy (\$2,000,000 per claim or occurrence and \$4,000,000 annual aggregate).

2.3 **Evidence of Insurance.** A Member shall, upon the request of the Registrar, provide proof of professional liability insurance in the required amounts and form, and a copy of the Member's professional liability insurance policy.

ARTICLE 3 - RESTRICTION ON COUNCIL MEMBERS

3.1 **Restriction on Council Members.** No member of the Council shall be an employee of the College.

ARTICLE 4 – ELECTION OF COUNCIL MEMBERS

4.1 **Electoral Districts K, L, M, N, P.** The following Electoral Districts are established for the purpose of the election of members of Council who hold a Certificate of Registration as a Pharmacist:

4.1.1 Electoral District K (Eastern Ontario), comprised of all addresses within the Canadian Postal Code boundaries whose postal code begins with the letter K.

4.1.2 Electoral District L (Central Ontario), comprised of all addresses within the Canadian Postal Code boundaries whose postal code begins with the letter L.

4.1.3 Electoral District M (Toronto), comprised of all addresses within the Canadian Postal Code boundaries whose postal code begins with the letter M.

4.1.4 Electoral District N (Western Ontario), comprised of all addresses within the Canadian Postal Code boundaries whose postal code begins with the letter N.

4.1.5 Electoral District P (Northern Ontario), comprised of all addresses within the Canadian Postal Code boundaries whose postal code begins with the letter P.

4.2 Electoral District H. The following Electoral District is established for the purpose of the election of members of Council who hold a Certificate of Registration as a Pharmacist and whose place of practice for election purposes on June 1 immediately preceding the election, is in a hospital in Ontario that has been approved or licensed under a federal or provincial statute:

4.2.1 Electoral District H, comprised of the Province of Ontario.

4.3 Electoral District T. The following Electoral District is established for the purpose of the election of a member of Council who holds a Certificate of Registration as a Pharmacy Technician:

4.3.1 Electoral District T, comprised of the Province of Ontario.

4.4 Electoral District TH. The following Electoral District is established for the purpose of the election of a member of Council who holds a Certificate of Registration as a Pharmacy Technician and whose place of practice for election purposes on June 1 immediately preceding the election, is in a hospital in Ontario that has been approved or licensed under a federal or provincial statute:

4.4.1 Electoral District TH, comprised of the Province of Ontario.

4.5 Number of Members to be Elected

4.5.1 Subject to subparagraph 4.5.1.1, the number of members of Council to be elected is:

- (a) Three in each of Electoral Districts L, M, and N;
- (b) Two in each of Electoral Districts K and P;
- (c) Two in Electoral District H;
- (d) One in Electoral District T; and
- (e) One in Electoral District TH.

4.5.1.1 No member of Council shall be elected in Electoral District T or Electoral District TH until the conditions set out in subparagraph 4.8.1.1 have been met.

4.6 Voting Eligibility

4.6.1 Every Member who holds a valid Certificate of Registration as a Pharmacist or a Pharmacy Technician, who practises or resides in Ontario,

and who is not in default of payment of the annual fee, is entitled to vote in an election of members to the Council in the Electoral District in which his or her place of practice is located on June 1 immediately preceding the election.

4.6.2 A Member who holds a Certificate of Registration as a Pharmacist shall only be eligible to vote in one of Electoral Districts K, L, M, N, P and H and a Member who holds a Certificate of Registration as a Pharmacy Technician shall only be eligible to vote in one of Electoral Districts T or TH.

4.6.3 Neither a Registered Pharmacy Student nor an Intern is entitled to vote.

4.6.4 If, as of June 1 immediately preceding an election, a Member has no fixed place of practice, the Member may vote in the Electoral District in which he or she resides or, in the case of a Member who holds a Certificate of Registration as a Pharmacy Technician, in Electoral District T.

4.6.5 If, as of June 1 immediately preceding an election, a Member has a place of practice in more than one Electoral District, the Member shall declare to the Registrar which Electoral District is to be considered his or her place of practice for election purposes, and he or she may vote only in that Electoral District.

4.6.6 If the place of practice for election purposes of a Member is in a hospital in Ontario approved or licensed under a federal or provincial statute, he or she may only vote in Electoral District H (in the case of a Pharmacist) or Electoral District TH (in the case of a Pharmacy Technician).

4.7 Terms of Office

4.7.1 The term of office of a person elected to Council in 2010 in Electoral District M or Electoral District P shall be one (1) year, commencing at the first meeting of Council after the election.

4.7.2 The term of office of a person elected to Council in 2010 in Electoral District N or Electoral District H shall be two (2) years, commencing at the first meeting of Council after the election.

4.7.3 Subject to subparagraph 4.7.3.1, the term of office of a person elected to Council in 2010 in Electoral District K, Electoral District L, Electoral District T or Electoral District TH shall be three (3) years, commencing at the first meeting of Council after the election.

4.7.3.1 Should an election of members of Council for Electoral District T and Electoral District TH not be held on the first Wednesday in August 2010, the term of office of a person elected to Council

in the first election held in those Electoral Districts shall commence at the first meeting of Council after the election and shall expire on the same date as the term of office of a person elected to Council in 2010 in Electoral District K or Electoral District L.

4.7.4 The term of office of a person elected to Council in an annual August election after 2010 shall be three (3) years, commencing at the first meeting of Council after the election.

4.8 Election Date

4.8.1 Subject to subparagraphs 4.8.1.1 and 4.8.1.2, an election of members of Council for all Electoral Districts shall be held on the first Wednesday in August 2010.

4.8.1.1 An election of members of Council for Electoral Districts T and TH shall be held on the first Wednesday in August 2010 only if, as of May 10, 2010, the following conditions have been met: (a) section 18 of the *Health Systems Improvement Act, 2007*, S.O. 2007, c. 10 has been proclaimed in force, and (b) the College's proposed registration regulation to replace "Part IV-Registration" of O. Reg. 202/94 has come into effect.

4.8.1.2 Should an election of members of Council for Electoral District T and Electoral District TH not be held on the first Wednesday in August 2010, the election shall be held on a date to be set by the Registrar that is no less than ninety (90) days, and no more than one hundred and twenty (120) days, after the conditions set out in subparagraph 4.8.1.1 have been met.

4.8.2 An election of members of Council for Electoral Districts M and P shall be held on the first Wednesday in August 2011 and every third year after that.

4.8.3 An election of members of Council for Electoral Districts N and H shall be held on the first Wednesday in August 2012 and every third year after that.

4.8.4 An election of members of Council for Electoral Districts K, L, T and TH shall be held on the first Wednesday in August 2013 and every third year after that.

4.9 Eligibility for Election

4.9.1 A Member who holds a valid Certificate of Registration as a Pharmacist or as a Pharmacy Technician is eligible for election to the Council

in one of Electoral Districts K, L, M, N, P and H (in the case of a Pharmacist) or in one of Electoral Districts T and TH (in the case of a Pharmacy Technician) if, on June 1 immediately preceding the election:

- (a) in the case of a Member who proposes to run in Electoral Districts K, L, M, N, P or Electoral District T, the Electoral District in which the Member proposes to run is the Member's place of practice for election purposes, and is where the majority of his or her time in the practice of pharmacy is spent, or alternatively, is the location of the Member's permanent residence;
- (b) in the case of a Member who proposes to run in Electoral District H or TH the majority of the Member's time in the practice of pharmacy is spent in a hospital in Ontario that has been approved or licensed under a federal or provincial statute, which is the Member's place of practice for election purposes;
- (c) the Member is not in default of payment of any fees prescribed in the By-Laws;
- (d) the Member is not the subject of any disciplinary or incapacity proceeding;
- (e) the Member's Certificate of Registration has not been revoked or suspended in the six (6) years preceding the date of the election;
- (f) the Member is not a Registered Pharmacy Student or Intern;
- (g) the Member's Certificate of Registration is not subject to a term, condition or limitation other than one prescribed by regulation; and
- (h) the Member is not an employee or an elected or appointed member of the governing body of any local, regional, provincial or national professional association of pharmacists or pharmacy technicians or, if the Member is such an employee or elected or appointed member, the Member gives an undertaking to resign from such position upon being elected or acclaimed to the Council.

4.9.2 Every Member who proposes to run for election to the Council shall establish, to the satisfaction of the Elections Committee, that he or she meets the place of practice or residency requirement in the Member's Electoral District. In the event of a dispute about whether a Member meets those requirements, or otherwise regarding the eligibility of a Member for

election to Council, the Elections Committee shall conduct an investigation and report its findings and recommendations to the Executive Committee. In the event that the Executive Committee finds that the Member does not meet the place of practice or residency requirement in the Member's Electoral District, or that the Member is not otherwise eligible for election, it shall disqualify the Member as a candidate.

4.9.3 No person who has a direct interest in the result of an election dispute shall participate in the investigation or consideration of such dispute as a member of the Elections Committee or in the discussion and voting by the Executive Committee.

4.10 Registrar to Supervise Nominations

4.10.1 The Registrar shall supervise the nominations of candidates for members of Council.

4.11 Notice of Election and Nominations

4.11.1 Subject to subparagraph 4.11.1.1, no later than June 1 in the year in which the election is to be held, the Registrar shall notify each Member who is eligible to vote in an Electoral District in which an election is scheduled, of the date of the election. Such notification shall be by electronic mail and shall be addressed to each such Member at his or her electronic address that is on file with the College, or, if there is not an electronic address on file, such notification shall be by fax transmission to the Member's fax number that is on file with the College or by regular letter mail to the Member's home address that is on file with the College.

4.11.1.1 In an election of members of Council for Electoral District T and Electoral District TH that is held pursuant to subparagraph 4.8.1.2, the Registrar shall provide the required notification no later than sixty-five (65) days prior to the election date.

4.12 Nomination Procedure

4.12.1 A candidate for election as a member of Council shall be nominated by not fewer than three (3) Members who are eligible to vote in the Electoral District for which the candidate is nominated.

4.12.2 The nomination paper shall be accompanied by a form signed by the candidate in which the candidate affirms his or her commitment to the objects of the College and undertakes to comply with the College's policies, the By-Laws, the Code of Ethics and the Code of Conduct.

4.12.3 The nomination shall be signed by the nominators and shall be accepted by the candidate.

4.12.4 If it is not possible for the candidate to accept the nomination on the nominating paper which has been signed by the nominators, the candidate shall forward his or her acceptance to the Registrar.

4.12.5 Subject to subparagraph 4.12.5.1, all nominations shall be filed with the Registrar no later than 5:00 p.m. on the third Wednesday of June in the year in which the election is to be held.

4.12.5.1 In an election of members of Council for Electoral District T and Electoral District TH that is held pursuant to subparagraph 4.8.1.2, nominations shall be filed by a date to be set by the Registrar that is no later than fifty (50) days prior to the election date.

4.12.6 The Registrar shall, without undue delay after nominations have been closed, give notice to all those nominated of the names of the members nominated.

4.12.7 Subject to subparagraph 4.12.7.1, a candidate may withdraw his or her candidacy by notice of withdrawal delivered to the Registrar no later than July 1 in the year in which the election is to be held.

4.12.7.1 In an election of members of Council for Electoral District T and Electoral District TH that is held pursuant to subparagraph 4.8.1.2, a candidate's notice of withdrawal shall be delivered to the Registrar no later than thirty-five (35) days before the election date.

4.13 Acclamation

4.13.1 If, after the deadline referred to in subparagraph 4.12.5 or 4.12.5.1, the number of eligible candidates nominated for an Electoral District is equal to the number of members to be elected in that Electoral District, the Registrar shall declare the eligible candidate(s) to be elected by acclamation.

4.13.2 If, after the deadline referred to in subparagraph 4.12.5 or 4.12.5.1, the number of eligible candidates nominated for an Electoral District is less than the number of members to be elected in that Electoral District, the Registrar shall declare any eligible candidate(s) to be elected by acclamation and there shall be a supplementary nomination and election process held in accordance with Article 4.24 in order to fill any remaining vacancies.

4.14 Registrar's Electoral Duties

4.14.1 The Registrar shall supervise and administer the election of candidates and for the purpose of carrying out that duty, the Registrar may:

- (a) appoint returning officers or scrutineers;
- (b) establish a deadline for the receipt of ballots;
- (c) establish reasonable safeguards to ensure that the person voting is entitled to vote;
- (d) ensure electronic communication and voting processes are reliable and secure;
- (e) establish procedures for the counting and verification of ballots;
- (f) provide for the notification of all candidates and Members of the results of the election; and
- (g) provide for the destruction of ballots or the destruction of the record of ballots following an election.

4.14.2 No later than twenty-one (21) days before the date of an election, the Registrar shall provide to every Member eligible to vote in an Electoral District in which an election is to take place a list of the candidates in the Electoral District, secure access to a ballot, and an explanation of the voting procedures as set out in this By-Law.

4.15 Scrutineers

4.15.1 The Council shall, at the last regular Council meeting before an election, appoint two (2) or more Members to serve as scrutineers for the election.

4.15.2 The scrutineers shall be reimbursed for their expenses as provided in the By-Laws.

4.15.3 If a scrutineer is unable or unwilling to act, the President shall appoint a Member as a replacement scrutineer.

4.16 Ballots

4.16.1 The names of the candidates properly nominated in the Electoral District in which an election is to take place, and who have not withdrawn their candidacy by the deadline for so doing, shall appear on the ballot.

4.16.2 The Registrar shall prepare a list of the voting Members for each Electoral District in which the number of candidates is greater than the number of Members to be elected.

4.16.3 Secure access to a ballot shall be provided to each Member eligible to vote at least twenty-one (21) days before the date of the election.

4.16.4 A Member who is eligible to vote and who does not receive, or loses, his or her secure access to a ballot may apply to the Registrar for replacement secure access to a ballot and the Registrar shall provide the Member with a replacement.

4.17 Voting

4.17.1 A ballot shall clearly indicate the candidate of the voting Member's choice and shall be submitted so that it is received not later than 5:00 p.m. on the day of the election.

4.17.2 For each ballot cast, the scrutineers shall ascertain that the voting Member is eligible to vote according to the list prepared by the Registrar.

4.17.3 The votes shall be counted or verified by the scrutineers at the head office of the College on the day following the election.

4.17.4 The verification of the votes shall be conducted in such a manner that no person shall know for whom any voting Member has voted.

4.17.5 The only persons permitted to be present during the verification shall be the scrutineers, the Registrar, such staff of the College as the Registrar authorizes, and the candidates. A candidate may appoint one (1) person to represent the candidate at the verification.

4.17.6 If the scrutineers cannot agree on any matter relating to the verification, the matter shall be decided by the Registrar.

4.17.7 Upon completing the verification, the scrutineers shall prepare for each Electoral District a return, in duplicate, setting out the number of votes cast for each candidate and the number of spoiled ballots. The returns shall be filed with the Registrar for each Electoral District.

4.17.8 In an election where only one candidate is to be elected, the successful candidate is the eligible candidate with the highest number of votes.

4.17.9 In an election where more than one candidate is to be elected, the successful candidates are those eligible candidates with the highest and next highest number of votes and so on until the number of successful candidates equals the number of persons to be elected in that election.

4.17.10 Upon receiving the returns from the scrutineers, the Registrar shall declare the candidate(s) who received the largest number of votes in each Electoral District in accordance with subparagraphs 4.17.8 and 4.17.9 to be elected as members of the Council, and shall notify each candidate of the election results.

4.17.11 The Registrar shall retain the ballots or the records of the ballots for thirty (30) days from the date the votes were counted and shall then destroy the ballots or the records of the ballots unless a candidate requests a recount.

4.18 Number of Votes to be Cast

4.18.1 In any election in an Electoral District in which a Member is eligible to vote, a Member may cast as many votes as there are members of Council to be elected in that Electoral District in that election.

4.18.2 A Member shall not cast more than one vote for any one candidate.

4.19 Tie Votes

4.19.1 If there is a tie in an election of members of Council and it is necessary to break the tie to determine who shall be the successful candidate, the Registrar shall break the tie, by lot, and then declare the candidate elected.

4.20 Recounts

4.20.1 A candidate may make a written request to the Registrar for a recount, no more than thirty (30) days after the date of an election, upon paying the election recount fee to the Registrar.

4.20.2 If a recount is requested, the Registrar shall appoint a time and place for the recount. The Registrar shall hold the recount no more than fifteen (15) days after receiving the request.

4.20.3 The recount shall be conducted in the same manner as the original counting and verification of votes, except that the votes shall be counted and verified by two (2) persons appointed by the President, and who were not scrutineers in the election.

4.20.4 The candidate may be present for the recount.

4.20.5 The election recount fee shall be refunded to the candidate if the outcome of the election is changed in his or her favour as a result of the recount.

4.21 Interruption of Service

4.21.1 Where there is an interruption of mail or electronic service during the nomination or election, the Registrar shall extend the holding of the nomination or election for such period of time as the Registrar considers necessary to compensate for the interruption.

4.22 Disqualification of Elected Members

4.22.1 An elected member of Council is disqualified from sitting on Council if the elected member of Council:

- (a) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee; or
- (b) is found to be an incapacitated Member by a panel of the Fitness to Practice Committee.

4.22.2 Subject to subparagraphs 4.22.3 and 4.22.4, the Council may disqualify an elected member of Council from sitting on Council if the elected member of Council:

- (a) fails, without cause, to attend three (3) consecutive meetings of Council;
- (b) fails, without cause, to attend three (3) consecutive meetings of a Committee of which he or she is a member, or fails without cause to attend a scheduled hearing or review conducted by a panel to which he or she was appointed;
- (c) ceases to practise or reside in the Electoral District to which the member of Council was elected;
- (d) is in default of payment of any fees prescribed in the By-Laws;
- (e) becomes an employee or an elected or appointed member of the governing body of any local, regional, provincial or national professional association of pharmacists or pharmacy technicians; or

- (f) breaches the provisions of the By-Laws of the College, including the Schedules to the By-Laws, or the policies and procedures of the College in force at the relevant time.

4.22.3 In any case in which it is proposed that an elected member of Council should be disqualified under subparagraph 4.22.2, and there is a dispute related to the proposed disqualification, the dispute shall be referred to the Elections Committee, which shall investigate the dispute and report its findings and recommendations to the Council prior to the Council voting on the disqualification. No person who has a direct interest in the dispute shall participate in the investigation or consideration of it by the Elections Committee.

4.22.4 A two-thirds majority of all Council members eligible to vote is required to disqualify an elected member of Council pursuant to subparagraph 4.22.2. The elected member of Council who is the subject of the vote shall not be eligible to vote.

4.22.5 If a concern is raised that an elected member of Council has breached the Code of Conduct, the procedures set out in section 1.3 of the Code of Conduct shall be followed, and the Council shall be entitled to act in accordance with subsection 1.3.5 thereof.

4.22.6 An elected member of Council who is disqualified from sitting on the Council is thereby removed from Council and ceases to be a member of Council.

4.23 Filling of Vacancies

4.23.1 If the seat of an elected member of Council becomes vacant not more than twelve (12) months before the expiry of the term of office of that elected member of Council, the Council may:

- (a) leave the seat vacant; or
- (b) direct the Registrar to hold a by-election in accordance with this By-Law for the Electoral District in which the elected member of Council sat.

4.23.2 If the seat of an elected member of Council becomes vacant more than twelve (12) months before the expiry of the term of office of that member of Council, the Council shall direct the Registrar to hold a by-election for the Electoral District in which the elected member of Council sat.

4.23.3 The provisions of this By-Law that apply to the conduct of elections shall apply to the conduct of by-elections, with all necessary modifications.

4.23.4 The term of office of a member of Council elected in a by-election under subparagraph 4.23.1 or 4.23.2 shall commence upon acclamation or election and shall continue until the term of office of the former member of Council would have expired.

4.24 Supplementary Election Procedures

4.24.1 If no nominations are received in an Electoral District by the deadline referred to in subparagraph 4.12.5 or 4.12.5.1, or if the number of eligible candidates nominated for an Electoral District by the deadline is less than the number of members to be elected in that Electoral District, there shall be a supplementary election.

4.24.2 The provisions of this By-Law that apply to the conduct of elections shall apply to the conduct of supplementary elections, with all necessary modifications.

4.24.3 The term of office of a member of Council elected in a supplementary election under subparagraph 4.24.1 shall commence upon acclamation or election and shall continue until the end of the term of office prescribed in section 4.7 for a member elected in the Electoral District in which that member was elected.

ARTICLE 5 – MEETINGS OF COUNCIL

5.1 Meetings of Council.

5.1.1 The Council shall hold at least four regular meetings in the one-year period following each annual August election of members to the Council. The first regular Council meeting shall take place within 90 days following the August election. The dates for the remaining regular Council meetings shall be set at the first regular Council meeting following the August election.

5.1.2 The President may call a special meeting of Council at any time, provided ten (10) days' notice is given to each member of Council, the Members and the public, specifying the purposes of the meeting.

5.1.3 Notice of any special meeting of Council shall be sufficient if provided to each member of Council at his or her specified address as shown in the records of the College.

5.1.4 The President or, in his or her absence or failure to act, the Vice-President, shall call a special meeting of Council upon the written request of two-thirds (2/3) of the members of Council. In the event that the President or Vice-President are both unable, or fail, to call a meeting of Council, two-thirds (2/3) of the members of Council may call a meeting upon their written request delivered to the Registrar. Notice of the special meeting shall be given as set out in subparagraph 5.1.3.

5.1.5 Meetings of Council shall be held at the permanent office of the College, or at such other place or places as the Council may designate.

5.1.6 The quorum for the transaction of business at any meeting of the members of Council shall be a majority of members of Council.

5.1.7 At the regular meetings of members of Council, the business shall include:

- (a) noting the names of the Council members present and absent;
- (b) approving the agenda;
- (c) notice of motions intended to be introduced;
- (d) motions, notice of which has been previously given;
- (e) inquiries;
- (f) reports of Committees and consideration thereof;
- (g) unfinished business from previous meetings;
- (h) items for the information of Council members;
- (i) other matters; and
- (j) adjournment.

5.1.8 An item of business may be excluded only with the consent of two-thirds (2/3) of the members of Council present at a meeting.

5.1.9 The precedence of motions shall be set out in the most recent version of Roberts Rules of Order.

5.1.10 When a matter is under debate, no motion shall be received except:

- (a) to adjourn;

- (b) to put the question;
- (c) to postpone to a certain day;
- (d) to lay on the table;
- (e) to refer to a Committee, task force or working group; or
- (f) to amend.

5.1.11 A motion to adjourn or to lay on the table shall be put to the meeting and decided without debate.

5.1.12 When the Chair is called upon to decide a point of order or practice, he or she shall state his or her decision without argument and his or her ruling shall be final, unless appealed to Council. If the ruling is appealed, the person appealing shall state the reason for the appeal.

5.1.13 The Chair shall declare the result of all votes and, except in elections, shall, if so requested, require the members of Council voting in the affirmative and negative respectively to indicate their votes until they are counted, before declaring the result.

5.1.14 The Chair may express his or her opinion on any subject matter under debate without leaving the chair, and is entitled to vote. In the event of a tie, the Chair shall not have a second vote.

5.1.15 When any member of Council desires to speak in debate, he or she shall, after recognition by the Chair, rise in place and address his or her remarks to the Chair, confining remarks to the question under debate.

5.1.16 No member of Council while speaking shall be interrupted by another member of Council except upon a point of order.

5.1.17 A member of Council may speak once on any question, except:

- (a) a member of Council may explain a material point of his or her speech which may have been misquoted or misunderstood, but may not introduce any new matter or argument;
- (b) the proposer of a substantive motion shall be allowed a reply, which shall close the debate; or
- (c) with the consent of the Chair.

5.1.18 Any member of Council may require the question under discussion to be read at any time, but not so as to interrupt a speaker.

5.1.19 After the question has been put by the Chair, no member of Council shall speak to the question and no member of Council shall leave his or her place.

5.1.20 When the question under discussion contains distinct propositions, any member of Council may require the vote upon each proposition to be taken separately.

5.1.21 If a member of Council disobeys the rules of order, the Chair shall, on his or her own motion or on the objection of any other member of Council, call the member of Council to order and, in such case, the member of Council so called to order shall immediately stop speaking and take his or her place unless permitted to explain. If the ruling of the Chair is appealed to Council, the question shall be decided by a vote without debate.

5.1.22 Notices of motion are required in the following circumstances:

- (a) to amend the By-Laws;
- (b) to discharge a Committee, task force or working group;
- (c) to rescind or amend previously adopted Council policy.

5.1.23 Notices of all motions (other than those to amend the By-Laws) intended to be introduced shall be given at a meeting of the Council on a day previous to the discussion or vote thereon unless this requirement is dispensed with by a vote of at least two-thirds (2/3) of all the members of Council.

5.1.24 Any question, when once decided by the Council, shall not be reintroduced during the same meeting except by a notice of motion, which motion must be passed by a vote of at least two-thirds (2/3) of all members of Council.

5.2 Meetings Held By Technological Means.

5.2.1 If two-thirds (2/3) of all members of Council, or of a Committee (as the case requires) consent thereto generally or in respect of a particular meeting, and each has adequate access, members of Council or of a Committee may participate in a meeting of, respectively, Council or of a Committee, by means of such conference telephone or other communications facilities as permit all persons participating in the meeting to hear each other, and a member of Council or of a Committee participating in such a meeting by such means is deemed to be present at the meeting.

5.2.2 At the outset of each meeting referred to in Article 5.2.1, the Chair shall call roll to establish quorum and whenever votes are required. If the Chair is not satisfied that the meeting may proceed with adequate security and confidentiality, he or she shall adjourn the meeting to a predetermined date, time and place, unless a majority of the Council or Committee members (as the case may be) present at such meeting otherwise require.

ARTICLE 6 – REMUNERATION AND EXPENSES

6.1 Remuneration and Expenses.

6.1.1 When they are on official College business, members of Council and Committees, working groups and task forces, other than persons appointed by the Lieutenant Governor in Council, shall be paid the following:

- (a) a travel allowance, which shall consist of a rate for distance traveled of 45 cents per kilometre; or air fare, bus or rail fare (including club car seat or sleeper), plus transportation to and from air, bus or train terminals;
- (b) an expense allowance of \$285.00 for each day when out of the community in which the Council member resides;
- (c) an expense allowance of \$195.00 in lieu of the daily allowance described in subparagraph 6.1.1(b), whenever arrival is necessary the night prior to a scheduled meeting;
- (d) a daily expense allowance of \$165.00 when on College business in the community in which the Council member resides, which amounts include travel allowance.

6.1.2 If the Council appoints a Member, other than a Council or Committee member, to represent the College at a meeting or conference, the Member shall be reimbursed for expenses incurred at the rate set out in subparagraph 6.1.1, plus registration fees, if applicable. The Member shall not accept reimbursement for expenses from any other body.

6.1.3 An amount in excess of the amounts authorized under subparagraph 6.1.1 may be paid to a Council member or Committee member provided the amount was specifically included in the College budget for the year in which the expenses are incurred, or with the express, prior authorization of the Council or the Executive Committee.

ARTICLE 7 – COMMITTEES OF THE COLLEGE

7.1 Statutory Committees under the Act. Pursuant to the Act, the College shall have the following Committees, the composition and duties of which are set out in the Act, the Regulations and this By-Law:

- 7.1.1 Executive Committee;
- 7.1.2 Registration Committee;
- 7.1.3 Inquiries, Complaints and Reports Committee;
- 7.1.4 Discipline Committee;
- 7.1.5 Fitness to Practise Committee;
- 7.1.6 Quality Assurance Committee; and
- 7.1.7 Patient Relations Committee.

7.2 Statutory Committee under the *Pharmacy Act*. Pursuant to the *Pharmacy Act*, the College shall have an Accreditation Committee, the composition and duties of which are set out in the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act* and this By-Law.

7.3 Standing Committees. In addition to the Statutory Committees, the College shall establish the following standing Committees, the composition and duties of which are set out in this By-Law:

- 7.3.1 Finance Committee;
- 7.3.2 Professional Practice Committee;
- 7.3.3 Elections Committee;
- 7.3.4 Compensation Committee; and
- 7.3.5 Communications Committee.

7.4 Appointment of Special Committees. The President may, from time to time, appoint such special Committees, task forces and working groups as he or she deems appropriate or necessary for the attainment of the objects of the College and the efficient conduct of its affairs. The appointments shall be reported to the Council at its next regular meeting. Every special Committee, task force or working group shall have specified terms of reference and a date upon which it shall dissolve.

7.5 Reporting of Committees. All Committees, with the exception of the Discipline Committee and the Fitness to Practice Committee, shall report to the Council through the Executive Committee.

7.6 Appointments of Statutory and Standing Committees. All Statutory and standing Committee appointments, with the exception of the Elections Committee, shall be made by the Council at the first regular meeting of Council after each annual August election, and shall be for a term that expires at the first regular meeting of Council after the following election. The appointments to all Statutory and standing Committees, with the exception of the Elections Committee and the Compensation Committee, shall be made in the following manner:

7.6.1 A Nominating Committee shall be formed on the first day of the Council meeting, consisting of the newly elected President and Vice-President, one elected Council member and one Council member appointed by the Lieutenant Governor in Council, such Committee members to be elected from among those Council members present. The Committee shall appoint its own Chair.

7.6.2 The Elections Committee shall give its report, consisting of the names of all members of Council who have expressed interest or willingness to sit on or chair a Committee, to the Nominating Committee.

7.6.3 The Nominating Committee shall nominate all eligible Council members who agree to sit on the Executive Committee and all eligible Council members who agree to chair the other Statutory Committees and standing Committees. The Chair of the Nominating Committee shall present the nominations to Council.

7.6.4 The President shall call for further nominations for the open positions on the Executive Committee. If there is only one open position on the Executive Committee, the election shall be conducted in accordance with paragraph 9.1 of this By-Law. If there are more than three candidates for the three available public positions on the Executive Committee, Council members shall mark their ballots for up to three candidates. The candidate who has received the fewest votes shall then be removed from the ballot

until there are three candidates remaining, who shall be declared elected. Council members may only cast one vote per candidate on each ballot.

7.6.5 The President shall call for further nominations from among the Council members for Chairs of the other Statutory Committees and of the standing Committees. If more than one person is nominated to serve as Chair of a Committee, an election shall be held following the procedure in paragraph 9.1 of this By-Law.

7.6.6 The Nominating Committee, together with the newly elected Committee Chairs, shall convene to consider the appointment of the remaining members of the Statutory Committees and of the standing Committees as set out in this By-Law. The Committees shall be constituted in accordance with this By-Law.

7.6.7 The report of the Nominating Committee and of the Committee Chairs with respect to Committee members shall be presented to the Council by the Chair of the Nominating Committee for its approval.

7.7 **Appointment of Elections Committee.** The Elections Committee shall be formed at the last regular meeting of the Council preceding the annual election of members to the Council. The members of the Elections Committee shall be appointed by the President, subject to the approval of the Council. The Elections Committee shall appoint its own Chair. All appointments to the Elections Committee shall be for a term that expires at the last regular meeting of the Council preceding the next year's election.

7.8 **Disqualification, Vacancies and Term Limits of Committee Members**

7.8.1 A member of a Committee is disqualified from sitting on the Committee if the member:

- (a) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee; or
- (b) is found to be an incapacitated Member by a panel of the Fitness to Practise Committee.

7.8.2 The Council may disqualify a member of a Committee from sitting on the Committee if the member:

- (a) fails, without cause, to attend three consecutive meetings of the Committee or of a subcommittee of which he or she is a member;

- (b) fails, without cause, to attend a scheduled hearing or review conducted by a panel to which he or she was appointed;
- (c) ceases to either practise or reside in Ontario;
- (d) fails to declare a conflict of interest; or
- (e) in the case of a member of Council who sits on a Committee, ceases to be a member of Council.

7.8.3 A person who is disqualified under subsection 7.8.1 or 7.8.2 from sitting on a Committee is thereby removed from the Committee and ceases to be a member of the Committee, and the President shall appoint a successor as soon after the disqualification as is feasible.

7.8.4 The term of office of a person who is appointed as a successor to a Committee member under subsection 7.8.3 shall commence upon the appointment and shall continue until the term of office of the member of the Committee who is being replaced would have expired.

7.8.5 A vacancy in the membership or chair of a Committee shall be filled by appointment made by the President. In the case of a vacancy in the membership of a Committee, the President shall consult with the Chair of the Committee before making the appointment.

7.9 Non-Council Committee Members.

7.9.1 This Article 7.9 applies with respect to the appointment of Members who are not members of Council to a Committee of the College.

7.9.2 The term of office of a Committee member is one (1) year.

7.9.3 A Member is eligible for appointment to a Committee if, on the date of the appointment:

- (a) the Member holds a valid Certificate of Registration as a pharmacist or as a pharmacy technician;
- (b) the Member either practises or resides in Ontario;
- (c) the Member is not in default of payment of any fees prescribed in the By-Laws;
- (d) the Member is not the subject of any disciplinary or incapacity proceeding;

- (e) the Member's Certificate of Registration has not been revoked or suspended in the six (6) years preceding the date of the appointment;
- (f) the Member's Certificate of Registration is not subject to a term, condition or limitation other than one prescribed by regulation; and
- (g) the Member does not have a conflict of interest in respect of the Committee to which he or she is to be appointed.

7.10 Quorum. Unless specifically provided for otherwise under the Act, the Code, the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act*, or the regulations under any of those Acts, a majority of the members of a Committee constitutes a quorum for a meeting of a Committee.

7.11 Vacancies. Where this By-Law requires a Committee to have a minimum number of persons by using the phrase "at least" or words of a similar meaning, a vacancy which reduces the number of members of the Committee below the minimum number shall not affect the validity of any action or decision taken by the Committee or any panel of the Committee.

ARTICLE 8 – COMPOSITION AND DUTIES OF STATUTORY AND STANDING COMMITTEES

8.1 Composition of the Executive Committee. The Executive Committee shall be composed of:

8.1.1 the President and the Vice-President;

8.1.2 the immediate past President if he or she is a current member of the Council; and

8.1.3 the minimum number of additional members of the Council as will ensure that the Committee consists of four members of the Council who are Members and three members of the Council who are appointed by the Lieutenant Governor in Council.

8.2 Chair of the Executive Committee. The President shall be the Chair of the Executive Committee.

8.3 Duties of the Executive Committee. The Executive Committee shall:

8.3.1 perform such functions as are assigned to it by statute or regulation;

8.3.2 recommend to the Council proposals for changes to applicable statutes, regulations, By-Laws, policies and practices;

8.3.3 submit an annual report to the Council in accordance with the Code;

8.3.4 act on behalf of the Council between Council meetings, on any matter, in any respect not in contravention of the Act, the Code, the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act*, the regulations under any of those Acts, or the By-Laws;

8.3.5 review correspondence and other documents relating to the policies of the College;

8.3.6 receive reports from other Committees and report the activities of those Committees to Council at regular meetings of the Council;

8.3.7 receive findings and recommendations from the Elections Committee pursuant to subparagraph 4.9.2, take such action in respect of the person who is the subject of the findings and recommendations as it deems appropriate, and report its decision to the Council;

8.3.8 have the following financial authorities:

- (a) to approve all required operating expenditures not included in the operating budget, to a limit of \$5,000.00 per item, and \$20,000.00 in total per year;
- (b) to review annually the capital budget, after its approval by the Council, and to delegate to the Registrar the authority to approve specified capital expenditures not exceeding \$5,000.00 within its budget, depending on circumstances such as financial conditions, anticipated cash flow, and priorities;
- (c) items over the limits prescribed in subparagraphs 8.3.8 (a) and (b) above shall be referred to the Council;

8.3.9 recommend general policy to the Council;

8.3.10 ensure that the policies of the Council are carried out;

8.3.11 direct the administration of the College and the activities of its staff through the President and the Registrar; and

8.3.12 report its activities, decisions and recommendations through the President at each meeting of the Council.

8.4 Composition of the Registration Committee. The Registration Committee shall be composed of:

- 8.4.1 at least two (2) members of Council who are Members;
- 8.4.2 at least two (2) members of Council appointed to the Council by the Lieutenant Governor in Council;
- 8.4.3 at least one (1) Member who is not a member of the Council;
and
- 8.4.4 a dean of a faculty or school of pharmacy, of a university in Ontario, or his or her designate as approved by the Council.

8.5 Duties of the Registration Committee. The Registration Committee shall:

- 8.5.1 perform such functions as are assigned to it by statute or regulation;
- 8.5.2 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices;
- 8.5.3 submit an annual report to the Council in accordance with the Code;
- 8.5.4 provide guidance to the Council on matters concerning registration, examinations and in-service training required prior to registration;
- 8.5.5 maintain familiarity with the curricula of all pharmacy and pharmacy technician programs that have been accredited by the Canadian Council for Accreditation of Pharmacy Programs or such other accrediting body approved by Council for that purpose; and
- 8.5.6 deal with any other matters concerning registration as directed by the Council.

8.6 Composition of the Inquiries, Complaints and Reports Committee. The Inquiries, Complaints and Reports Committee shall be composed of:

- 8.6.1 at least four (4) members of the Council who are Members;
- 8.6.2 at least five (5) members of the Council appointed to the Council by the Lieutenant Governor in Council; and

8.6.3 at least seven (7) Members who are not members of the Council.

8.7 Duties of the Inquiries, Complaints and Reports Committee. The Inquiries, Complaints and Reports Committee shall:

8.7.1 perform such functions as are assigned to it by statute or regulation;

8.7.2 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices;

8.7.3 submit an annual report to the Council in accordance with the Code;

8.7.4 provide guidance to the Council on matters concerning investigations, complaints and reports; and

8.7.5 deal with any other matters concerning investigations, complaints and reports as directed by the Council.

8.8 Composition of the Discipline Committee. The Discipline Committee shall be composed of:

8.8.1 at least six (6) members of the Council who are Members;

8.8.2 at least six (6) members of the Council appointed to the Council by the Lieutenant Governor in Council; and

8.8.3 at least five (5) Members who are not members of the Council.

8.9 Duties of the Discipline Committee. The Discipline Committee shall:

8.9.1 perform such functions as are assigned to it by statute or regulation;

8.9.2 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws policies and practices;

8.9.3 submit an annual report to the Council in accordance with the Code; and

8.9.4 provide guidance to the Council on matters concerning discipline.

8.10 Composition of the Fitness to Practise Committee. The Fitness to Practise Committee shall be composed of:

8.10.1 at least two (2) members of the Council who are Members;

8.10.2 at least two (2) members of the Council appointed to the Council by the Lieutenant Governor in Council; and

8.10.3 at least one (1) Member who is not a member of the Council.

8.11 Duties of the Fitness to Practise Committee. The Fitness to Practise Committee shall:

8.11.1 perform such functions as are assigned to it by statute or regulation;

8.11.2 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices;

8.11.3 submit an annual report to the Council in accordance with the Code;

8.11.4 provide guidance to the Council on matters concerning fitness to practise; and

8.11.5 deal with any other matters concerning fitness to practise as directed by the Council.

8.12 Composition of the Quality Assurance Committee. The Quality Assurance Committee shall be composed of:

8.12.1 at least two (2) members of the Council who are Members;

8.12.2 at least three (3) members of the Council appointed to the Council by the Lieutenant Governor in Council; and

8.12.3 at least three (3) Members who are not members of the Council.

8.13 Duties of the Quality Assurance Committee. The Quality Assurance Committee shall:

8.13.1 perform such functions as are assigned to it by statute or regulation;

8.13.2 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices;

8.13.3 submit an annual report to the Council in accordance with the Code;

8.13.4 provide guidance to the Council on matters concerning quality assurance;

8.13.5 maintain a continuing review of the Quality Assurance Program; and

8.13.6 deal with any other matters concerning quality assurance as directed by the Council.

8.14 Composition of the Patient Relations Committee. The Patient Relations Committee shall be composed of:

8.14.1 at least two (2) members of the Council who are Members;

8.14.2 at least three (3) members of the Council appointed to the Council by the Lieutenant Governor in Council; and

8.14.3 at least one (1) Member who is not a member of the Council.

8.15 Duties of the Patient Relations Committee. The Patient Relations Committee shall:

8.15.1 perform such functions as are assigned to it by statute or regulation;

8.15.2 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices;

8.15.3 submit an annual report to the Council in accordance with the Code;

8.15.4 provide guidance to the Council on matters concerning patient relations; and

8.15.5 deal with any other matters concerning patient relations as directed by the Council.

8.16 Composition of the Accreditation Committee. The Accreditation Committee shall be composed of:

8.16.1 at least two (2) members of the Council who are Members;

8.16.2 at least two (2) members of the Council appointed to the Council by the Lieutenant Governor in Council; and

8.16.3 at least two (2) Members who are not members of Council.

8.17 Duties of the Accreditation Committee. The Accreditation Committee shall:

8.17.1 perform such functions as are assigned to it by statute or regulation;

8.17.2 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices;

8.17.3 submit an annual report to the Council;

8.17.4 provide guidance to the Council on matters concerning accreditation;

8.17.5 deal with issues related to pharmacy accreditation certificates from field representatives' inspection reports as referred to them by staff triage; and

8.17.6 deal with any other matters concerning accreditation as directed by the Council.

8.18 Composition of the Finance Committee. The Finance Committee shall be composed of:

8.18.1 at least three (3) members of the Council who are Members; and

8.18.2 at least one (1) member of the Council appointed to the Council by the Lieutenant Governor in Council.

8.19 Duties of the Finance Committee. The Finance Committee shall:

8.19.1 review and recommend to the Council, through the Executive Committee, the annual operating and capital budget;

8.19.2 maintain a rolling two (2) year operating budget;

8.19.3 review quarterly financial statements and report to the Executive Committee all significant deviations from budget;

8.19.4 meet with the auditor each year,

- (a) before the audit to review the timing and extent of the audit and to bring to the attention of the auditor any matter of which it considers the auditor should be made aware; and

- (b) as shortly after the completion of the audit as is practical, in order to review and discuss with the auditor the financial statements and the auditor's report;

8.19.5 review and report to the Council, through the Executive Committee, on the effectiveness of the external audit function and any matter which the external auditor wishes to bring to the attention of the College;

8.19.6 make recommendations to the Council, through the Executive Committee, on the appointment or reappointment of the external auditor;

8.19.7 supervise and make recommendations to the Council through the Executive Committee regarding the management of the College's assets and liabilities, with particular reference to the short and long-term investment of surplus funds, debt financing (including bank loans, mortgages and debentures) and additions or improvements to the real property owned or operated by the College; and

8.19.8 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices.

8.20 Composition of the Professional Practice Committee. The Professional Practice Committee shall be composed of:

8.20.1 at least two (2) members of the Council who are Members;

8.20.2 at least two (2) members of the Council appointed to the Council by the Lieutenant Governor in Council; and

8.20.3 at least two (2) Members who are not members of the Council.

8.21 Duties of the Professional Practice Committee. The Professional Practice Committee shall:

8.21.1 provide direction and guidance to the Council, through the Executive Committee, on all matters pertaining to pharmacy practice and ethics;

8.21.2 recommend to the Council, through the Executive Committee, policy pertaining to pharmacy practice and ethics;

8.21.3 develop and maintain ongoing review of standards of practice of the profession and make recommendations to the Council, through the Executive Committee, as appropriate; and

8.21.4 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices.

8.22 Composition of the Elections Committee. The Elections Committee shall be composed of:

8.22.1 at least one (1) member of the Council who is a Member;

8.22.2 at least one (1) member of the Council appointed by the Lieutenant Governor in Council; and

8.22.3 the President.

8.23 Duties of the Elections Committee. The Elections Committee shall:

8.23.1 invite expressions of interest in sitting on and chairing Committees from all members of Council, and from Members who are not members of the Council and who have expressed an interest in serving on Committees. Where there are not sufficient expressions of interest to fill every Committee, the Elections Committee shall use its best efforts to recruit additional Committee members sufficient to fully constitute every Committee;

8.23.2 seek candidates for the offices of President and Vice-President;

8.23.3 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices;

8.23.4 perform the duties assigned to it under subparagraphs 4.9.2 and 4.22.3 of this By-Law; and

8.23.5 perform the tasks assigned to it under the Code of Conduct if a concern is raised that a member of Council has breached the Code of Conduct.

8.24 Composition of the Compensation Committee. The Compensation Committee shall be composed of:

8.24.1 the President;

8.24.2 the Vice-President;

8.24.3 the immediate past President, if he or she is a current member of the Council or, failing that, the second previous past President;

8.24.4 the Chair of the Finance Committee; and

8.24.5 in the event that all of the foregoing are Members, one (1) member of the Council, selected by the President, who is appointed by the Lieutenant Governor in Council and who is a member of either the Finance Committee or the Executive Committee.

8.25 Duties of the Compensation Committee. The Compensation Committee shall:

8.25.1 annually, establish guidelines for the awarding of salary increases to staff;

8.25.2 at least annually, review compensation for the Registrar, Deputy Registrar and Director level positions; and

8.25.3 provide broad policy guidance to senior management on matters related to non-salary compensation and benefit programs for College staff.

8.26 Composition of the Communications Committee. The Communications Committee shall be composed of:

8.26.1 at least three (3) members of Council who are Members;

8.26.2 at least two (2) members of Council appointed by the Lieutenant Governor in Council; and

8.26.3 at least one (1) Member who is not a member of the Council.

The Committee shall include at least one (1) member of the Executive Committee and at least one (1) member of the Patient Relations Committee.

8.27 Duties of the Communications Committee. The Communications Committee shall:

8.27.1 provide direction and guidance to Council, through the Executive Committee, on all matters supporting public education and outreach, including, but not limited to, raising awareness of the value of both the profession and the College;

8.27.2 provide direction and guidance to the Council on matters concerning communications with members relating to the value of self-regulation; and

8.27.3 identify and bring forward for recommendation to the Council, through the Executive Committee, issues that may impact the College and its reputation.

ARTICLE 9 - OFFICERS

9.1 Election of the President and the Vice-President.

9.1.1 The elections for President and Vice-President shall be held at the first regular meeting of the Council following the annual August election of Council members and shall be conducted by secret ballot.

9.1.2 The election of the President shall be conducted in the following manner:

- (a) The outgoing President, or a person chosen by the Council, if the President is unable or unwilling to act, shall call on the Chair of the Elections Committee for the Elections Committee's report. The Chair shall present the list of all candidates for the office of President and hand it to the outgoing President. The President shall read the list and shall ask "Are there any further nominations?" Any Council member may then rise and, after addressing the Chair, nominate any other Council member for President. It is not necessary for the nomination to be seconded.
- (b) If there is more than one candidate, the outgoing President shall appoint two tellers and direct them to distribute blank ballots, one to each member of the Council. After each Council member has voted, the tellers shall collect the ballots and one teller appointed shall report the vote without disclosing the count. The President shall declare the candidate receiving the overall majority of votes cast to be elected. If there are three (3) or more candidates and no candidate has received an overall majority of votes, the candidate who received the fewest votes shall be removed from the ballot and the vote shall be repeated until there are two candidates remaining. The vote shall then be repeated until one (1) of the candidates has an overall majority of votes. If three (3) votes result in a tie, the result shall be determined by lot by the first teller.

9.1.3 The procedure outlined in Article 9.1.2 shall then be repeated for the office of Vice-President.

9.2 Duties of the President and the Vice-President.

9.2.1 The President shall:

- (a) preside as Chair at all meetings of the Council;

- (b) make all necessary rulings as to the order of business, subject to an appeal to the Council members present; and
- (c) be *ex officio* a member of all Committees of the Council, except the Discipline Committee.

9.2.2 The Vice-President shall, in the event of the absence or unwillingness of the President to act, perform the duties of the President.

9.2.3 In the event of the absence or unwillingness of both the President and the Vice-President to act, the Council members present at a meeting of the Council may appoint one of the other members of the Council to preside at any meeting of the Council.

9.2.4 In the event of the death, or disqualification or unwillingness to act of a permanent nature of the President or the Vice-President, the Council shall elect Council members to fill these vacancies according to the provisions of these By-Laws for calling a meeting and electing the President and the Vice-President.

ARTICLE 10 – BUSINESS OF THE COLLEGE

10.1 **Seal.** The seal shall be the seal of the College.

10.2 **Execution of Documents.**

10.2.1 Deeds, mortgages, conveyances, powers of attorney, transfers and assignments of property of all kinds including without limitation transfers and assignment of shares, warrants, bonds, debentures or other securities (collectively the “instruments”) may be signed on behalf of the College by the President or Vice-President and any one of the Registrar, the Deputy Registrar, the Director of Finance and Administration, the Director of Professional Development, or the Director of Professional Practice, provided that they have been signed in accordance with any policy of the College regarding the execution of instruments then in effect, and further provided that no individual shall execute, acknowledge, or verify any instrument in more than one capacity. All instruments so signed shall be binding upon the College without any further authorization or formality. In addition, the Council may from time to time direct by resolution the manner in which, and the person or persons by whom, any particular instrument or class of instruments may or shall be signed. Any signing officer may affix the corporate seal thereto.

10.2.2 Certificates of Registration shall be signed by the President and the Registrar.

10.2.3 Contracts may be signed on behalf of the College in accordance with any policy of the Council regarding the execution of such contracts.

10.2.4 The signature of any individual, authorized to sign on behalf of the College, may, if specifically authorized by resolution of the Council, be written, printed, stamped, engraved, lithographed or otherwise mechanically reproduced. Anything so signed shall be as valid as if it had been signed manually, even if that individual has ceased to hold office when anything so signed is issued or delivered, until revoked by resolution of the College.

10.3 Banking and Finance.

10.3.1 The banking business of the College shall be transacted with such chartered banks, trust companies or other financial institutions, as may, from time to time, be designated by or under the authority of the Council on recommendation of the Finance Committee through the Executive Committee. All such banking business, or any part thereof, shall be transacted on the College's behalf by one or more officers and or other persons as Council may designate, direct, or authorize, from time to time, by resolution and to the extent therein provided.

10.3.2 Cheques drawn on the bank, trust or other similar accounts of the College, drafts drawn or accepted by the College, promissory notes given by it, acceptances, bills of exchange, orders for the payment of money and other instruments of a like nature, may be made, signed, drawn, accepted or endorsed, as the case may be, by: (i) any two of the President, Vice-President, the Registrar, the Deputy Registrar, the Director of Finance and Administration, the Director of Professional Development, or the Director of Professional Practice with respect to amounts that are less than \$5,000.00; and (ii) the President or Vice-President and any one of the Registrar, the Deputy Registrar, the Director of Finance and Administration, the Director of Professional Development, or the Director of Professional Practice with respect to amounts that are \$5,000.00 or more, provided however that no individual shall execute, acknowledge, or verify any instrument in more than one capacity.

10.4 Financial Year and Audit.

10.4.1 The financial year of the College shall be the calendar year ending December 31st.

10.4.2 The Council shall appoint a chartered accountant or a firm of chartered accountants to audit the books and prepare a financial statement for each fiscal year, such appointment to be made at a Council meeting in the year for which the books are to be audited.

10.5 Inspectors. The Registrar may from time to time, and within budgetary limits, appoint inspectors for the purposes of the *Drug and Pharmacies Regulation Act*, any such appointment to be reported to the Executive Committee and to the Council at the next regular meeting following the appointment. Inspectors so appointed shall have such authority and shall perform such duties as are set out in the *Drug and Pharmacies Regulation Act* and such additional duties as may be prescribed by the Registrar.

10.6 Grants.

10.6.1 The Council shall set aside, in the budget each year, such funds as are deemed necessary for the maintenance and operation of the Niagara Apothecary, in keeping with the agreement signed in respect thereof with the Ontario Heritage Trust.

10.6.2 The Council shall set aside in the budget each year such funds as are deemed appropriate for grants for any purpose that may tend to advance scientific knowledge or pharmacy education, or maintain or improve the standards of practice in pharmacy.

10.7 Funds.

10.7.1 The disbursement of funds of the College shall be as authorized in the annual budget approved by Council for the fiscal year upon the recommendation of the Finance Committee through the Executive Committee. Funds not authorized under the budget shall be disbursed only after approval by the Council, or the Executive Committee, as provided for in this By-Law.

10.7.2 Investments of surplus funds shall be made in accordance with investment policies in effect from time to time approved by Council on the recommendation of the Finance Committee through the Executive Committee. The securities of the College may be deposited for safekeeping and withdrawn, from time to time, with one or more chartered banks, trust companies or other financial institutions in accordance with such investment policies.

10.8 College Membership. The College may be a member of a national organization of bodies with similar functions.

ARTICLE 11- THE REGISTER

11.1 Member's Name. A Member's name in the Register shall be:

11.1.1 the Member's name as provided in the documentary evidence used to support the Member's initial registration with any other given name commonly used by the Member included in parentheses, or such other name as is acceptable to the Registrar; or

11.1.2 a name other than as provided in subparagraph 11.1.1 where a written request is made by the Member and the Registrar is satisfied that the Member has validly changed his or her name and that the use of the name is not for an improper purpose.

11.2 Business Address. A Member's business address in the Register shall be the address(es) of all of the locations at which the Member practises in Ontario or, where the Member does not practise in Ontario, the address designated by the Member as the Member's business address.

11.3 Business Telephone Number. A Member's business telephone number in the Register shall be the telephone number of each location at which the Member practises in Ontario or, where the Member does not practise in Ontario, the telephone number of the location designated in paragraph 11.2.

11.4 Information to be Kept in Register - Members. Under subsection 23(2) of the Code and subject to certain exceptions contained in the Code, certain information must be contained in the Register and must be available to the public. As of June 4, 2009, the Register is required to contain the following:

11.4.1 Each Member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the Member is a shareholder.

11.4.2 The name, business address and business telephone number of every health profession corporation.

11.4.3 The names of the shareholders of each health profession corporation who are members of the College.

11.4.4 Each Member's class of registration and specialist status.

11.4.5 The terms, conditions and limitations that are in effect on each Certificate of Registration.

11.4.6 A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and has not been finally resolved, until the matter has been resolved.

11.4.7 The result, including a synopsis of the decision, of every disciplinary and incapacity proceeding, unless a panel of the relevant Committee makes no finding with regard to the proceeding.

11.4.8 A notation of every finding of professional negligence or malpractice, which may or may not relate to the Member's suitability to practise, made against the Member, unless the finding is reversed on appeal.

11.4.9 A notation of every revocation or suspension of a Certificate of Registration.

11.4.10 A notation of every revocation or suspension of a Certificate of Authorization.

11.4.11 Information that a panel of the Registration, Discipline or Fitness to Practise Committee specifies shall be included.

11.4.12 Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.

11.4.13 Where, during or as a result of a proceeding under section 25 of the Code, a Member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.

11.4.14 Information that is required to be kept in the Register in accordance with the By-Laws.

11.5 Additional Information to be Kept in Register-Members.
For the purposes of paragraph 14 of subsection 23(2) of the Code, and subject to paragraphs 11.7 and 11.8, the following additional information referable to Members shall be kept in the Register, and is designated as public pursuant to subsection 23(5) of the Code:

11.5.1 Any changes to each Member's name which have been made in the Register since the Member was first issued a Certificate of Registration.

11.5.2 Each Member's registration number.

11.5.3 The date when each Member's Certificate of Registration was first issued or, if the Member was licensed under Part VI of the *Health Disciplines Act*, the date when the Member was first issued a licence by the College.

11.5.4 Where a person ceased to be a Member as a result of his or her resignation or death, the last calendar year during which the person was a Member.

11.5.5 Where a Member holds a Certificate of Registration as a Pharmacist, Intern or Pharmacy Technician, the name and location of the university or college from which the Member received his or her degree in pharmacy or completed his or her pharmacy technician program (as the case may be) and the year in which the degree was obtained or the program was completed.

11.5.6 The classes of Certificate of Registration held or previously held by each Member, the date on which each was issued and, if applicable, the termination or expiration date of each.

11.5.7 Where a Member holds a Certificate of Registration as a Pharmacist, a notation as to whether the Member is listed in Part A or Part B of the Register.

11.5.8 The name, address, telephone number, facsimile number and electronic address of each and every pharmacy location where each Member practises.

11.5.9 Where a Member is a shareholder, officer or director of a health profession corporation which holds a Certificate of Authorization, the name of the health profession corporation and what position or title, if any, the Member holds with that corporation.

11.5.10 Where a Member is an officer or director of a corporation which holds a Certificate of Accreditation, the name of the corporation and what position or title, if any, the Member holds with that corporation.

11.5.11 Where a Member is a Designated Manager of a pharmacy, a notation of the name and location of each pharmacy at which the Member holds that designation.

11.5.12 Where a Member is a Narcotic Signer of a pharmacy, a notation of the name and location of each pharmacy at which the Member holds that authority.

11.5.13 Where applicable, a summary of any restriction on a Member's right to practise:

- (a) resulting from an undertaking given by the Member to the College or an agreement entered into between the Member and the College; or
- (b) of which the College is aware and which has been imposed by a court or other lawful authority, in which event the summary of the restriction shall also include the source of the restriction.

11.5.14 Where a Member's Certificate of Registration is subject to an interim order of the Executive Committee or the Inquiries, Complaints and Reports Committee, a notation of that fact, the nature of that order and its effective date.

11.5.15 Where a Member's Certificate of Registration is suspended by the Registrar for

- (a) non-payment of a required fee;
- (b) failure to provide to the College information or a declaration, required under the By-Laws;
- (c) failure to provide to the College, upon request, evidence that the Member holds professional liability insurance in an amount and in a form required by the By-Laws; or
- (d) any other administrative reason,

a notation of that fact and the date upon which the suspension took effect.

11.5.16 Where a Member's Certificate of Registration continues to be suspended for failure to submit to a physical or mental examination as ordered by a Board of Inquiry or the Inquiries, Complaints and Reports Committee, a notation of that fact and the date upon which the suspension took effect.

11.5.17 Where a Member has any terms, conditions or limitations in effect on his or her Certificate of Registration, the effective date of those terms, conditions and limitations.

11.5.18 Where terms, conditions or limitations on a Member's Certificate of Registration have been varied or removed, the effective date of the variance or removal of those terms, conditions and limitations.

11.5.19 Where a suspension of a Member's Certificate of Registration is lifted or otherwise removed, the effective date of the lifting or removal of that suspension.

11.5.20 Where a Member's Certificate of Registration is reinstated, the effective date of the reinstatement.

11.5.21 Where an allegation of a Member's professional misconduct or incompetence has been referred to the Discipline Committee and is outstanding,

- (a) the date of the referral;
- (b) a brief summary of each specified allegation; and
- (c) the anticipated date of the hearing, if the hearing date has been set or the next scheduled date for the continuation of the hearing if the hearing has commenced.

11.5.22 Where the results of a disciplinary proceeding are contained in the Register, the date on which the panel of the Discipline Committee made the finding of professional misconduct or incompetence and the date on which the panel ordered any penalty.

11.5.23 A summary of any reprimand given publicly after November 1, 2006 to a Member as part of the order of a panel of the Discipline Committee, unless the results of the proceeding before the Discipline Committee are not otherwise [without reference to the By-Laws] available to the public under the Code.

11.5.24 Where the question of a Member's capacity has been referred to the Fitness to Practise Committee and is outstanding,

- (a) a notation of that fact; and
- (b) the date of the referral.

11.5.25 Where the College is aware that a finding of professional misconduct or incompetence has been made against a Member outside of Ontario by a body that governs pharmacists or pharmacy technicians,

- (a) a notation of that fact;
- (b) the date of the finding and the name of the governing body that made the finding;

- (c) a brief summary of the facts on which the finding was based;
- (d) the penalty; and
- (e) where the finding or penalty is under appeal, a notation of that fact, which notation shall be removed once the appeal is finally disposed of.

11.5.26 Where a decision of a panel of the Discipline Committee has been published by the College with the Member's or former Member's name included after December 31, 1999,

- (a) a notation of that fact; and
- (b) identification of, a link to, or a copy of the specific publication containing that decision.

11.5.27 Any other information not otherwise referred to in paragraph 11.5, which the College and the Member have agreed shall be available to the public.

11.6 Additional Information to be Kept in Register – Health Profession Corporations. For the purposes of paragraph 14 of subsection 23(2) of the Code, and subject to paragraphs 11.7 and 11.8, the following additional information referable to health profession corporations shall be kept in the Register, and is designated as public pursuant to subsection 23(5) of the Code:

11.6.1 The address and telephone number of each location at which the health profession corporation carries on business.

11.6.2 The Certificate of Authorization number of the health profession corporation and the date upon which that Certificate was first issued.

11.6.3 Where the Certificate of Authorization has been revoked, a notation of that fact, the date when the revocation occurred and a brief summary of the reasons for the revocation.

11.6.4 Where the Certificate of Authorization was revised or a new Certificate of Authorization was issued to the health profession corporation, a notation of that fact and the date when that occurred.

11.6.5 The name, as set out in the College's Register, of each of the shareholders, officers and directors of the health profession corporation who are Members and the title or office, if any, held by each.

11.7 Deletion of Information. Notwithstanding paragraphs 11.5 and 11.6, the College is not required to maintain and may delete from the Register:

11.7.1 Any information which would otherwise have been required to be maintained under paragraph 11.5 in respect of any Member who died at least two years prior to the last updating of the Register.

11.7.2 Any information which would otherwise have been required to be maintained under paragraph 11.5 in respect of any former Member who resigned as a Member or whose Certificate of Registration was revoked at least six years prior to the last updating of the Register.

11.7.3 Any information which would otherwise have been required to be maintained under paragraph 11.6 in respect of any health profession corporation whose Certificate of Authorization was revoked at least six years prior to the last updating of the Register.

11.7.4 The information which would otherwise have been required to be maintained under subparagraph 11.5.6 respecting Members who held Certificates of Registration as Interns or Registered Pharmacy Students where that Certificate terminated or expired more than two years prior to the last updating of the Register.

11.7.5 The information under subparagraphs 11.5.13 or 11.5.27, where the Registrar is satisfied that the information is no longer of importance to the public.

11.8 Disclosure. All of the information referred to in paragraphs 11.4, 11.5 and 11.6 is designated as information that may be withheld from the public for the purposes of subsection 23(6) of the Code, such that the Registrar may refuse to disclose to an individual or post on the College's website any or all of that information if the Registrar has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

ARTICLE 12 - FILING OF INFORMATION BY MEMBERS, PHARMACIES AND HEALTH PROFESSION CORPORATIONS

12.1 Filing of Information by Members.

12.1.1 The College shall forward to each Member each year, in a form approved by the Registrar, a request for information that includes, but is not limited to:

- (a) the Member's home address and home telephone number, being the address and telephone number of the principal Ontario residence of the Member or, if the Member does not have a residence in Ontario, the Member's principal residence and, where available, the Member's e-mail address and facsimile number;
- (b) where a Member is engaged in the practice of pharmacy, whether inside or outside of Ontario, the name, address and telephone number of each person or business for whom or through which the Member engages in the practice;
- (c) the Member's preferred address, preferred telephone number and where applicable, the Member's preferred facsimile and preferred e-mail address for communications from the College;
- (d) in the case of a Member who holds a certificate of registration as a Pharmacist and who is listed in Part A of the Register, or as an Intern, information respecting the Member's personal professional liability insurance including, without restriction, the name of the insurer, the policy number, the policy period and the policy limits;
- (e) information respecting the Member's participation in the Quality Assurance Program;
- (f) information required to be contained in the Register pursuant to the Code and the By-Laws;
- (g) such other information as may be required to be provided to the College pursuant to the By-Laws, the Act, the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act* or the regulations under any of those Acts;
- (h) information that relates to the professional characteristics and activities of the Member that may assist the College in carrying out its objects;
- (i) information for the purpose of compiling statistical information to assist the College in fulfilling its objects; and
- (j) any other information that the College deems may assist it in carrying out its objects.

12.1.2 Each Member shall fully and accurately respond to the request for information, and shall submit the information to the College, in the

required form, by the 10th day of March next following the forwarding of the request for information to the Member.

12.1.3 Where any information that a Member has provided to the College in response to a request under subparagraph 12.1.1 has changed, the Member shall notify the College of the change within 30 days of its effective date.

12.1.4 In addition to the requirements in subparagraphs 12.1.2 and 12.1.3, a Member shall comply, within the time stipulated by the Registrar, with all requests by the Registrar for the provision of any information that is required to be contained in the Register, or that the Member is required to provide to the College, pursuant to the Code or the By-Laws.

12.2 Filing of Information by Pharmacies.

12.2.1 The College shall forward each year to every person or corporation who owns and operates a pharmacy, in a form approved by the Registrar, a request for information in respect of the pharmacy that includes, but is not limited to:

- (a) the full name of the owner of the pharmacy and, where the owner is a corporation, the full name and residential addresses of the directors and officers of the corporation;
- (b) the address of the owner of the pharmacy;
- (c) the name by which the pharmacy is known to the public;
- (d) the location of the pharmacy;
- (e) the full name and residential address of the Designated Manager of the pharmacy;
- (f) the full name of each Narcotic Signer of the pharmacy;
- (g) the names of the Members practising at the pharmacy;
- (h) such other information as may be required to be provided to the College pursuant to the By-Laws, the Act, the Code, the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act* or the regulations under any of those Acts;
- (i) information that relates to the professional characteristics and activities of the pharmacy that may assist the College in carrying out its objects;

- (j) information for the purpose of compiling statistical information to assist the College in fulfilling its objects; and
- (k) any other information that the College deems may assist it in carrying out its objects.

12.2.2 Each person or corporation who receives such a request for information shall fully and accurately respond to the request for information, and shall submit the information to the College, in the required form, by the 10th day of May next following the forwarding of the request for information to that person or corporation.

12.2.3 Where any of the information that a person or corporation has provided to the College in response to a request under subparagraph 12.2.1 has changed, the person or corporation shall notify the College of the change within 30 days of its effective date.

12.2.4 In addition to the requirements in subparagraphs 12.2.2 and 12.2.3, a person or corporation who owns and operates a pharmacy shall comply, within the time stipulated by the Registrar, with all requests by the Registrar for the provision of any information or documentation that the person or corporation is required to provide to the College pursuant to the By-Laws, the *Drug and Pharmacies Regulation Act* or the *Drug and Pharmacies Regulation Act Regulations*.

12.3 Filing of Information for New, Acquired or Relocated Pharmacies.

12.3.1 Every person who proposes to open a new pharmacy, acquire an existing pharmacy or relocate an existing pharmacy shall, within the time prescribed by subparagraph 12.3.2, file with the College a signed statement setting out:

- (a) the full name of the owner of the pharmacy;
- (b) the address of the owner of the pharmacy;
- (c) the name by which the pharmacy will be known to the public;
- (d) the location of the pharmacy; and
- (e) the proposed date of opening, acquiring or relocating the pharmacy.

12.3.2 A person who proposes to open a new pharmacy or relocate an existing pharmacy shall file the information required by subparagraph 12.3.1

at least 30 days before opening or relocating the pharmacy and, where the person proposes to operate an existing pharmacy, the person shall file the information before commencing to operate the pharmacy.

12.3.3 Every person who proposes to open a new pharmacy, acquire an existing pharmacy or relocate an existing pharmacy shall, on or before the day the person commences to operate the new, existing or relocated pharmacy, notify the College of the name of the Designated Manager of the pharmacy.

12.4 Filing of Information for Closing Pharmacies.

12.4.1 Every person who permanently closes a pharmacy shall, within seven days of closing the pharmacy, notify the Registrar of the closing and within 30 days of the closing shall file with the Registrar a signed statement setting out:

- (a) the full name of the owner of the pharmacy;
- (b) the name by which the pharmacy was known to the public;
- (c) the location of the pharmacy;
- (d) the name of the Designated Manager of the pharmacy;
- (e) the date of closing;
- (f) the disposition of the drugs in stock in the pharmacy at the time of closing;
- (g) the disposition of the prescription files, drug registers and other records required to be kept under the By-Laws; and
- (h) the date on which all signs and symbols relating to the practice of pharmacy either within or outside the premises were removed.

12.5 Filing of Information by Health Profession Corporations.

12.5.1 The College shall forward to each health profession corporation each year, in a form approved by the Registrar, a request for such information as the health profession corporation is required to provide to the Registrar pursuant to applicable statutes and regulations.

12.5.2 Every health profession corporation shall fully and accurately respond to the request for information and shall submit the information to

the College, in the required form, in the required form, by the 10th day of March next following the forwarding of the request for information to the health profession corporation.

12.5.3 Where any information that a health profession corporation has provided to the College in response to a request under subparagraph 12.5.1 has changed, the health profession corporation shall notify the College of the change within 30 days of its effective date.

12.5.4 Despite subsection 12.5.3, a health profession corporation shall notify the Registrar within ten (10) days of a change in the shareholders of the corporation.

12.5.5 In addition to the requirements in subparagraphs 12.5.2, 12.5.3 and 12.5.4, a health profession corporation shall comply, within the time stipulated by the Registrar, with all requests by the Registrar for the provision of any information or documentation that is required to be contained in the Register, or that the health profession corporation is required to provide to the College, pursuant to applicable statutes or regulations or the By-Laws.

ARTICLE 13 - MEMBER FEES

13.1 Application and Issuance Fees

13.1.1 Every person, other than a person who already holds a Certificate of Registration, who wishes to apply for a Certificate of Registration of any class, shall pay an initial application fee of \$130.00 plus applicable taxes, which shall be due and payable immediately upon the College opening a registration file for such person.

13.1.2 Every applicant for a Certificate of Registration of any class shall pay an application fee of \$205.00 plus applicable taxes, which shall be due and payable upon the applicant submitting his or her completed application to the Registrar.

13.1.3 The fee for the issuance of a Certificate of Registration as a Pharmacist is the applicable annual fee, plus an additional \$410.00 for each structured practical training program that the applicant completed, either as a Registered Pharmacy Student or as an Intern, plus applicable taxes.

13.1.4 The fee for the issuance of a Certificate of Registration as a Pharmacy Technician is the applicable annual fee, plus an additional \$410.00 for each structured practical training program that the applicant completed, plus applicable taxes.

13.2 Examination Fee. An Applicant for a Certificate of Registration who wishes to write the examination in pharmaceutical jurisprudence approved by the College shall pay an examination fee of \$200.00 plus applicable taxes.

13.3 Annual Fees.

13.3.1 Every person who holds a Certificate of Registration as a Pharmacist and is listed in Part A of the Register shall pay an annual fee of \$600.00 plus applicable taxes, except that in the year in which the person is first registered as a Pharmacist, if the Certificate of Registration is issued on or after September 1, the annual fee for that year shall be \$300.00 plus applicable taxes.

13.3.2 Every person who holds a Certificate of Registration as a Pharmacist and is listed in Part B of the Register shall pay an annual fee of \$300.00 plus applicable taxes, except that in the year in which the person is first registered as a Pharmacist, if the Certificate of Registration is issued on or after September 1, the annual fee for that year shall be \$150.00 plus applicable taxes.

13.3.3 Every person who holds a Certificate of Registration as a Pharmacy Technician shall pay an annual fee of \$400.00 plus applicable taxes, except that in the year in which the person is first registered as a Pharmacy Technician, if the Certificate of Registration is issued on or after September 1, the annual fee for that year shall be \$200.00 plus applicable taxes.

13.3.4 The annual fee must be paid on or before March 10, except that in the year in which a person is first registered, if the Certificate of Registration is issued after March 10, the annual fee must be paid on the date the person is registered.

13.3.5 No later than 30 days before the annual fee is due, the Registrar shall notify the Member of the amount of the fee and the day on which the fee is due.

13.3.6 A Member who fails to pay an annual fee on or before the day on which the fee is due shall pay a penalty in addition to the annual fee. If the Member pays the annual fee within 30 days of when it is due, the penalty shall be \$100.00 plus applicable taxes. If the Member pays the annual fee 30 days or more after it is due, the penalty shall be \$150.00 plus applicable taxes.

13.4 Fee to Lift Suspension or for Reinstatement.

13.4.1 Where a Member's Certificate of Registration has been suspended by the Registrar for failure to pay a required fee, the fee that the Member shall pay for the lifting of the suspension shall be: (a) the fee the Member failed to pay; (b) the annual fee for the year in which the suspension is to be lifted, if the Member has not already paid it; and (c) a penalty of \$150.00 plus applicable taxes.

13.4.2 Where a Member's Certificate of Registration has been suspended by the Registrar pursuant to the *Pharmacy Act* Regulations, the fee that the Member shall pay for the lifting of the suspension shall be (a) the annual fee for the year in which the suspension is to be lifted, if the Member has not already paid it; and (b) a penalty of \$150.00 plus applicable taxes.

13.4.3 The fee that a Member shall pay for the reinstatement of his or her Certificate of Registration shall be \$250.00 plus applicable taxes.

13.5 Election Recount Fee. The election recount fee payable by a candidate for election to the Council who requests a recount of the vote shall be \$500.00 plus applicable taxes.

13.6 Other Fees. Where a person requests the Registrar to do anything that the Registrar is required or authorized to do, the person shall pay the fee set by the Registrar for doing so.

ARTICLE 14 – PHARMACY FEES

14.1 Application Fee. Every person who submits an Application for a Certificate of Accreditation shall pay an Application fee of \$1,000.00 plus applicable taxes.

14.2 Renewal Fee

14.2.1 Every person or corporation who owns and operates a pharmacy, who submits an Application to renew a Certificate of Accreditation, shall pay a renewal fee of \$860.00 plus applicable taxes.

14.2.2 The renewal fee must be paid on or before May 10 of each year.

14.2.3 No later than 30 days before the renewal fee is due, the Registrar shall notify the person or corporation who owns and operates a pharmacy of the amount of the renewal fee and the day on which the fee is due.

14.2.4 A person or corporation who owns and operates a pharmacy who fails to pay the renewal fee on or before the day on which the fee is due, shall pay a penalty in addition to the renewal fee. The penalty if paid within 30 days of when the renewal fee is due shall be \$100.00 plus applicable taxes. The penalty if paid after 30 days from when the annual fee is due shall be \$150.00 plus applicable taxes.

14.3 Relocation and Sale Fees

14.3.1 An owner and operator who relocates an existing pharmacy shall pay a fee of \$500.00 plus applicable taxes.

14.3.2 An owner and operator who sells an existing pharmacy shall pay a fee of \$500.00 plus applicable taxes.

14.4 Re-Inspection Fee. Where, after an inspection and re-inspection of a pharmacy has been conducted, a subsequent inspection is conducted in order to follow up on deficiencies noted in the first two inspections, the owner and operator of the pharmacy shall pay a re-inspection fee of \$1,000.00 plus applicable taxes.

ARTICLE 15 – CERTIFICATE OF AUTHORIZATION FEES

15.1 Application Fee. The application fee for a Certificate of Authorization for a health profession corporation is \$1,000.00 plus applicable taxes.

15.2 Renewal Fee.

15.2.1 The fee for the annual renewal of a Certificate of Authorization is \$300.00 plus applicable taxes.

15.2.2 The annual renewal fee for a Certificate of Authorization must be paid on or before March 10 of each year.

15.2.3 No later than 30 days before the annual renewal fee is due, the Registrar shall notify the health profession corporation of the amount of the fee and the day on which it is due.

ARTICLE 16- CODES OF ETHICS AND CONDUCT

16.1 Code of Ethics. There shall be a Code of Ethics for Members, which is Schedule "A" to this By-Law.

16.2 Code of Conduct. There shall be a Code of Conduct and Procedures for members of the Council and of Committees, which is Schedule "B" to this By-Law.

ARTICLE 17 – MAKING, AMENDING AND REVOKING BY-LAWS

17.1 Requirements.

17.1.1 By-Laws may be made, repealed or amended by a By-Law approved by at least two-thirds of all members of Council at a meeting of the Council.

17.1.2 Amendments may be proposed by not fewer than three (3) members of the Council or by the Executive Committee.

17.1.3 Proposed amendments shall be sent to the Registrar thirty (30) days in advance of the meeting at which the amendments will be voted on by the members of the Council.

17.1.4 The Registrar shall, at least two (2) weeks before the meeting at which the amendments are to be considered, notify all members of the Council of the proposed amendments.

17.2 Repeal of Former By-Laws. The repeal of any By-Law in whole or part shall not in any way affect the validity of any act done or right, privilege, obligation or liability acquired or incurred thereunder or the validity of any contract or agreement made pursuant to any such By-Law prior to such repeal. All members of the Council and other persons acting under any By-Law so repealed in whole or in part shall continue to act as if elected or appointed under the provisions of this By-Law.

17.3 Effective Date. This By-Law shall come into force and effect on the date that it is approved by the Council. Upon this By-Law coming into force and effect, By-Law No. 1 shall hereby be repealed.

17.4 Conflict. If any By-Law is, at any time, found to be in conflict with the Act or the *Pharmacy Act* or the *Drug and Pharmacies Regulation Act*, it shall, to the extent of such conflict, be disregarded in favour of the Act or the *Pharmacy Act* or the *Drug and Pharmacies Regulation Act*, as the case may be, and the Registrar shall, upon discovery of such conflict, prepare, for consideration by the Council, a proposed amendment, alteration

or repeal of the offending By-Law which shall have the effect of removing from the By-Law anything inconsistent with any such Act.

PASSED by Council and sealed with the corporate seal of the College the _____ day of _____, 20__.

President

(Corporate Seal)

Vice-President