May 8, 2015

Ontario College of Pharmacists
483 Huron Street
Toronto, ON M5R 2R4

Re: Open Consultation Feedback – DPRA Regulations

Thank you for the opportunity to provide feedback on the proposed regulations to the Drugs and Pharmacies Regulation Act.

The Neighbourhood Pharmacy Association of Canada (Neighbourhood Pharmacies) is a strong voice and the leading advocate for the business of neighbourhood pharmacy and its vital role in sustaining the accessibility, quality and affordability of patient care for Canadians where they work, live, and play.

We represent the operators of Canada’s leading chain, banner and franchise neighbourhood pharmacies, as well as grocery chains and mass merchandisers with pharmacies.

We have provided our comments through referencing each section below for convenience.

Part II Drugs
Section 4 (c) (i) – Schedule III drugs shall only be available for sale from the dispensary or an area in the pharmacy that allows for self-selection of drugs by patients and where a member is available for consultation,…

Suggest replacing “member” with “pharmacist” as both pharmacists and pharmacy technicians are regulated members of the College; however only pharmacists may consult on Schedule III products.

Part IV Standards for Accreditation and Operation
Section 19 (k) – Every pharmacy must…have systems in place to maintain an audit trail of the acquisition and movement of drugs.

Section 20 (1) (d) – In every pharmacy, the following records and documents shall be maintained: those relating to the acquisition and movement of drugs

Section 20 (2) – The records and documents referred to in subsection (1) shall be maintained in the pharmacy in an electronic format and in a manner that is secure, auditable, traceable and allows for their easy retrieval.
It is clear from the sections above the requirements related to the acquisition of drugs. To ensure the integrity of the drug distribution system, the public must be assured that drugs are purchased from a legitimate supplier who is authorized to distribute drugs (i.e. holds a Drug Establishment License issued by Health Canada or in the case of emergency use is a licensed pharmacist or practitioner).

In regards to the movement of drugs, it is unclear as to what the regulation is meant to address. For example, what level of recordkeeping would be required to be in place for purposes of recall once a drug has been dispensed? Additionally, would these requirements apply in the case of expired/OUTdated drugs?

**Part VI Proprietary Misconduct**

*Section 32 (18) – the following are acts of proprietary misconduct for the purpose of section 140 of the Act: Entering into any agreement that restricts a person’s choice of a pharmacy or pharmacist without the consent of that person.*

For those pharmacies that sign agreements to participate in pharmacy provider networks (PPNs), would this business practice require that the pharmacy/pharmacist/owner obtain consent from the patient? One could argue that by virtue of pharmacies participating in PPNs this restricts a person’s choice of pharmacy through financial disincentives.

*Section 34 (e) – It is a conflict of interest for a responsible person to do, or to cause or permit another person to do, directly or indirectly, any of the following: enters into any agreement or arrangement that adversely influences or appears to adversely influence the exercise of professional expertise or judgment of the ability of a member working in the pharmacy to engage in the practice of the profession in an ethical manner or not in accordance with the standards of practice of the profession.*

To support and encourage pharmacists to fully embrace their expanded scope of practice to optimize patient care, it is a common human resources practice for employers to engage in goal-setting and performance management activities with their professional staff. How will the College determine what is a legitimate human resources practice versus adverse influence under this requirement?

Thanks once again for the opportunity to provide feedback.

Yours sincerely,

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