



ONTARIO
PHARMACISTS
ASSOCIATION

Office of the Chief Executive Officer

February 10, 2015

Mr. Marshall Moleschi, Registrar
Ontario College of Pharmacists
483 Huron Street
Toronto, ON
M5R 2R4

VIA EMAIL TO: consultations@ocpinfo.com

Dear Mr. Moleschi,

Re: Open Consultation Feedback, Proposed Amendments to the Public Register – Phase 2 (By-law No 3)

The Ontario Pharmacists Association (“OPA”, or the “Association”) appreciates the opportunity to provide its comments and recommendations to the proposed amendments to the Ontario College of Pharmacists’ (“OCP”, or the “College”) By-law No. 3 (Phase 2) relating to information that is posted on the public register. OPA recognizes the need for certain changes to be made for inclusion of information on the public register, but urges careful consideration, particularly in the application of discretion, in the pursuit of transparency.

The Ontario Pharmacists Association is the professional association representing the concerns and interests of Ontario’s pharmacists, pharmacists-in-training and pharmacy technicians. Our members work in a wide variety of settings, including but not limited to community pharmacies, hospitals, long-term care, family health teams, and industry. Our mission is to enable and inspire our members and the profession by evolving the practice of pharmacy, advocating for professional excellence, and providing the innovative tools, education and services needed to deliver high quality patient-focused care. We envision a province with a collaborative healthcare system, where all Ontarians trust, utilize and support the role of pharmacists and pharmacy services as integral parts of their everyday health and wellness.

OPA and its members respect the value of self-regulation and understand that transparency and accountability are pillars of good self-governance. The Association also acknowledges the need for alignment in regulations regarding transparency to the public across all regulated health professions of relevant information. It is for this reason that OPA is calling for careful consideration of the potential impact that some information can have on the public’s perception of a member of OCP.

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OPA Commentary on the Specific Elements of the Proposed Amendments

(OPA comments reflect the new proposed changes to the By-Law. Text in italics only denotes the OCP summary of the changes.)

1. Posting known criminal charges (if relevant)

The College would post a summary of any federal or provincial charges against a member if the College knows about them, and the Registrar believes that they are relevant to the member's suitability to practise. (Section 11.4.13.1)

- **OPA COMMENTARY:** OPA supports the language of the amendment and its intent to post information related to federal or provincial offences to the Public Register only if the Registrar believes the information is relevant to the Member's suitability to practice.

2. Disclosing members under investigation

The Registrar would confirm that the College is investigating a member if there is a compelling public interest reason to do so pursuant to 36(1)(g) of the Regulated Health Professions Act. (Section 11.4.20.1)

- **OPA COMMENTARY:** OPA has some concerns that such information, in the absence of actual finding of guilt, may unfairly, negatively and prematurely label the member in the eyes of public and/or other members, particularly current or prospective employers. Such labels may generate potentially inaccurate perceptions which may in turn impact the member's current or future employability.

3. Posting of complaint outcomes: Cautions

The College would disclose when a panel of the Inquiries, Complaints and Reports Committee (ICRC) cautions a member as a result of a complaint. A caution would be issued by the ICRC when there is a significant concern about a member's conduct or practice that can have a direct impact on patient care, safety or the public interest if it is not addressed. Cautions require the member to meet with the ICRC in person for a face-to-face discussion concerning the member's practice and the changes they have planned that will help avoid a similar incident from occurring in the future. The College would post a summary and date of the caution on the public register. This would apply to complaints filed after April 1, 2015. (Section 11.4.20.2)

- **OPA COMMENTARY:** Recognizing that it is important for there to be transparency with regard to cautions stemming from the results of complaints, particularly those that would impact patient care, OPA supports this proposed amendment and is pleased that it is limited to the posting of verbal cautions only and that it excludes information on written cautions and/or dismissed complaints which are often the result of less serious and perhaps frivolous and vexatious matters.

4. Posting of complaint outcomes: SCERPs

The College would disclose when a panel of the ICRC requires a member to complete a specified continuing education or remediation program (SCERP) as a result of a complaint. A SCERP would be ordered when a serious care or conduct concern requiring a pharmacist or pharmacy technician to upgrade his or her skills has been identified. The ICRC orders SCERPs only when they believe that remediation is necessary. The College would post a summary of the required program and its date on the public register. This would apply to complaints filed after April 1, 2015. (Section 11.4.20.3)



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- OPA COMMENTARY: As with our comments to Point 3 above (re Section 11.4.20.2), OPA supports this proposed amendment and is pleased that the ICRC only resorts to an order for a SCERP pursuant to findings requiring skills upgrades for serious care or conduct issues (and not for less serious matters). OPA is pleased to continue its support of pharmacists, the College and the ICRC through the provision of numerous high quality and accredited continuing education and professional development programs, both live and online, that contribute to professional practice excellence.

5. Posting of applications for reinstatement

The College would disclose if the Registrar has referred an applicant for reinstatement to the Discipline Committee. (Section 11.4.21)

- OPA COMMENTARY: OPA supports this proposed amendment.

6. Posting of known licenses in other jurisdictions

The College would disclose whether a member is currently registered or licensed to practice the profession in another jurisdiction, if known. (Section 11.4.25.1)

- OPA COMMENTARY: OPA supports this proposed amendment.

7. Posting of complaint outcomes: Summary of variation

The College would disclose when a panel of the ICRC was required, after a review, to remove or vary an original outcome of a caution or SCERP. This would include posting the process leading up to the review. (Section 11.8.8)

- OPA COMMENTARY: OPA supports this proposed amendment as it pertains to variations to the original outcome of a caution or SCERP. However, OPA recommends the addition of specific language to the proposed amendment that confirms the expunging of the original requirement for a caution or SCERP if a review by the ICRC directs its removal and that there would be no notation by the Registrar of a summary of the process that led up to its removal.

- OPA RECOMMENDATION (additions listed in bold and underlined font):

- **11.8.8 Any information which would otherwise have been required to be maintained under subparagraphs 11.4.20.2 and 11.4.20.3 where, after a review, the Inquiries, Complaints and Reports Committee has been required to remove or vary the appearance for a caution or a specified continuing education or remediation program. Where the original requirement to appear for a caution or to complete a specified continuing education or remediation program has been varied, the Registrar may enter a summary of the process leading up to and the results of the variation. Where a review by the Inquiries, Complaints and Reports Committee requires the removal of the original requirement to appear for a caution or to complete a specified continuing education or remediation program, all notations leading up to the original requirement should be deleted and there shall be no additional notation or summary of the process leading up to the removal posted on the public register.**



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Conclusion

Over the course of this consultation process, the Association has heard many pharmacists' opinions on the proposed changes, and as expected, acknowledges that the majority of members are instinctively concerned about invasion of privacy. Nonetheless, OPA accepts the importance of inclusion of many of the proposed changes in the spirit in which they were intended – for public protection as well as for alignment with all regulated health professions.

Ontarians place a tremendous amount of trust in their healthcare providers, and as the representative organization for pharmacists, pharmacy students and pharmacy technicians in the province, we are immensely proud and respectful of that trust and strive to support our members in our mutual pursuit of practice excellence. It is OPA's view that effective transparency is achieved through making relevant and accurate information available to the public. It is with that view that OPA urges the College to carefully apply discretion in the posting of information related to a member, especially in advance of an actual finding of guilt to as not to unduly and negatively impact and harm the integrity of the member.

Should you have any questions, concerns or comments with regard to this submission, please do not hesitate to contact me at your earliest convenience.

Yours truly,

A handwritten signature in black ink, appearing to read "Dennis A. Darby".

Dennis A. Darby, ICD.D
Chief Executive Officer

cc: Deb Saltmarche, Chair of the Board, Ontario Pharmacists Association
Allan H. Malek, SVP, Professional Affairs, Ontario Pharmacists Association
Sherif Guorgui, VP, Pharmacy Practice, Ontario Pharmacists Association
Anne Resnick, Deputy Registrar, Ontario College of Pharmacists