

Proposed Register By-law Amendments – Transparency Phase ~~1~~2

The proposed amendments are “redlined” below with the additions underlined and the deletions having a line striking through the word.

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 and Telephone Number

- 11.2.1 A Member’s business address and business telephone number in the Register shall be, respectively, the address and telephone number of each location at which the Member practises in Ontario or, in the case of a Member whose practice consists of providing temporary or relief services and who maintains no permanent place of practice, the address and telephone number of each agency or other person or business for or through which the Member provides such services.
- 11.2.2 Where a Member does not practise in Ontario, the Member’s business address and business telephone number in the Register shall be, respectively, the address designated by the Member as the Member’s business address and the telephone number associated with that business address.

11.3 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. Since June 4, 2009, the Register has been required to contain the following:

- 11.3.1 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.
- 11.3.2 The name, business address and business telephone number of every health profession corporation.
- 11.3.3 The names of the shareholders of each health profession corporation who are members of the College.
- 11.3.4 Each Member's class of registration and specialist status (specialist status not applicable to the Ontario College of Pharmacists at this time).
- 11.3.5 The terms, conditions and limitations that are in effect on each Certificate of Registration.
- 11.3.6 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.
- 11.3.7 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.
- 11.3.8 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.
- 11.3.9 A notation of every revocation or suspension of a Certificate of Registration.
- 11.3.10 A notation of every revocation or suspension of a Certificate of Authorization.
- 11.3.11 Information that a panel of the Registration, Discipline or Fitness to Practise Committee specifies shall be included.
- 11.3.12 Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
- 11.3.13 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.
- 11.3.14 Information that is required to be kept in the Register in accordance with the By-Laws.

11.4 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 11.8 and 11.9, 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:

- 11.4.1 Any changes to each Member's name which have been made in the Register since the Member was first issued a Certificate of Registration.
- 11.4.2 Each Member's gender and registration number.
- 11.4.3 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.
- 11.4.4 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.
- 11.4.5 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.
- 11.4.6 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.
- 11.4.7 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.
- 11.4.8 Whether the Member has completed the necessary injection training requirements approved by the College.
- 11.4.9 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.
- 11.4.10 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.
- 11.4.11 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.

- 11.4.12 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.
- 11.4.13 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.
- 1.4.13.1 A summary of any currently existing charges against a Member, of which the College is aware in respect of a federal or provincial offence that the Registrar believes is relevant to the Member's suitability to practise.
- 1.4.13.~~12~~ A summary of any currently existing conditions, terms, orders, directions or agreements relating to the custody or release of the Member in respect of provincial or federal offence processes of which the College is aware and that the Registrar believes is relevant to the Member's suitability to practise.
- 1.4.13.~~23~~ A summary of any findings of guilt of which the College is aware of made by a court after April 1, 2015, against a Member in respect of a federal or provincial offence that the Registrar believes is relevant to the Member's suitability to practise.
- 11.4.14 Where a Member's Certificate of Registration is subject to an interim order of the Inquiries, Complaints and Reports Committee, a notation of that fact, the nature of that order and its effective date.
- 11.4.15 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.

- 11.4.16 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.
- 11.4.17 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.
- 11.4.18 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.
- 11.4.19 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.
- 11.4.20 Where a Member's Certificate of Registration is reinstated, the effective date of the reinstatement.

11.4.20.1 Where, after April 1, 2015, the Registrar confirms whether the College is investigating a Member because there is a compelling public interest in disclosing this information pursuant to 36(1)(g) of the Act, the fact that the Member is under investigation.

11.4.20.2 Where, for a complaint filed after April 1, 2015 or for a matter in which an investigator is appointed under 75(1)(a) or 75(1)(b) of the Code after April 1, 2015, a panel of the Inquiries, Reports and Complaints Committee requires a Member to appear before a panel of the Committee to be cautioned,

(a) a notation of that fact,

(b) a summary of the caution,

(c) the date of the panel's decision, and

(d) if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review is finally disposed of.

11.4.20.3 Where, for a complaint filed after April 1, 2015 or for a matter in which an investigator is appointed under 75(1)(a) or 75(1)(b) of the Code after April 1, 2015, a panel of the Inquiries, Reports and Complaints Committee takes other action requiring a member to complete a specified continuing education or remediation program,

- (a) a notation of that fact,
- (b) a summary of the continuing education or remediation program,
- (c) the date of the panel's decision, and
- (d) if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review is finally disposed of.

11.4.21 Where an allegation of a Member's professional misconduct or incompetence has been referred to the Discipline Committee, where a Member has been referred by the Accreditation Committee to the Discipline Committee under section 140 of the *Drug and Pharmacies Regulation Act*, or where the Registrar has referred an application for reinstatement to the Discipline Committee under section 73 of the Code and the matter is outstanding,

- (a) the date of the referral;
- (b) a brief summary of each specified allegation;
- (c) the notice of hearing;
- (d) 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;
- (e) if the hearing is awaiting scheduling, a statement of that fact; and
- (f) if the hearing of evidence and arguments is completed and the parties are awaiting a decision of the Discipline Committee, a statement of that fact.

11.4.22 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.

11.4.23 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.

11.4.24 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.

11.4.25 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.

1.4.25.1 Where the College is aware that a Member is currently registered or licensed to practise the profession in another jurisdiction, a notation of that fact.

11.4.26 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.

11.4.27 Any other information not otherwise referred to in paragraph 11.4, which the College and the Member have agreed shall be available to the public.

11.8 Deletion of Information.

Notwithstanding paragraphs 11.4, 11.6 and 11.7, the College is not required to maintain and may delete from the Register:

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, Reports and Complaints 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.