

Statement by the Ontario College of Pharmacists

For nearly 150 years, the Ontario College of Pharmacists has served the people of Ontario by regulating pharmacy in the public interest and by promoting quality and safe pharmacy care. The College's mandate is to serve and protect the public and it is something that we take very seriously, just as we do our commitment to holding all of the province's approximately 20,000 current registrants accountable to the established standards, Code of Ethics and laws and regulations which govern the profession.

Just like all other health regulatory authorities, the College's Council and statutory committees are composed of regulated health professionals and members of the public appointed by government who are required at all times to conduct themselves in accordance with the College's Code of Conduct, By Laws and Governance Manual, available on our [website](#). Serving in the public interest is a privilege granted to the profession by the people of Ontario and we expect every professional and public member involved with this College, and every staff member, to hold themselves accountable to this responsibility.

In the performance of its public-protection mandate and its commitment to fulfilling the objects of the College expressed in regulation, the College this past year:

- Launched Ontario's first ever – and Canada's largest – medication safety and error reporting program for community pharmacies designed to reduce the risk of preventable harm caused by medication errors
- Introduced a new provincial Opioid Strategy for Pharmacy in recognition of the important role pharmacy professionals can and should play to help prevent harms associated with opioid use and addiction
- Unveiled a new Scope of Practice Strategy designed to support better patient care, experiences and outcomes by helping pharmacy professionals optimize practice within their current scope
- Introduced a redesigned Quality Assurance Program to help shift practice forward and support professionals in their development while assuring public safety and quality practice
- Established new partnerships with Local Health Integration Networks and other health system partners to strengthen the quality and safety of pharmacy care and promote better patient outcomes
- Provided input to government and expressed our support for important legislation including *Bill 87, The Protecting Patients Act, 2017*, *Bill 84, The Medical Assistance in Dying Statute Law Amendment Act, 2017*, and *Bill 160, The Strengthening Quality and Accountability for Patients Act, 2017*.

In addition, the College this past year:

- Opened 341 complaint files and 110 report files, an increase over the previous year of 24% and 17% respectively
- Held 33 discipline hearings, an increase of 10 over the previous year, resulting in 52 findings
- Conducted 2,700 pharmacist practice assessments, 2,300 community pharmacy assessments and 165 routine hospital pharmacy assessments
- Managed 3,800 inquiries to our Pharmacy Practice team to support quality and safe pharmacy practice

Our commitment is to the public who should feel assured that the College has the right mechanisms and processes in place to appropriately and effectively act in the public interest, hold pharmacy professionals accountable for their conduct and regulate the profession of pharmacy with integrity. We are proud of our work as regulator and accept the privilege and honour granted to us by the people of Ontario to ensure the safety and quality of pharmacy care throughout the province.

Finding of professional misconduct against Joseph Hanna and Lawrence Varga

The College's Discipline Committee serves an important statutory role to hold members accountable for any conduct that falls below the standards of the profession. All matters that are referred to the College's Discipline Committee follow an extensive and impartial investigation conducted by College staff. While all of the complaint

and investigation cases that the College manages are important matters, like in other legal or court proceedings, many of these cases can become complex and, in our obligation to respect due process, take a considerable amount of time to bring to a discipline hearing.

On January 15, 2018, a panel of the College's Discipline Committee found Mr. Joseph Hanna and Mr. Lawrence Varga to have committed professional misconduct related to soliciting financial support which, when linked to the purchase of listed or interchangeable products in Ontario, could be regarded as constituting a rebate. This is the first time that allegations of professional misconduct against any member related to the acceptance of rebates from a manufacturer has been heard and disposed by a panel of the College's Discipline Committee.

In making its finding, the panel ordered terms and conditions to be applied to the members' licenses, a formal reprimand and financial penalties. In addition to costs of \$30,000 payable to the College, the order on penalty for each member includes a \$20,000 fine payable to the Minister of Finance; the maximum fine the College is permitted under law to order on penalty to the Minister of Finance is \$35,000. In addition, the members entered into an undertaking and acknowledgement related to the monitoring of payments from certain identified generic pharmaceutical manufacturers to Costco. The finding also resulted in a permanent notation on the members' public register profiles.

The summary of the finding for each member is available here: [Joseph Hanna](#), [Lawrence Varga](#). The panel's full decision and detailed reasons are publicly available on [CanLii](#). Other than what is made publicly available in a hearing or posted on our register or on CanLii, the College does not disclose information that is protected under confidentiality provisions in provincial law.

The law is clear: rebates from manufacturers to pharmacies are unlawful. Members who have been found by a panel of the Discipline Committee to have accepted these rebates will be held accountable for their conduct. The College will continue to communicate and enforce its zero tolerance for any conduct that violates laws or that falls below the standards of professionalism and practice and our Code of Ethics.

The finding follows the presentation of an agreed statement of facts in which the members admit to professional misconduct and verbal submissions made by the College prosecutor. An agreed statement of facts is an effective tool that can be and is used by health regulatory colleges (and also in civil and criminal law contexts) to hold members accountable for their conduct. Like in a court of law, they are considered valuable and valid legal options to pursue in the public interest and, accordingly, are permitted in legislation.

The College is confident that the finding and order on penalty made by the panel of the Discipline Committee, which included both public and professional members, was in the public interest and ultimately held the two members accountable for their conduct. The College is also confident that it has, and that the discipline panel has, acted in good faith, in line with our mandate to serve and protect the public interest and in accordance with all relevant legislation and regulations.

Any decision and penalty order made by a panel of the Discipline Committee is guided by precedent, the strength and credibility of the evidence, any aggravating or mitigating factors and the applicability of the evidence in relation to the College's jurisdiction within administrative law in Ontario. To be clear, the finding and order in this case are relevant to Ontario legislation. Some of the matters that have been raised publicly by other parties in relation to this case fall outside of the College's authority and would be best addressed and clarified through the appropriate government ministries.

We take all complaints very seriously and have and will continue to act in accordance with our legislated mandate and to do so in a manner that can stand the test of a legal proceeding. In our goal to serve in the public interest, we have and will continue to hold members accountable – no matter what role they have, or have had, at the College – for conduct that has been found to have fallen below the standards, expectations, Code of Ethics, legislation and regulations governing the profession.

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