

## Summary of Proposed By-Law Amendments Article 11.4 and 11.8 – The Register

Highlights of the proposed amendments are as follows:

Current Provisions	Proposed Provisions
<p>11.4.13 Where applicable, a summary of any restriction on a Member's right to practise:</p> <p style="padding-left: 40px;">(a) resulting from an undertaking given by the Member to the College or an agreement entered into between the Member and the College; or</p> <p style="padding-left: 40px;">(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.</p> <p>11.4.13.1 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.</p> <p>11.4.13.2 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.</p>	<p>11.4.13 Where applicable, a summary of any restriction on a Member's right to practise:</p> <p style="padding-left: 40px;">(a) resulting from an undertaking given by the Member to the College or an agreement entered into between the Member and the College; or</p> <p style="padding-left: 40px;">(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.</p> <p><u>11.4.13.1 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.</u></p> <p>11.4.13.<del>41</del> 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.</p> <p>11.4.13.<del>32</del> 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.</p>
<p>11.4.20 Where a Member's Certificate of Registration is reinstated, the</p>	<p>11.4.20 Where a Member's Certificate of Registration is reinstated, the</p>

Current Provisions	Proposed Provisions
<p>effective date of the reinstatement.</p>	<p>effective date of the reinstatement.</p> <p><u>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.</u></p> <p><u>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,</u></p> <ul style="list-style-type: none"> <li><u>(a) a notation of that fact,</u></li> <li><u>(b) a summary of the caution,</u></li> <li><u>(c) the date of the panel's decision,</u></li> <li><u>and</u></li> <li><u>(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.</u></li> </ul> <p><u>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,</u></p> <ul style="list-style-type: none"> <li><u>(a) a notation of that fact,</u></li> <li><u>(b) a summary of the continuing education or remediation program,</u></li> <li><u>(c) the date of the panel's decision,</u></li> <li><u>and</u></li> <li><u>(d) if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which</u></li> </ul>

Current Provisions	Proposed Provisions
<p>11.4.21 Where an allegation of a Member's professional misconduct or incompetence has been referred to the Discipline Committee, or where a Member has been referred by the Accreditation Committee to the Discipline Committee under section 140 of the <i>Drug and Pharmacies Regulation Act</i>, and the matter is outstanding,</p> <p>(a) the date of the referral;</p> <p>(b) a brief summary of each specified allegation;</p> <p>(c) the notice of hearing;</p> <p>(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;</p> <p>(e) if the hearing is awaiting scheduling, a statement of that fact; and</p> <p>(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.</p>	<p><u>notation shall be removed once the review is finally disposed of.</u></p> <p>11.4.21 Where an allegation of a Member's professional misconduct or incompetence has been referred to the Discipline Committee, <del>or</del> where a Member has been referred by the Accreditation Committee to the Discipline Committee under section 140 of the <i>Drug and Pharmacies Regulation Act</i>, <u>or where the Registrar has referred an application for reinstatement to the Discipline Committee under section 73 of the Code</u> and the matter is outstanding,</p> <p>(a) the date of the referral;</p> <p>(b) a brief summary of each specified allegation;</p> <p>(c) the notice of hearing;</p> <p>(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;</p> <p>(e) if the hearing is awaiting scheduling, a statement of that fact; and</p> <p>(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.</p>
<p>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,</p> <p>(a) a notation of that fact;</p> <p>(b) the date of the finding and the name of the governing body that made the finding;</p> <p>(c) a brief summary of the facts on which the finding was based;</p> <p>(d) the penalty; and</p> <p>(e) where the finding or penalty is under appeal, a notation of that fact, which notation shall be removed</p>	<p>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,</p> <p>(a) a notation of that fact;</p> <p>(b) the date of the finding and the name of the governing body that made the finding;</p> <p>(c) a brief summary of the facts on which the finding was based;</p> <p>(d) the penalty; and</p> <p>(e) where the finding or penalty is under appeal, a notation of that fact, which notation shall be removed</p>

Current Provisions	Proposed Provisions
<p>once the appeal is finally disposed of.</p>	<p>once the appeal is finally disposed of.</p> <p><u>11.4.25.1 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.</u></p>
<p><b>11.8 Deletion of Information.</b> Notwithstanding paragraphs 11.4, 11.6 and 11.7, the College is not required to maintain and may delete from the Register:</p> <p>11.8.1 Any information which would otherwise have been required to be maintained under paragraph 11.4 or 11.6 in respect of any Member who died at least two years prior to the last updating of the Register.</p> <p>11.8.2 Any information which would otherwise have been required to be maintained under paragraph 11.4 or 11.6 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.</p> <p>11.8.3 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.</p> <p>11.8.4 Any information which would otherwise have been required to be maintained under paragraph 11.7 in respect of any pharmacy that was permanently closed at least two years prior to the last updating of the Register.</p> <p>11.8.5 Any information which would</p>	<p><b>11.8 Deletion of Information.</b> Notwithstanding paragraphs 11.4, 11.6 and 11.7, the College is not required to maintain and may delete from the Register:</p> <p>11.8.1 Any information which would otherwise have been required to be maintained under paragraph 11.4 or 11.6 in respect of any Member who died at least two years prior to the last updating of the Register.</p> <p>11.8.2 Any information which would otherwise have been required to be maintained under paragraph 11.4 or 11.6 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.</p> <p>11.8.3 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.</p> <p>11.8.4 Any information which would otherwise have been required to be maintained under paragraph 11.7 in respect of any pharmacy that was permanently closed at least two years prior to the last updating of the Register.</p> <p>11.8.5 Any information which would</p>

Current Provisions	Proposed Provisions
<p>otherwise have been required to be maintained under paragraph 11.7 in respect of any pharmacy whose Certificate of Accreditation was revoked at least six years prior to the last updating of the Register.</p> <p>11.8.6 Any information which would otherwise have been required to be maintained under subparagraph 11.4.6 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.</p> <p>11.8.7 Any information which would otherwise have been required to be maintained under subparagraphs 11.4.13, 11.4.27, 11.7.17 or 11.7.22 where the Registrar is satisfied that the information is no longer of importance to the public.</p>	<p>otherwise have been required to be maintained under paragraph 11.7 in respect of any pharmacy whose Certificate of Accreditation was revoked at least six years prior to the last updating of the Register.</p> <p>11.8.6 Any information which would otherwise have been required to be maintained under subparagraph 11.4.6 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.</p> <p>11.8.7 Any information which would otherwise have been required to be maintained under subparagraphs 11.4.13, 11.4.27, 11.7.17 or 11.7.22 where the Registrar is satisfied that the information is no longer of importance to the public.</p> <p><u>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.</u></p>