

Relevance to Suitability to Register, Practise or Operate

College assessment process for determining if a person's conduct is relevant to their suitability to register as a member of the College, practise pharmacy or operate a pharmacy.

INTRODUCTION

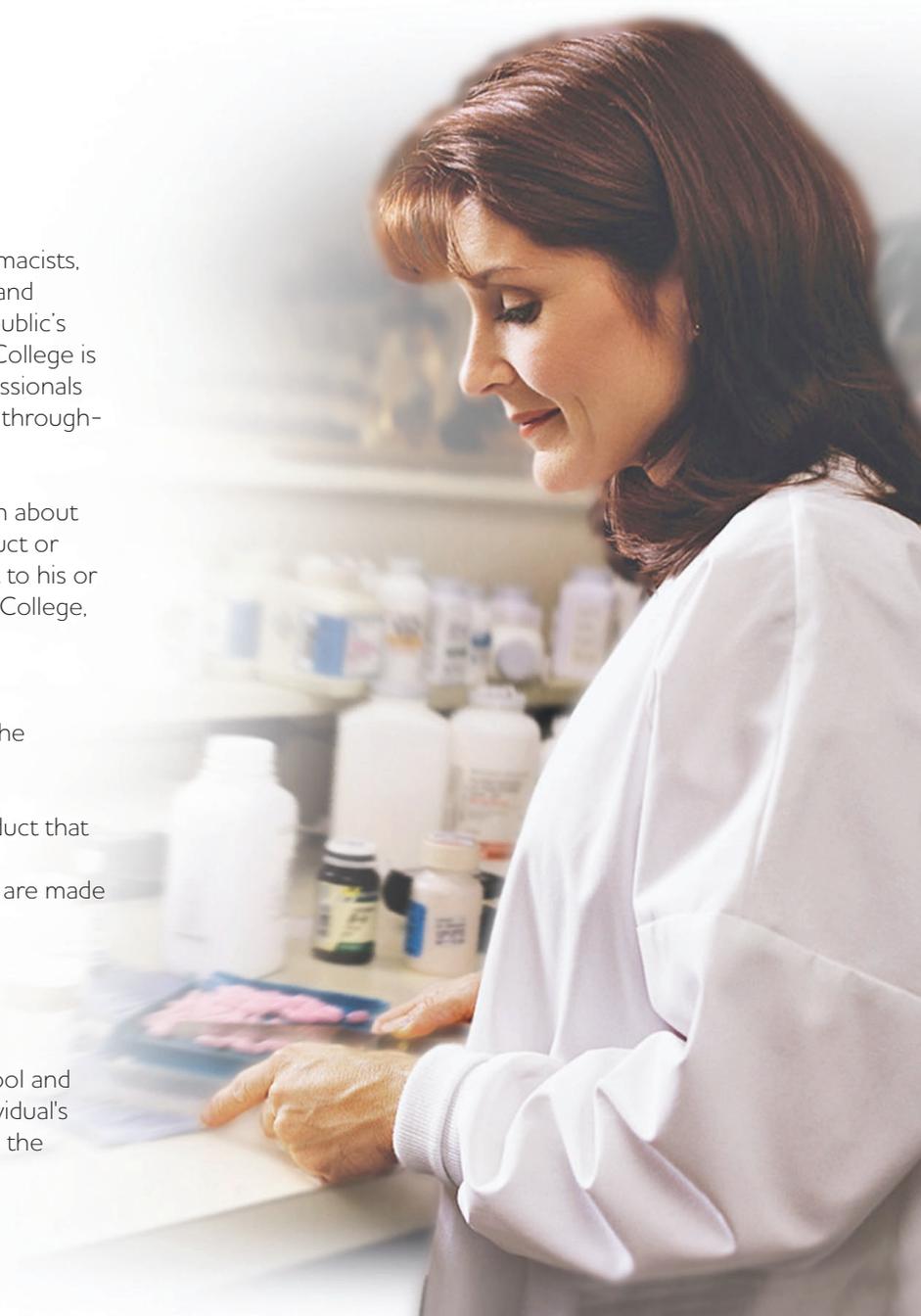
The mandate of the Ontario College of Pharmacists, like all health Colleges in Ontario, is to serve and protect the public interest and maintain the public's trust in the profession and its regulator. The College is responsible for ensuring that pharmacy professionals are qualified to practise and act appropriately throughout their careers.

Occasionally, the College receives information about a pharmacy professional's questionable conduct or behaviour and must determine if it is relevant to his or her suitability to register as a member of the College, practice pharmacy, or operate a pharmacy. This assessment process was developed to:

- Provide greater transparency regarding the process for determining when conduct is considered relevant
- Establish precedents for the type of conduct that is considered relevant
- Provide clear guidance on how decisions are made
- Ensure consistency in decision-making

CRITERIA FOR ASSESSMENT

The College developed a Decision-Making Tool and Framework that facilitates a review of an individual's conduct and behaviour in order to help guide the assessment process.



In determining the criteria for assessment the College considered the general requirements of practice and identified four core areas that define the profession. For each area, the College identified the behaviour that is expected of a pharmacy professional, and reviewed the type of conduct that would be considered relevant to a professional's suitability to register as a member, practise pharmacy or operate a pharmacy. These areas are:

1. Ethical Delivery of Quality Healthcare

All pharmacy professionals must provide care that is patient-centred and effective — meaning that it responds to the individual needs of patients and helps to improve a patient's health outcomes. Pharmacists and pharmacy technicians must use their knowledge, skills and judgment to benefit their patient, and must never put their own personal or business objectives ahead of the interests their patient. Regardless of a practitioner's position or practice environment, they must perform their role to the level specified in the [Code of Ethics](#) and [Standards of Practice](#), and must meet all of the standards associated with that role.

Unethical conduct or the delivery of services that do not meet professional requirements is an important factor in considering if a person's conduct is relevant to their suitability to register as a member of the College, practise pharmacy, or operate a pharmacy.

Conduct of this nature could include, but is not limited to:

- Charges or findings of guilt related to conduct involving dishonesty or a breach of the public's trust
- Dispensing new or refill prescriptions without a therapeutic review
- Dispensing new or refill prescriptions without an appropriate dialogue with patients
- Disruptive, rude or disrespectful behaviour towards patients, their agents, or other health care professionals
- Focusing on the volume of prescriptions instead of the quality of care
- Multiple assessments by the College with negative outcomes
- Neglecting professional obligations
- Providing services that are not in the patient's best interest
- Recommending unnecessary treatment or services for personal financial gain

2. Honesty and Integrity

The nature of the practitioner-patient relationship is inherently imbalanced, with the pharmacy professional on the side that holds specialized knowledge and skills that patients generally do not have. All pharmacy professionals are expected to be aware of this imbalance and to conduct themselves with honesty and integrity in dealing with patients, and not leverage the imbalance for personal gains. This expectation extends to behaviour in a professional's personal life or business dealings, as the need to behave with honesty and integrity is an overall requirement, not just one within a professional capacity.

Charges or findings related to conduct involving dishonesty, fraud, misconduct, lack of candour or breeches of trust call into question a person's integrity and honesty. This type of behaviour is another integral factor in considering if a person's conduct is relevant to their suitability to register as a member of the College, practise pharmacy, or operate a pharmacy.

Conduct of this nature could include, but is not limited to, charges or findings of:

- Academic or professional misconduct
- Any conduct of a derogatory or discriminatory nature
- Any illegality (e.g. trafficking)
- Assault
- Breaking and entering
- Crimes of dishonesty
- Crimes of a sexual nature
- Driving under the influence
- Domestic violence
- Failure to disclose all relevant information
- Fraud
- Murder (including attempted murder or conspiracy to commit murder)
- Tax evasion

3. Governability

Pharmacists and pharmacy technicians must demonstrate an understanding of self-regulation, and must accept the authority of the College. Professionals who demonstrate that they are ungovernable undermine the College's ability to fulfill its mandate and jeopardize the public's trust.

Charges or findings that display a lack of respect for governance and an unwillingness to accept the College's authority reflect negatively on a profes-

sional's ability to abide by requirements outlined by the College. This type of behaviour is another factor in considering if a person's conduct is relevant to their suitability to register as a member of the College, practise pharmacy, or operate a pharmacy.

Conduct of this nature could include, but is not limited to:

- A history of multiple offences
- Breaching of undertakings, probation, or bail recognizance
- Failure to meet professional obligations
- Falsifying records
- Previous findings of professional misconduct
- Refusal of registration by another regulatory body
- Refusal to respond to requests made by the regulator

4. Financial Responsibility

Pharmacy professionals must be honest with all financial transactions that are related to patient care or healthcare in the province. This means that financial transactions must be based on the patient's best interest, and not the financial interests of the practitioner or pharmacy. Because these professionals can be so closely tied to the business of the pharmacy, it's important that they provide patients with transparent information and a rationale behind prices or treatment options, so that patients do not perceive any conflict of interest and have enough information to make the right choices.

It's also important that pharmacy professionals act with financial responsibility in their personal lives as well, since patients may perceive that a professional who is financially dishonest in his or her personal life may be the same in the pharmacy. Charges or findings related to conduct that demonstrates willful financial irresponsibility in a practitioner's private or professional life are not acceptable. This type of behaviour is the fourth factor the College considers in assessing whether a person's conduct is relevant to their suitability to register as a member of the College, practise pharmacy, or operate a pharmacy.

Conduct of this nature could include, but is not limited to:

- Conflict of interest
- Fraud
- Misuse of public or third-party payor funds
- Tax evasion

PROCESS FOR REVIEWING CONDUCT OR BEHAVIOUR

The Decision-Making Tool and Framework is used when a pharmacy professional's questionable conduct or behaviour needs to be evaluated to determine if the conduct or behaviour is relevant to a person's suitability to register as a member of the College, practice pharmacy, or operate a pharmacy. The process for reviewing conduct has three steps: receiving and verifying information, further investigation (if required), and assessing information.

The following is a brief overview of each step:

1. Receiving and verifying information

The College has several sources for gathering information about a person's conduct. Such as:

- A pharmacy professional's record with the College
- Media
- Ministry of Health and Long-Term Care
- Other pharmacy professionals
- Other regulatory bodies
- Police Departments
- Questions that are asked when a pharmacy owner applies for annual renewal of their Certificate of Accreditation
- Questions that are asked when a professional applies for annual renewal of their Certificate of Registration

Information received by the College is independently verified as appropriate, depending on the source of the information and on the information itself.

Reviewing Past Conduct

The College will always review a pharmacy professional's official College record, which often provides information about their past conduct. Past misconduct may not be a definitive predictor of future conduct, but it does raise questions about a person's governability and understanding of what is required of a pharmacy professional or owner of a pharmacy. Past conduct might also be considered as a mitigating¹ or aggravating factor² that must be assessed collectively with the current conduct.

2. Further Investigation

In most cases, the information obtained and verified during step one is sufficient to determine if a person's

conduct is relevant to their suitability to register as a member, practise pharmacy, or operate a pharmacy. Sometimes, the information provided will trigger the need for further inquiry through an investigation by College staff. The scope of the investigation will vary based on the facts presented in each case, but will always involve gathering additional information from relevant sources.

3. Assessing Information

Once all of the relevant information is gathered, College staff use the Decision-Making Tool and Framework to determine the risk of harm to the public. Depending on the risk, there are several options available to proceed.

PROCEEDING WITH APPROPRIATE ACTION

If the conduct or behaviour in question is found to be of a minimal to low risk to the public and not relevant to a professional's suitability to register as a member, practise pharmacy or operate a pharmacy, the College may take no action.

If the conduct or behaviour in question is found to be of moderate risk or higher, and is relevant to a professional's suitability to register as a member, practise pharmacy or operate a pharmacy, the Registrar will direct one or more of the following:

1. Post Charges and/or Findings on the College Website

The information will appear on the "Find a Pharmacy/Pharmacist" section of the College's website — also known as the public register. It will include a summary of the charge and any relevant date associated with it. The College will provide the professional with notification of the posting.

2. Refer Applications to Operate a Pharmacy to the Accreditation Committee

If College staff deem the conduct of a pharmacy owner or designated manager (DM) to be potentially relevant to their suitability to operate a pharmacy, the application to operate the pharmacy may be referred to the College's Accreditation Committee. The Accreditation Committee will independently consider the operator's conduct, and will use this same Decision-Making Tool and Framework to help inform their decision. Upon referral to the Accreditation

Committee, the person who submitted the application to operate the pharmacy has 30 days to provide a written submission to the Committee explaining the conduct. After considering the application to operate the pharmacy and any submissions made on behalf of the pharmacy, the Committee has the authority to direct one or more of the following:

- Issue the Certificate of Accreditation and allow the pharmacy to operate
- Issue the Certificate of Accreditation with terms, conditions and limitations on the pharmacy's operation, as appropriate
- Refuse to issue the Certificate of Accreditation and not allow the pharmacy to operate

3. Refer Applicants to Registration Committee

If College staff deem the conduct of an applicant is to be potentially relevant to their suitability to register as a member of the College, the applicant will be referred to the College's Registration Committee. The Registration Committee will independently consider the applicant's conduct, and will use this same Decision-Making Tool and Framework to help inform their decision. Upon referral to the Registration Committee, the applicant has 30 days to provide a written submission to the Committee explaining the conduct. After considering the conduct and the applicant's submission, the Committee has the authority to direct one or more of the following:

- Issue the Certificate of Registration and allow the applicant to register as a member of the College
- Issue the Certificate of Registration if the applicant successfully completes additional examinations set by the Committee
- Issue the Certificate of Registration if the applicant successfully completes additional training set by the Committee
- Issue the Certificate of Registration with terms, conditions and limitations on the applicant's right to practise
- Refuse to issue the Certificate of Registration and not allow the applicant to register as a member of the College 

REFERENCES

1. A mitigating factor is any piece of information, circumstance or evidence regarding the conduct that might lessen its impact
2. An aggravating factor is any piece of information, circumstance or evidence regarding the conduct that might increase its severity