

DRAFT FOR CIRCULATION – September 18, 2018

ONTARIO COLLEGE OF PHARMACISTS – BY-LAW NO. 5

A by-law relating generally to the conduct of the affairs of the Ontario College of Pharmacists

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BE IT ENACTED as a by-law of the **ONTARIO COLLEGE OF PHARMACISTS** as follows:

ARTICLE 1
INTERPRETATION

1.1 Meaning of Words. In this By-Law, and in all other By-Laws and resolutions of the College, unless the context otherwise requires:

- 1.1.1 “**Act**” means the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18, as the same may be amended from time to time;
- 1.1.2 “**Applicant**” means an applicant as defined in the *Drug and Pharmacies Regulation Act Regulations*;
- 1.1.3 “**By-Law**” or “**By-Laws**” means the By-Laws of the College, as the same may be amended from time to time;
- 1.1.4 “**Certificate of Accreditation**” means a certificate of accreditation issued to a pharmacy by the Registrar pursuant to the *Drug and Pharmacies Regulation Act*;
- 1.1.5 “**Certificate of Authorization**” means a certificate of authorization issued to a health profession corporation by the College;
- 1.1.6 “**Certificate of Registration**” means a Certificate of Registration issued to a Member by the Registrar pursuant to the *Code*;
- 1.1.7 “**Chair**” means, depending on the context, the Chair of a Statutory Committee or a standing Committee, or the person presiding at a meeting of the Council;
- 1.1.8 “**Change of Control**” has the meaning given to it in subparagraph 14.1.2;
- 1.1.9 “**Code**” means the *Health Professions Procedural Code*, being Schedule 2 to the Act;
- 1.1.10 “**Code of Conduct**” means the Code of Conduct and Procedures for Council and Committee Members which is set out in Schedule B to this By-Law, as it may be amended from time to time;
- 1.1.11 “**Code of Ethics**” means the Code of Ethics which is set out in Schedule A to this By-Law, as it may be amended from time to time;
- 1.1.12 “**College**” means the Ontario College of Pharmacists;
- 1.1.13 “**Committee**” or “**Committees**” means a Committee or Committees of the College, whether a Statutory Committee or a standing or special Committee;
- 1.1.14 on for a hospital pharmacy or institutional pharmacy pursuant to section 146.1 of the *Drug and Pharmacies Regulation Act*;
- 1.1.15 “**Council**” means the Council of the College;
- 1.1.16 “**Council member**” or “**member of Council**” means a person who has been elected or appointed as a member of Council;
- 1.1.17 “**Deputy Registrar**” means the person who, from time to time, holds the title of Deputy Registrar of the College;

- 1.1.18 “**Designated Manager**” means the manager designated by the Owner of a pharmacy as required by section 146(1)(b) of the *Drug and Pharmacies Regulation Act*;
- 1.1.19 “**Director of Conduct**” means the person who, from time to time, holds the title of Director of Conduct of the College;
- 1.1.20 “**Director, Corporate Services**” means the person who, from time to time, holds the title of Director, Corporate Services of the College;
- 1.1.21 “**Director of Quality**” means the person who, from time to time, holds the title of Director of Quality of the College;
- 1.1.22 “**Drug and Pharmacies Regulation Act**” means the *Drug and Pharmacies Regulation Act*, R.S.O. 1990, Chap. H.4, as the same may be amended from time to time;
- 1.1.23 “**Drug and Pharmacies Regulation Act Regulations**” means the regulations made under the *Drug and Pharmacies Regulation Act*, as the same may be amended from time to time;
- 1.1.24 “**Drug Preparation Premises**” means drug preparation premises as defined in the *Pharmacy Act Regulations*;
- 1.1.25 “**Electoral District**” means an Electoral District as set out in Article 5;
- 1.1.26 “**Former Member**” has the meaning given to it in subparagraph 12.9.1;
- 1.1.27 “**health profession corporation**” means a corporation incorporated under the *Business Corporations Act* (Ontario) that holds a Certificate of Accreditation;
- 1.1.28 “**Inspector**” means an individual appointed pursuant to section 148(1) of the *Drug and Pharmacies Regulation Act*, otherwise referred to as a “practice advisor”.
- 1.1.29 “**Member**” means a member of the College;
- 1.1.30 “**Narcotic Signer**” means a pharmacist who is designated by a pharmacy to be authorized to sign the documentation required under the *Controlled Drug and Substances Act* (Canada) or the regulations thereunder in order to obtain narcotics for the pharmacy;
- 1.1.31 “**Owner**” means an “owner” as defined in the *Drug and Pharmacies Regulation Act Regulations*;
- 1.1.32 “**Pharmacy Act**” means the *Pharmacy Act, 1991*, S.O. 1991, c.36, as the same may be amended from time to time;
- 1.1.33 “**Pharmacy Act Regulations**” means the Regulations under the *Pharmacy Act*, as the same may be amended from time to time;
- 1.1.34 “**President**” and “**Vice-President**” mean, respectively, the persons who, from time to time, hold the titles of the President and the Vice-President of the College;
- 1.1.35 “**Professional Advocacy Association**” means an organization whose principal mandate is to represent the interests of and advocate on behalf of pharmacies (community and hospital), pharmacist or pharmacy technicians, or a segment of them, including those registered in or practising in Canada. Examples of a Professional Advocacy Association include the Ontario Pharmacists Association, the Canadian Pharmacists Association, the

Canadian Association of Pharmacy Technicians and Neighbourhood Pharmacy Association of Canada;

- 1.1.36 “**Protecting Patients Act**” means the *Protecting Patients Act, 2017*, S.O. 2017, C.11, as the same may be amended from time to time;
- 1.1.37 “**Register**” means the Register required to be kept pursuant to the *Code*;
- 1.1.38 “**Registrar**” means the person who, from time to time, holds the title of Registrar and Chief Executive Officer of the College;
- 1.1.39 “**RHPA Regulations**” means the regulations made under the Act, as the same may be amended from time to time; and
- 1.1.40 “**Statutory Committees**” means the Committees listed in section 10 of the *Code* as of the date of enactment of these By-Laws, and the Accreditation Committee as required under the *Pharmacy Act*.

ARTICLE 2 CLASSES OF REGISTRATION

2.1 Prescribed Classes of Registration. Effective upon Schedule 1 (Drug and Pharmacy Regulations Act) of the *Protecting Patients Act* being proclaimed into force, all references in this By-Law to “Registered Pharmacy Student” shall be deemed to be deleted and replaced with “Intern Technician”.

ARTICLE 3 PROFESSIONAL LIABILITY INSURANCE

3.1 Insurance Requirements for a Certificate of Registration. A Member who holds a Certificate of Registration as a Pharmacy Technician, Registered Pharmacy Student, Intern or Pharmacist listed in Part A of the Register, must maintain personal professional liability insurance as follows:

- 3.1.1 **Limit of Liability.** The policy of insurance must contain limits of a minimum of \$2,000,000 per claim or per occurrence and \$4,000,000 in the annual aggregate.
- 3.1.2 **Definition of Insured Services.** The definition of Insured Services under the policy must include all professional services in the practice of pharmacy as regulated by the College.
- 3.1.3 **Retroactive Date.** The policy must not contain a retroactive date and must provide for full prior acts protection.
- 3.1.4 **Extended Reporting Period (ERP).** If the policy is a “claims made” policy, it must contain an extended reporting period provision for a minimum of three (3) years.
- 3.1.5 **Personal Professional Liability Insurance Coverage.** The policy must be issued in the name of the individual Member and provide that Member with mobility and coverage wherever in Ontario that Member practises.
- 3.1.6 **Legal Defence Payments.** Legal defence payments for regulatory proceedings or other legal proceedings potentially afforded by a personal professional liability policy must not erode the minimum limits of liability under the policy.

3.2 Evidence of Insurance. A Member shall, upon the request of the Registrar, provide proof satisfactory to the Registrar of professional liability insurance in the required amounts and form, and a copy of the Member's professional liability insurance policy.

ARTICLE 4 RESTRICTION ON COUNCIL MEMBERS

4.1 Restriction on Council Members. No member of Council shall be an employee of the College.

ARTICLE 5 ELECTION OF COUNCIL MEMBERS

5.1 Electoral Districts K, L, M, N, P. The following Electoral Districts are established for the purpose of the election of members of Council who hold a Certificate of Registration as a Pharmacist:

- 5.1.1 Electoral District K (Eastern Ontario), comprised of all addresses within the Canadian Postal Code boundaries whose postal code begins with the letter K.
- 5.1.2 Electoral District L (Central Ontario), comprised of all addresses within the Canadian Postal Code boundaries whose postal code begins with the letter L.
- 5.1.3 Electoral District M (Toronto), comprised of all addresses within the Canadian Postal Code boundaries whose postal code begins with the letter M.
- 5.1.4 Electoral District N (Western Ontario), comprised of all addresses within the Canadian Postal Code boundaries whose postal code begins with the letter N.
- 5.1.5 Electoral District P (Northern Ontario), comprised of all addresses within the Canadian Postal Code boundaries whose postal code begins with the letter P.

5.2 Electoral District H. The following Electoral District is established for the purpose of the election of members of Council who hold a Certificate of Registration as a Pharmacist and whose place of practice for election purposes on June 1 immediately preceding the election, is in, or for, a hospital in Ontario that has been approved or licensed under a federal or provincial statute:

- 5.2.1 Electoral District H, comprised of the Province of Ontario.

5.3 Electoral District T. The following Electoral District is established for the purpose of the election of a member of Council who holds a Certificate of Registration as a Pharmacy Technician:

- 5.3.1 Electoral District T, comprised of the Province of Ontario.

5.4 Electoral District TH. The following Electoral District is established for the purpose of the election of a member of Council who holds a Certificate of Registration as a Pharmacy Technician and whose place of practice for election purposes on June 1 immediately preceding the election, is in a hospital in Ontario that has been approved or licensed under a federal or provincial statute:

- 5.4.1 Electoral District TH, comprised of the Province of Ontario.

5.5 Number of Members to be Elected.

- 5.5.1 The number of members of Council to be elected is:
 - (a) Three (3) in each of Electoral Districts L, M, and N;

- (b) Two (2) in each of Electoral Districts K and P;
- (c) Two (2) in Electoral District H;
- (d) One (1) in Electoral District T; and
- (e) One (1) in Electoral District TH.

5.6 Voting Eligibility. Every Member who holds a valid Certificate of Registration as a Pharmacist or a Pharmacy Technician, who practises or resides in Ontario, and who is not in default of payment of the annual fee, is entitled to vote in an election of members to the Council in the Electoral District in which his or her place of practice is located on June 1 immediately preceding the election.

- 5.6.2 A Member who holds a Certificate of Registration as a Pharmacist shall only be eligible to vote in one of Electoral Districts K, L, M, N, P and H and a Member who holds a Certificate of Registration as a Pharmacy Technician shall only be eligible to vote in one of Electoral Districts T or TH.
- 5.6.3 Neither a Registered Pharmacy Student nor an Intern is entitled to vote.
- 5.6.4 If, as of June 1 immediately preceding an election, a Member has no fixed place of practice, the Member may vote in the Electoral District in which he or she resides or, in the case of a Member who holds a Certificate of Registration as a Pharmacy Technician, in Electoral District T.
- 5.6.5 If, as of June 1 immediately preceding an election, a Member has a place of practice in more than one Electoral District, the Member shall declare to the Registrar which Electoral District is to be considered his or her place of practice for election purposes, and he or she may vote only in that Electoral District.
- 5.6.6 If the place of practice for election purposes of a Member is in a hospital in Ontario approved or licensed under a federal or provincial statute, he or she may only vote in Electoral District H (in the case of a Pharmacist) or Electoral District TH (in the case of a Pharmacy Technician).

5.7 Terms of Office. The term of office of a person elected to Council shall be three (3) years, commencing at the first meeting of Council after the election.

5.8 Election Date.

- 5.8.1 An election of members of Council for Electoral Districts N and H shall be held on the first Wednesday in August 2018 and every third (3rd) year after that.
- 5.8.2 An election of members of Council for Electoral Districts K, L, T and TH shall be held on the first Wednesday in August 2019 and every third (3rd) year after that.
- 5.8.3 An election of members of Council for Electoral Districts M and P shall be held on the first Wednesday in August 2020 and every third (3rd) year after that.

5.9 Eligibility for Election.

- 5.9.1 A Member who holds a valid Certificate of Registration as a Pharmacist or as a Pharmacy Technician is eligible for election to the Council in one of Electoral Districts K, L, M, N,

P and H (in the case of a Pharmacist) or in one of Electoral Districts T and TH (in the case of a Pharmacy Technician) if, on June 1 immediately preceding the election:

- (a) in the case of a Member who proposes to run in Electoral Districts K, L, M, N, P or Electoral District T, the Electoral District in which the Member proposes to run is the Member's place of practice for election purposes, and is where the majority of his or her time in the practice of pharmacy is spent, or alternatively, is the location of the Member's permanent residence;
- (b) in the case of a Member who proposes to run in Electoral District H or TH the majority of the Member's time in the practice of pharmacy is spent in a hospital in Ontario that has been approved or licensed under a federal or provincial statute, which is the Member's place of practice for election purposes;
- (c) the Member is not in default of payment of any fees prescribed in the By-Laws;
- (d) the Member is not the subject of any disciplinary or incapacity proceeding;
- (e) the Member's Certificate of Registration has not been revoked or suspended in the six (6) years preceding the date of the election;
- (f) the Member is not a Registered Pharmacy Student or Intern;
- (g) the Member's Certificate of Registration is not subject to a term, condition or limitation other than one prescribed by regulation;
- (h) the Member is not an employee, officer or director of a Professional Advocacy Association, or, if the Member is such an employee, officer or director of a Professional Advocacy Association, the Member gives an undertaking to resign from such position upon being elected or acclaimed to the Council. For greater certainty, nothing in this clause shall prevent a Member who serves on an association or organization to which he or she has been appointed by Council as a representative of the College, from running for election to Council;
- (i) the Member has not been disqualified from serving on Council or a committee within the six (6) years immediately preceding the election;
- (j) the Member is not an adverse party in litigation against the College, the Council, a committee of the Council or a panel of a committee of the Council or any of its directors, officers, employees or agents;
- (k) the Member has not, in the opinion of the Elections Committee, engaged in conduct unbecoming a Council member; and
- (l) the Member is not the Owner or Designated Manager of a pharmacy that, within the six (6) years immediately preceding the election, has undergone a re-inspection, as a result of deficiencies noted in an initial inspection, for a third time or more after the initial inspection.

5.9.2 Every Member who proposes to run for election to the Council shall establish, to the satisfaction of the Elections Committee, that he or she meets the place of practice or residency requirement in the Member's Electoral District. In the event of a dispute about whether a Member meets those requirements, or otherwise regarding the eligibility of a Member for election to Council, the Elections Committee shall conduct an investigation

and report its findings and recommendations to the Executive Committee. In the event that the Executive Committee finds that the Member does not meet the place of practice or residency requirement in the Member's Electoral District, or that the Member is not otherwise eligible for election, it shall disqualify the Member as a candidate.

- 5.9.3 No person who has a direct interest in the result of an election dispute shall participate in the investigation or consideration of such dispute as a member of the Elections Committee or in the discussion and voting by the Executive Committee.

5.10 Registrar to Supervise Nominations.

- 5.10.1 The Registrar shall supervise the nominations of candidates for members of Council.

5.11 Notice of Election and Nominations.

- 5.11.1 No later than June 1 in the year in which the election is to be held, the Registrar shall notify each Member who is eligible to vote in an Electoral District in which an election is scheduled, of the date of the election. Such notification shall be by electronic mail and shall be addressed to each such Member at his or her electronic address that is on file with the College.

5.12 Nomination Procedure.

- 5.12.1 A candidate for election as a member of Council shall be nominated by not fewer than three (3) Members who are eligible to vote in the Electoral District for which the candidate is nominated.
- 5.12.2 The nomination paper shall be accompanied by a form signed by the candidate in which the candidate affirms his or her commitment to the objects of the College and undertakes to comply with the College's policies, the By-Laws, the Code of Ethics and the Code of Conduct.
- 5.12.3 The nomination shall be signed by the nominators and shall be accepted by the candidate.
- 5.12.4 If it is not possible for the candidate to accept the nomination on the nominating paper which has been signed by the nominators, the candidate shall forward his or her acceptance to the Registrar.
- 5.12.5 All nominations shall be filed with the Registrar no later than 5:00 p.m. on the third Wednesday of June in the year in which the election is to be held.
- 5.12.6 The Registrar shall, without undue delay after nominations have been closed, give notice to all those nominated of the names of the members nominated.
- 5.12.7 A candidate may withdraw his or her candidacy by notice of withdrawal delivered to the Registrar no later than July 1 in the year in which the election is to be held.

5.13 Acclamation.

- 5.13.1 If, after the deadline referred to in subparagraph 5.12.5, the number of eligible candidates nominated for an Electoral District is equal to the number of members to be elected in that Electoral District, the Registrar shall declare the eligible candidate(s) to be elected by acclamation.

5.13.2 If, after the deadline referred to in subparagraph 5.12.5, the number of eligible candidates nominated for an Electoral District is less than the number of members to be elected in that Electoral District, the Registrar shall declare any eligible candidate(s) to be elected by acclamation and there shall be a supplementary nomination and election process held in accordance with paragraph 5.24 in order to fill any remaining vacancies.

5.14 Registrar's Electoral Duties.

5.14.1 The Registrar shall supervise and administer the election of candidates and for the purpose of carrying out that duty, the Registrar may:

- (a) appoint returning officers or scrutineers;
- (b) establish a deadline for the receipt of ballots;
- (c) establish reasonable safeguards to ensure that the person voting is entitled to vote;
- (d) ensure electronic communication and voting processes are reliable and secure;
- (e) establish procedures for the counting and verification of ballots;
- (f) provide for the notification of all candidates and Members of the results of the election; and
- (g) provide for the destruction of ballots or the destruction of the record of ballots following an election.

5.14.2 No later than twenty-one (21) days before the date of an election, the Registrar shall provide to every Member eligible to vote in an Electoral District in which an election is to take place a list of the candidates in the Electoral District, secure access to a ballot, and an explanation of the voting procedures as set out in this By-Law.

5.15 Scrutineers.

5.15.1 The Council shall, at the last regular Council meeting before an election, appoint two (2) or more persons to serve as scrutineers for the election.

5.15.2 The scrutineers shall be reimbursed for their expenses as provided in the By-Laws.

5.15.3 If a scrutineer is unable or unwilling to act, the President shall appoint a person as a replacement scrutineer.

5.16 Ballots.

5.16.1 The names of the candidates properly nominated in the Electoral District in which an election is to take place, and who have not withdrawn their candidacy by the deadline for so doing, shall appear on the ballot.

5.16.2 The Registrar shall prepare a list of the voting Members for each Electoral District in which the number of candidates is greater than the number of Members to be elected.

5.16.3 A Member who is eligible to vote and who does not receive, or loses, his or her secure access to a ballot may apply to the Registrar for replacement secure access to a ballot and the Registrar shall provide the Member with a replacement.

5.17 Voting.

- 5.17.1 A ballot shall clearly indicate the candidate of the voting Member's choice and shall be submitted so that it is received not later than 5:00 p.m. on the day of the election.
- 5.17.2 For each ballot cast, the scrutineers shall ascertain that the voting Member is eligible to vote according to the list prepared by the Registrar.
- 5.17.3 The votes shall be counted or verified by the scrutineers at the head office of the College on the day following the election.
- 5.17.4 The verification of the votes shall be conducted in such a manner that no person shall know for whom any voting Member has voted.
- 5.17.5 The only persons permitted to be present during the verification shall be the scrutineers, the Registrar, such staff of the College as the Registrar authorizes, and the candidates. A candidate may appoint one (1) person to represent the candidate at the verification.
- 5.17.6 If the scrutineers cannot agree on any matter relating to the verification, the matter shall be decided by the Registrar.
- 5.17.7 Upon completing the verification, the scrutineers shall prepare for each Electoral District a return, in duplicate, setting out the number of votes cast for each candidate and the number of spoiled ballots. The returns shall be filed with the Registrar for each Electoral District.
- 5.17.8 In an election where only one candidate is to be elected, the successful candidate is the eligible candidate with the highest number of votes.
- 5.17.9 In an election where more than one candidate is to be elected, the successful candidates are those eligible candidates with the highest and next highest number of votes and so on until the number of successful candidates equals the number of persons to be elected in that election.
- 5.17.10 Upon receiving the returns from the scrutineers, the Registrar shall declare the candidate(s) who received the largest number of votes in each Electoral District in accordance with subparagraphs 5.17.8 and 5.17.9 to be elected as members of the Council, and shall notify each candidate of the election results.
- 5.17.11 The Registrar shall retain the ballots or the records of the ballots for thirty (30) days from the date the votes were counted and shall then destroy the ballots or the records of the ballots unless a candidate requests a recount.

5.18 Number of Votes to be Cast.

- 5.18.1 In any election in an Electoral District in which a Member is eligible to vote, a Member may cast as many votes as there are members of Council to be elected in that Electoral District in that election.
- 5.18.2 A Member shall not cast more than one vote for any one candidate.

5.19 Tie Votes.

- 5.19.1 If there is a tie in an election of members of Council and it is necessary to break the tie to determine who shall be the successful candidate, the Registrar shall break the tie, by lot, and then declare the candidate elected.

5.20 Recounts.

- 5.20.1 A candidate may make a written request to the Registrar for a recount, no more than thirty (30) days after the date of an election, upon paying the election recount fee to the Registrar.
- 5.20.2 If a recount is requested, the Registrar shall appoint a time and place for the recount. The Registrar shall hold the recount no more than fifteen (15) days after receiving the request.
- 5.20.3 The recount shall be conducted in the same manner as the original counting and verification of votes, except that the votes shall be counted and verified by two (2) persons appointed by the President, and who were not scrutineers in the election.
- 5.20.4 The candidate may be present for the recount.
- 5.20.5 The election recount fee shall be refunded to the candidate if the outcome of the election is changed in his or her favour as a result of the recount.

5.21 Interruption of Service.

- 5.21.1 Where there is an interruption of mail or electronic service during the nomination or election, the Registrar shall extend the holding of the nomination or election for such period of time as the Registrar considers necessary to compensate for the interruption.

5.22 Conduct of Council Members.

- 5.22.1 An elected member of Council is automatically disqualified from sitting on Council if the elected member of Council:
- (a) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee; or
 - (b) is found to be an incapacitated Member by a panel of the Fitness to Practise Committee.
- 5.22.2 The grounds for taking formal governance action against a member of Council are where the Council member:
- (a) fails, without cause, to attend three (3) consecutive meetings of Council;
 - (b) fails, without cause, to attend three (3) consecutive meetings of a Committee of which he or she is a member, or fails without cause to attend a scheduled hearing or review conducted by a panel to which he or she was appointed;
 - (c) in the case of an elected member of Council, ceases to practise or reside in the Electoral District to which the member of Council was elected;
 - (d) is in default of payment of any fees prescribed in the By-Laws;
 - (e) is or becomes an employee, officer or director of a Professional Advocacy Association; (however, for greater certainty, a member of Council shall not be disqualified by reason of serving on an association or organization to which he or she has been appointed by the Council as a representative of the College);

- (f) in the case of a dean of a faculty of pharmacy who is a Member,
 - (i) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee; or
 - (ii) is found to be an incapacitated Member by a panel of the Fitness to Practise Committee;
- (g) initiates litigation against the College, the Council, a committee of the Council or a panel of a committee of the Council or any of its directors, officers, employees or agents; or
- (h) engages in conduct or an omission that is reasonably regarded by Council members as being disgraceful, dishonourable, unprofessional or unbecoming a Council member.

5.22.3 The following procedure shall be followed when taking formal governance action:

- (a) a written complaint shall be filed with the Registrar. A complaint can be made by a member of the public, a Council member or Committee member or by the Registrar;
- (b) the Registrar shall disclose the complaint to the Council member and shall report the complaint to the President or the Vice-President who shall bring the complaint to the Executive Committee. If the Executive Committee is unable to address the complaint, it may appoint another Committee to fulfill its duties under subparagraph 5.22.3;
- (c) if the Executive or other Committee, after any inquiry it deems appropriate, concludes that the complaint warrants formal investigation, it shall appoint an independent third party, such as a retired Judge or a senior lawyer who does not otherwise act for the College, to conduct the investigation. In addition to any other investigative steps, the independent third party shall notify the Council member of the complaint and of his or her right to retain a lawyer and shall provide an opportunity for the Council member to respond to the complaint;
- (d) as soon as feasible, the independent third party shall report the results of the investigation in writing to the Executive or other Committee and to the Council member. The report shall include the independent third party's findings of fact and his or her opinion as to whether grounds for taking formal governance action against the Council member set out in subparagraph 5.22.2 have been met and, if so, the apparent significance of the breach;
- (e) if the Executive or other Committee determines that formal governance action is warranted it shall be placed on the agenda of the next regular Council meeting unless a special meeting is called before then to address the matter. Participation in the investigation and referral process does not render the members of the Executive or other Committee ineligible to participate and vote on the matter at Council;
- (f) before taking formal governance action, Council shall afford the Council member an opportunity to address the Council for a period of time permitted by the Council of no less than one hour. However, the Council member shall not take part in the deliberation or vote;
- (g) council shall determine whether grounds for taking formal governance action against the Council member set out in subparagraph 5.22.2 have been met and, if so, whether the breach warrants the imposition of a governance sanction;
- (h) the determination that grounds for taking formal governance action against the Council member set out in subparagraph 5.22.2 have been met and the determination to impose a

formal governance sanction must be approved by a vote of at least two-thirds (2/3) of the Council members eligible to vote. The vote shall be a recorded vote;

- (i) the formal governance sanction imposed by the Council may include one or more of the following:
 - (i) censure of the Council member verbally or in writing;
 - (ii) disqualification of an elected member of Council from the Council;
 - (iii) sending a copy of the independent third party's report and the Council's determination to the Ministry of Health and Long Term Care respecting a person appointed by the Lieutenant Governor in Council; or
 - (iv) sending a copy of the independent third party's report and the Council's determination to the applicable Ontario university respecting a Council member who is a dean of a faculty of pharmacy; and
- (j) where Council determines that grounds for taking formal governance action against the Council member set out in subparagraph 5.22.2 have not been met and that formal governance action is not warranted, Council may direct the College to reimburse the Council member for all or part of the Council member's legal expenses.

5.22.4 An elected member of Council who is disqualified from sitting on the Council is thereby removed from Council and ceases to be a member of Council.

5.23 Filling of Vacancies.

5.23.1 Upon the proclamation of section 30 of Schedule 5 (Regulated Health Professions Act, 1991) to the *Protecting Patients Act* by the Lieutenant Governor, the provisions of this paragraph 5.23 shall be subject to any provisions of the *RHPA Regulations* respecting the filling of vacancies arising on Council.

5.23.2 If the seat of an elected member of Council becomes vacant not more than twelve (12) months before the expiry of the term of office of that elected member of Council, the Council may:

- (a) leave the seat vacant; or
- (b) direct the Registrar to hold a by-election in accordance with this By-Law for the Electoral District in which the elected member of Council sat.

5.23.3 If the seat of an elected member of Council becomes vacant more than twelve (12) months before the expiry of the term of office of that member of Council, the Council shall direct the Registrar to hold a by-election for the Electoral District in which the elected member of Council sat.

5.23.4 The provisions of this By-Law that apply to the conduct of elections shall apply to the conduct of by-elections, with all necessary modifications.

5.23.5 The term of office of a member of Council elected in a by-election under subparagraph 5.23.2 or 5.23.3 shall commence upon acclamation or election and shall continue until the term of office of the former member of Council would have expired.

5.24 Supplementary Election Procedures.

- 5.24.1 If no nominations are received in an Electoral District by the deadline referred to in subparagraph 5.12.5, or if the number of eligible candidates nominated for an Electoral District by the deadline is less than the number of members to be elected in that Electoral District, there shall be a supplementary election.
- 5.24.2 The provisions of this By-Law that apply to the conduct of elections shall apply to the conduct of supplementary elections, with all necessary modifications.
- 5.24.3 The term of office of a member of Council elected in a supplementary election under paragraph 5.24 shall commence upon acclamation or election and shall continue until the end of the term of office prescribed in paragraph 5.7 for a member elected in the Electoral District in which that member was elected.

ARTICLE 6 MEETINGS OF COUNCIL

6.1 Meetings of Council.

- 6.1.1 The Council shall hold at least four regular meetings in the one-year period following each annual August election of members to the Council. The first regular Council meeting shall take place within ninety (90) days following the August election. The dates for the remaining regular Council meetings shall be set at the first regular Council meeting following the August election.
- 6.1.2 The President may call a special meeting of Council at any time, provided that notice is given in accordance with the *Pharmacy Act Regulations*, the *Code* and this By-Law to each member of Council, the Members and the public, specifying the purpose of the meeting.
- 6.1.3 The College shall post on its website information regarding upcoming meetings of Council, including:
 - (a) the dates of those meetings;
 - (b) matters to be discussed at those meetings; and
 - (c) information and documentation that will be provided to members of Council for the purpose of those meetings, provided that information and documentation related to any meeting or part of a meeting from which the public is excluded by Council shall not be posted; and if the Registrar anticipates that Council will exclude the public from the meeting or part of the meeting, the grounds for doing so.
- 6.1.4 Subject to subparagraphs 6.1.2 and 6.1.3, notice of any special meeting of Council shall be sufficient if provided to each member of Council at his or her specified address as shown in the records of the College.
- 6.1.5 The President or, in his or her absence or failure to act, the Vice-President, shall call a special meeting of Council upon the written request of two-thirds (2/3) of the members of Council. In the event that the President or Vice-President are both unable, or fail, to call a meeting of Council, two-thirds (2/3) of the members of Council may call a meeting upon their written request delivered to the Registrar. Notice of the special meeting shall be given as set out in subparagraphs 6.1.2 to 6.1.4.
- 6.1.6 Meetings of Council shall be held at the permanent office of the College, or at such other place or places as the Council may designate.

- 6.1.7 The quorum for the transaction of business at any meeting of the members of Council shall be a majority of members of Council.
- 6.1.8 Unless specifically provided for otherwise in the By-Law, any question arising at any meeting of the Council shall be determined by a majority of votes of members of Council present at the meeting and eligible to vote.
- 6.1.9 At the regular meetings of members of Council, the business shall include:
- (a) noting the names of the Council members present and absent;
 - (b) approving the agenda;
 - (c) notice of motions intended to be introduced;
 - (d) motions, notice of which has been previously given;
 - (e) inquiries;
 - (f) reports of Committees and consideration thereof;
 - (g) unfinished business from previous meetings;
 - (h) items for the information of Council members;
 - (i) any referral for formal governance action made under subparagraph 5.22.3;
 - (j) other matters; and
 - (k) adjournment.
- 6.1.10 An item of business may be excluded only with the consent of two-thirds (2/3^{rds}) of the members of Council present at a meeting and eligible to vote.
- 6.1.11 A Council member may place any item that can properly be discussed by Council on the Council agenda by making a notice of motion. Notices of all motions intended to be introduced shall be given in writing at a meeting of the Council on a day previous to the discussion or vote thereon unless this requirement is dispensed with by a vote of at least two-thirds (2/3^{rds}) of all the members of Council present at the meeting and eligible to vote.
- 6.1.12 The Rules of Order set out in Schedule C of this By-Law apply to the conduct of Council meetings.

6.2 Meetings Held By Technological Means.

- 6.2.1 If two-thirds (2/3^{rds}) of all members of Council, or of a Committee (as the case requires) who are eligible to vote consent thereto generally or in respect of a particular meeting, and each has adequate access, members of Council or of a Committee may participate in a meeting of, respectively, Council or of a Committee, by means of such conference telephone or other communications facilities as permit all persons participating in the meeting to hear each other, and a member of Council or of a Committee participating in such a meeting by such means is deemed to be present at the meeting.
- 6.2.2 At the outset of each meeting referred to in paragraph 6.2.1, the Chair shall call roll to establish quorum and whenever votes are required. If the Chair is not satisfied that the

meeting may proceed with adequate security and confidentiality, he or she shall adjourn the meeting to a predetermined date, time and place, unless a majority of the Council or Committee members (as the case may be) present at such meeting and eligible to vote otherwise require.

ARTICLE 7 REMUNERATION AND EXPENSES

7.1 Remuneration and Expenses.

- 7.1.1 When they are on official College business, members of Council and Committees, working groups and task forces, other than persons appointed by the Lieutenant Governor in Council, shall be paid the following:
- (a) a travel allowance, which shall consist of a rate for distance traveled of 45 cents per kilometre; or air fare, bus or rail fare, plus transportation to and from air, bus or train terminals;
 - (b) an expense allowance of \$300.00 for each day when out of the community in which the Council member resides;
 - (c) an expense allowance of \$210.00 in lieu of the daily allowance described in subparagraph 7.1.1(b), whenever arrival is necessary the night prior to a scheduled meeting;
 - (d) a daily expense allowance of \$165.00 when on College business in the community in which the Council member resides, which amounts include travel allowance.
- 7.1.2 If the Council appoints a Member, other than a Council or Committee member, to represent the College at a meeting or conference, the Member shall be reimbursed for expenses incurred at the rate set out in subparagraph 7.1.1, plus registration fees, if applicable. The Member shall not accept reimbursement for expenses from any other body.
- 7.1.3 An amount in excess of the amounts authorized under subparagraph 7.1.1 may be paid to a Council member or Committee member provided the amount was specifically included in the College budget for the year in which the expenses are incurred, or with the express, prior authorization of the Executive Committee.

ARTICLE 8 COMMITTEES OF THE COLLEGE

8.1 Statutory Committees under the Act.

- 8.1.1 Pursuant to the Act, the College shall have the following Committees:
- (a) Executive Committee;
 - (b) Registration Committee;
 - (c) Inquiries, Complaints and Reports Committee;
 - (d) Discipline Committee;
 - (e) Fitness to Practise Committee;
 - (f) Quality Assurance Committee; and

(g) Patient Relations Committee.

8.1.2 Subject to subparagraph 8.1.3, the composition of the Committees referred to in subparagraphs 8.1.1(a) to 8.1.1(g) shall be as set out in this By-Law and the duties shall be as set out in the Act and the By-Law.

8.1.3 Upon the proclamation of section 5(2) of Schedule 5 (*Regulated Health Professions Act, 1991*) to the *Protecting Patients Act* by the Lieutenant Governor, the provisions of this Article 8 as they relate to the Committees referred to in subparagraphs 8.1.1(a) to 8.1.1(g), shall be subject to provisions of the *RHPA Regulations*, if any, that relate to such Committees, including, for example, provisions:

(a) establishing the composition of such Committees;

(b) establishing the qualifications, selection, appointment and terms of office of members of such Committees who are not members of Council; and

(c) governing the relationship between such provisions and the By-Law.

8.2 Statutory Committee under the Pharmacy Act. Pursuant to the *Pharmacy Act*, the College shall have an Accreditation Committee, the composition of which is set out in the By-Law and the duties of which are set out in the *Drug and Pharmacies Regulation Act* and this By-Law.

8.3 Standing Committees. In addition to the Statutory Committees, the College shall establish the following standing Committees, the composition and duties of which are set out in this By-Law:

8.3.1 Finance and Audit Committee;

8.3.2 Elections Committee; and

8.3.3 Drug Preparation Premises Committee.

8.4 Appointment of Special Committees. Council may, from time to time, appoint such special Committees, task forces and working groups as it deems appropriate or necessary for the attainment of the objects of the College and the efficient conduct of its affairs. Every special Committee, task force or working group shall have specified terms of reference and a date upon which it shall dissolve.

8.5 Reporting of Committees. All Committees, with the exception of the Discipline Committee and the Fitness to Practise Committee, shall report to the Council through the Executive Committee.

8.6 Non-Council Committee Members.

8.6.1 This paragraph 8.6 applies with respect to the appointment of Members who are not members of Council to a Committee.

8.6.2 Subject to subparagraph 8.1.3, a Member is eligible for appointment to a Committee if, on the date of the appointment:

(a) the Member holds a valid Certificate of Registration as a pharmacist or as a pharmacy technician;

(b) the Member either practises or resides in Ontario;

- (c) the Member is not in default of payment of any fees prescribed in the By-Laws;
- (d) the Member has not been found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee; or
- (e) the Member is not the subject of any disciplinary or incapacity proceeding;
- (f) the Member's Certificate of Registration has not been revoked or suspended in the six (6) years preceding the date of the appointment;
- (g) the Member's Certificate of Registration is not subject to a term, condition or limitation other than one prescribed by regulation;
- (h) the Member has not been disqualified from serving on Council or a Committee within the six (6) years immediately preceding the appointment;
- (i) the Member does not have a conflict of interest in respect of the Committee to which he or she is to be appointed; and
- (j) the Member is not the Owner or Designated Manager of a pharmacy that, within the six (6) years immediately preceding the appointment, has undergone a re-inspection, as a result of deficiencies noted in an initial inspection, for a third (3rd) time or more after the initial inspection.
- (k) the Member is not an employee, officer or director of a Professional Advocacy Association or, if the Member is such an employee, officer or director of a Professional Advocacy Association the Member gives an undertaking to resign from such position upon being appointed (however, for greater certainty, a member of a Committee shall not be ineligible by reason of serving on an association or organization to which he or she has been appointed by the Council as a representative of the College).

8.7 Appointment of Elections Committee. The Elections Committee shall be formed at the last regular meeting of the Council preceding the annual election of members to the Council. The members of the Elections Committee shall be appointed by the President, subject to the approval of the Council. The Elections Committee shall appoint its own Chair. All appointments to the Elections Committee shall be for a term that expires at the last regular meeting of the Council preceding the next year's election.

8.8 Appointment of Drug Preparation Premises Committee. The Drug Preparation Premises Committee shall be formed at the first regular meeting of Council after each annual August election and appointments to it shall be in accordance with paragraph 8.9.

8.9 Appointments to Statutory and Standing Committees. All Statutory and standing Committee appointments, with the exception of the Elections Committee, shall be made by the Council at the first regular meeting of Council after each annual August election, and shall be for a term that expires at the first regular meeting of Council after the following election. The appointments to all Statutory and standing Committees, with the exception of the Elections Committee, shall be made in the following manner:

- 8.9.1 A Nominating Committee shall be formed on the first day of the Council meeting, consisting of the newly elected President and Vice-President, one (1) elected Council member and one (1) Council member appointed by the Lieutenant Governor in Council, such Committee members to be elected from among those Council members present. The Committee shall appoint its own Chair.

- 8.9.2 The Elections Committee shall give its report, consisting of the names of all members of Council who have expressed interest or willingness to sit on or chair a Committee, to the Nominating Committee.
- 8.9.3 The Nominating Committee shall nominate all eligible Council members who agree to sit on the Executive Committee and all eligible Council members who agree to chair the other Statutory Committees and standing Committees. The Chair of the Nominating Committee shall present the nominations to Council.
- 8.9.4 Elections to the Executive Committee:
- (a) The President shall call for further nominations for the open positions on the Executive Committee;
 - (b) Should the number of nominees who are Members match the number of open positions on the Executive Committee for members of the Council who are Members in accordance with the Committee composition provisions of this By-Law, all such nominees shall be declared appointed;
 - (c) Should the number of nominees who are appointed by the Lieutenant Governor-in-Council match the number of open positions on the Executive Committee for members of the Council appointed by the Lieutenant Governor-in-Council in accordance with the Committee composition provisions of this By-Law, all such nominees shall be declared appointed; and
 - (d) Should the number of nominees in either category exceed the number of open positions in that category, an election shall be held following the procedure in subparagraph 10.1.2(b). Should there be more than one open position in a category, Council members shall mark their ballots for up to the number of candidates that matches the number of open positions in the category. The candidate who received the fewest votes shall then be removed from the ballot, and the voting will continue until the number of candidates remaining matches the number of open positions in the category, and such candidates shall be declared appointed. Council members may only cast one vote per candidate on each ballot.
- 8.9.5 The President shall call for further nominations from among the Council members for Chairs of the other Statutory Committees and of the standing Committees. If more than one person is nominated to serve as Chair of a Committee, an election shall be held following the procedure in subparagraph 10.1.2(b).
- 8.9.6 The Nominating Committee shall confer with the newly elected Chair of each statutory and standing Committee to consider the appointment of the remaining members to that Committee in accordance with the Committee composition provisions of this By-Law. The Nominating Committee shall then prepare a report with respect to the proposed membership of each Committee, which the Chair of the Nominating Committee shall present to the Council for its approval. In making this report the Nominating Committee shall consider the benefits of having minimal overlap between the composition of the Executive Committee and the Finance and Audit Committee.

8.10 Disqualification, Vacancies and Term Limits of Committee Members.

- 8.10.1 A member of a Committee is disqualified from sitting on the Committee if the member:
- (a) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee; or

(b) is found to be an incapacitated Member by a panel of the Fitness to Practise Committee.

8.10.2 The Council may disqualify a member of a Committee from sitting on the Committee if the member:

- (a) fails, without cause, to attend three (3) consecutive meetings of the Committee or of a subcommittee of which he or she is a member;
- (b) fails, without cause, to attend a scheduled hearing or review conducted by a panel to which he or she was appointed;
- (c) ceases to either practise or reside in Ontario;
- (d) is in default of payment of any fees prescribed in the By-Laws;
- (e) becomes an employee, officer or director of a Professional Advocacy Association (however, for greater certainty, a member of a Committee shall not be disqualified by reason of serving on an association or organization to which he or she has been appointed by the Council as a representative of the College);
- (f) breaches the provisions of the By-Laws, including the Schedules to the By-Laws, or the policies and procedures of the College in force at the relevant time; or
- (g) in the case of a member of Council who sits on a Committee, ceases to be a member of Council.

8.10.3 A person who is disqualified under subparagraph 8.10.1 or 8.10.2 from sitting on a Committee is thereby removed from the Committee and ceases to be a member of the Committee and, subject to subparagraph 8.10.5, the President shall appoint a successor as soon after the disqualification as is feasible.

8.10.4 The term of office of a person who is appointed as a successor to a Committee member under subparagraph 8.10.3 shall commence upon the appointment and shall continue until the term of office of the member of the Committee who is being replaced would have expired.

8.10.5 A vacancy in the membership or chair of a Committee shall be filled by appointment made by the President. In the case of a vacancy in the membership of a Committee, the President shall consult with the Chair of the Committee before making the appointment.

8.10.6 Nothing in paragraph 8.10 prevents the Council, or the Executive Committee acting on its behalf, from adding members to or removing members from a Committee at any time for administrative or logistical reasons.

8.11 Quorum. Unless specifically provided for otherwise under the Act, the *RHPA Regulations*, the *Code*, the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act*, or the regulations under any of those Acts, a majority of the members of a Committee constitutes a quorum for a meeting of a Committee.

8.12 Voting. Unless specifically provided for otherwise under the Act, the *Code*, the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act*, the regulations under any of those Acts, or this By-Law, any question arising at any meeting of a Committee shall be determined by a majority of votes of members of the Committee present at the meeting and eligible to vote.

8.13 Vacancies. Where this By-Law requires a Committee to have a minimum number of persons by using the phrase “at least” or words of a similar meaning, a vacancy which reduces the number of members of the Committee below the minimum number shall not affect the validity of any action or decision taken by the Committee or any panel of the Committee.

**ARTICLE 9
COMPOSITION AND DUTIES OF STATUTORY AND STANDING COMMITTEES**

9.1 Article Subject to RHPA Regulations. Upon the proclamation of section 5(2) of Schedule 5 (*Regulated Health Professions Act, 1991*) to the *Protecting Patients Act* by the Lieutenant Governor, the provisions of this Article 9 as they relate to the Committees referred to in subparagraphs 8.1.1(a) to 8.1.1(g), shall be subject to provisions of the *RHPA Regulations*, if any, that relate to such Committees.

9.2 Composition of the Executive Committee. The Executive Committee shall be composed of:

- 9.2.1 the President and the Vice-President;
- 9.2.2 the immediate past President if he or she is a current member of Council; and
- 9.2.3 the minimum number of additional members of the Council as will ensure that the Committee consists of four members (4) of the Council who are Members and three (3) members of the Council who are appointed by the Lieutenant Governor in Council.

9.3 Chair of the Executive Committee. The President shall be the Chair of the Executive Committee.

9.4 Duties of the Executive Committee. The Executive Committee shall:

- 9.4.1 perform such functions as are assigned to it by statute or regulation;
- 9.4.2 recommend to the Council proposals for changes to applicable statutes, regulations, By-Laws, policies and practices;
- 9.4.3 submit an annual report to the Council in accordance with the *Code*;
- 9.4.4 exercise all the powers and duties of the Council between Council meetings that, in the Committee’s opinion, requires attention, other than the power to make, amend or revoke a regulation or by-law.
- 9.4.5 review correspondence and other documents relating to the policies of the College;
- 9.4.6 receive reports from other Committees and report the activities of those Committees to Council at regular meetings of the Council;
- 9.4.7 receive findings and recommendations from the Elections Committee pursuant to subparagraph 5.9.2, take such action in respect of the person who is the subject of the findings and recommendations as it deems appropriate, and report its decision to the Council;
- 9.4.8 have the following financial authorities:
 - (a) to approve all required operating expenditures not included in the operating budget, to a limit of \$20,000.00 per item, and \$100,000.00 in total per year;

- (b) to approve all required capital expenditures not included in the budget to a limit of \$100,000.00;
- (c) items over the limits prescribed in subparagraphs 9.4.8(a) and (b) above shall be referred to the Council;
- 9.4.9 recommend general policy to the Council;
- 9.4.10 ensure that the policies of the Council are carried out;
- 9.4.11 report its activities, decisions and recommendations through the President at each meeting of the Council; and
- 9.4.12 have the following authorities with respect to staff compensation:
 - (a) annually, establish guidelines for the awarding of salary increases to staff;
 - (b) at least annually, review compensation for the Registrar; and
 - (c) provide broad policy guidance to senior management on matters related to non-salary compensation and benefit programs for College staff.

9.5 Composition of the Registration Committee. The Registration Committee shall be composed of:

- 9.5.1 at least two (2) members of Council who are Members;
- 9.5.2 at least two (2) members of Council appointed to the Council by the Lieutenant Governor in Council;
- 9.5.3 at least one (1) Member who is not a member of Council;
- 9.5.4 a dean of a faculty or school of a pharmacy program in Ontario that has been accredited by the Canadian Council for Accreditation of Pharmacy Programs, or his or her designate as approved by the Council; and
- 9.5.5 a representative of a pharmacy technician program in Ontario that has been accredited by the Canadian Council for Accreditation of Pharmacy Programs.

9.6 Duties of the Registration Committee. The Registration Committee shall:

- 9.6.1 perform such functions as are assigned to it by statute or regulation;
- 9.6.2 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices;
- 9.6.3 submit an annual report to the Council in accordance with the *Code*;
- 9.6.4 provide guidance to the Council on matters concerning registration, examinations and in-service training required prior to registration; and
- 9.6.5 maintain familiarity with the accreditation standards that the Canadian Council for Accreditation of Pharmacy Programs sets for all pharmacy and pharmacy technician programs that it accredits.

9.7 Composition of the Inquiries, Complaints and Reports Committee. The Inquiries, Complaints and Reports Committee shall be composed of:

- 9.7.1 at least five (5) members of the Council who are Members;
- 9.7.2 at least five (5) members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- 9.7.3 at least seven (7) Members who are not members of the Council.

9.8 Duties of the Inquiries, Complaints and Reports Committee. The Inquiries, Complaints and Reports Committee shall:

- 9.8.1 perform such functions as are assigned to it by statute or regulation;
- 9.8.2 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices;
- 9.8.3 submit an annual report to the Council in accordance with the *Code*; and
- 9.8.4 provide guidance to the Council on matters concerning investigations, complaints and reports.

9.9 Composition of the Discipline Committee. The Discipline Committee shall be composed of:

- 9.9.1 at least six (6) members of the Council who are Members;
- 9.9.2 at least six (6) members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- 9.9.3 at least five (5) Members who are not members of the Council.

9.10 Duties of the Discipline Committee. The Discipline Committee shall:

- 9.10.1 perform such functions as are assigned to it by statute or regulation;
- 9.10.2 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws policies and practices;
- 9.10.3 submit an annual report to the Council in accordance with the *Code*; and
- 9.10.4 provide guidance to the Council on matters concerning discipline.

9.11 Composition of the Fitness to Practise Committee. The Fitness to Practise Committee shall be composed of:

- 9.11.1 at least two (2) members of the Council who are Members;
- 9.11.2 at least two (2) members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- 9.11.3 at least one (1) Member who is not a member of Council.

9.12 Duties of the Fitness to Practise Committee. The Fitness to Practise Committee shall:

- 9.12.1 perform such functions as are assigned to it by statute or regulation;
- 9.12.2 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices;
- 9.12.3 submit an annual report to the Council in accordance with the *Code*; and
- 9.12.4 provide guidance to the Council on matters concerning fitness to practise.

9.13 Composition of the Quality Assurance Committee. The Quality Assurance Committee shall be composed of:

- 9.13.1 at least two (2) members of the Council who are Members;
- 9.13.2 at least three (3) members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- 9.13.3 at least three (3) Members who are not members of the Council.

9.14 Duties of the Quality Assurance Committee. The Quality Assurance Committee shall:

- 9.14.1 perform such functions as are assigned to it by statute or regulation;
- 9.14.2 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices;
- 9.14.3 submit an annual report to the Council in accordance with the *Code*;
- 9.14.4 provide guidance to the Council on matters concerning quality assurance; and
- 9.14.5 maintain a continuing review of the Quality Assurance Program.

9.15 Composition of the Patient Relations Committee. The Patient Relations Committee shall be composed of:

- 9.15.1 at least two (2) members of the Council who are Members;
- 9.15.2 at least three (3) members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- 9.15.3 at least one (1) Member who is not a member of Council.

9.16 Duties of the Patient Relations Committee. The Patient Relations Committee shall:

- 9.16.1 perform such functions as are assigned to it by statute or regulation;
- 9.16.2 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices;
- 9.16.3 submit an annual report to the Council in accordance with the *Code*; and
- 9.16.4 provide guidance to the Council on matters concerning patient relations.

9.17 Composition of the Accreditation Committee. The Accreditation Committee shall be composed of:

- 9.17.1 at least two (2) members of the Council who are Members;
- 9.17.2 at least two (2) members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- 9.17.3 at least two (2) Members who are not members of Council.

9.18 Duties of the Accreditation Committee. The Accreditation Committee shall:

- 9.18.1 perform such functions as are assigned to it by statute or regulation;
- 9.18.2 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices;
- 9.18.3 submit an annual report to the Council; and
- 9.18.4 provide guidance to the Council on matters concerning accreditation.

9.19 Composition of the Finance and Audit Committee. The Finance and Audit Committee shall be composed of:

- 9.19.1 at least three (3) members of the Council who are Members; and
- 9.19.2 at least one (1) member of Council appointed to the Council by the Lieutenant Governor in Council.

9.20 Duties of the Finance and Audit Committee. The Finance and Audit Committee shall:

- 9.20.1 review and recommend to the Council, through the Executive Committee, the annual operating and capital budget for the College;
- 9.20.2 maintain a rolling two (2) year operating budget;
- 9.20.3 review quarterly financial statements and report to Council, through the Executive Committee, significant deviations from budget;
- 9.20.4 meet with the auditor each year,
 - (a) before the audit to review the timing and extent of the audit and to bring to the attention of the auditor any matter of which it considers the auditor should be made aware; and
 - (b) as shortly after the completion of the audit as is practical, in order to review and discuss with the auditor the financial statements and the auditor's report;
- 9.20.5 review and report to the Council, through the Executive Committee, on the effectiveness of the external audit function and any matter which the external auditor wishes to bring to the attention of the College;
- 9.20.6 make recommendations to the Council, through the Executive Committee, on the appointment or reappointment of the external auditor;
- 9.20.7 make recommendations to the Council through the Executive Committee regarding the management of the College's assets and liabilities and additions or improvements to the real property owned or operated by the College; and

9.20.8 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices.

9.21 Composition of the Elections Committee. The Elections Committee shall be composed of:

9.21.1 at least one (1) member of Council who is a Member;

9.21.2 at least one (1) member of Council appointed by the Lieutenant Governor in Council; and

9.21.3 the President.

9.22 Duties of the Elections Committee. The Elections Committee shall:

9.22.1 invite expressions of interest in sitting on and chairing Committees from all members of Council. Where there are not sufficient expressions of interest to fill every Committee, the Elections Committee shall use its best efforts to recruit additional Committee members sufficient to fully constitute every Committee;

9.22.2 seek candidates for the offices of President and Vice-President;

9.22.3 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices; and

9.22.4 perform the duties assigned to it under subparagraph 5.9.2.

9.23 Composition of the Drug Preparation Premises Committee. The Drug Preparation Premises Committee shall be composed of the same members as the Accreditation Committee. The Chair of the Accreditation Committee shall be the Chair of the Drug Preparation Premises Committee.

9.24 Duties of the Drug Preparation Premises Committee. The Drug Preparation Premises Committee shall:

9.24.1 administer and govern the College's Drug Preparation Premises inspection program in accordance with the *Pharmacy Act Regulations*; and

9.24.2 deal with any other matters concerning the inspection of Drug Preparation Premises as directed by the Council.

ARTICLE 10 OFFICERS

10.1 Election of the President and the Vice-President.

10.1.1 The elections for President and Vice-President shall be held at the first regular meeting of the Council following the annual August election of Council members. and shall be conducted using electronic voting methods.

10.1.2 The election of the President shall be conducted in the following manner:

(a) The outgoing President, or a person chosen by the Council, if the President is unable or unwilling to act, shall call on the Chair of the Elections Committee for the Elections Committee's report. The Chair shall present the list of all candidates for the office of

President and hand it to the outgoing President. The President shall read the list and shall ask "Are there any further nominations?" Any Council member may then rise and, after addressing the Chair, nominate any other Council member for President. It is not necessary for the nomination to be seconded.

- (b) If there is more than one candidate, an election shall be held. The President shall declare the candidate receiving the overall majority of votes cast to be elected. If there are three (3) or more candidates and no candidate has received an overall majority of votes, the candidate who received the fewest votes shall be removed from the ballot and the vote shall be repeated until there are two candidates remaining. The vote shall then be repeated until one (1) of the candidates has an overall majority of votes. If three (3) votes result in a tie, the result shall be determined by lot by the Chair.

10.1.3 The procedure outlined in paragraph 10.1.2 shall then be repeated for the office of Vice-President.

10.2 Duties of the President and the Vice-President.

10.2.1 The President shall:

- (a) preside as Chair at all meetings of the Council;
- (b) make all necessary rulings as to the order of business, subject to an appeal to the Council members present; and
- (c) be *ex officio* a member of all Committees of the Council, except the Discipline Committee.

10.2.2 The Vice-President shall, in the event of the absence or inability of the President to act, perform the duties of the President.

10.2.3 In the event of the absence or inability of both the President and the Vice-President to act, the Council members present at a meeting of the Council may appoint one of the other members of the Council to preside at any meeting of the Council.

10.2.4 In the event of the death, or disqualification, or inability to act of a permanent nature of the President or the Vice-President, the Council shall elect Council members to fill these vacancies according to the provisions of these By-Laws for calling a meeting and electing the President and the Vice-President.

10.2.5 Where the President has lost the confidence of the Council, Council may, on a notice of motion to that effect or at a special meeting of the Council, disqualify the President from office by a vote of at least two thirds (2/3) of the Council members present and eligible to vote.

ARTICLE 11 BUSINESS OF THE COLLEGE

11.1 Seal. The seal shall be the seal of the College.

11.2 Execution of Documents.

11.2.1 Deeds, mortgages, conveyances, powers of attorney, transfers and assignments of property of all kinds including without limitation transfers and assignment of shares, warrants, bonds, debentures or other securities (collectively the "instruments") may be signed on

behalf of the College by the President or Vice-President and any one (1) of the Registrar, the Deputy Registrar, the Director of Conduct, the Director, Corporate Services, or the Director of Quality, provided that they have been signed in accordance with any policy of the College regarding the execution of instruments then in effect, and further provided that no individual shall execute, acknowledge, or verify any instrument in more than one capacity. All instruments so signed shall be binding upon the College without any further authorization or formality. In addition, the Council may from time to time direct by resolution the manner in which, and the person or persons by whom, any particular instrument or class of instruments may or shall be signed. Any signing officer may affix the corporate seal thereto.

11.2.2 Certificates of Registration shall be signed by the President and the Registrar.

11.2.3 Contracts may be signed on behalf of the College in accordance with any policy of the Finance and Audit Committee regarding the execution of such contracts.

11.2.4 The signature of any individual, authorized to sign on behalf of the College may be written, printed, stamped, engraved, lithographed or otherwise mechanically reproduced or may be an electronic signature. Anything so signed shall be as valid as if it had been signed manually, even if that individual has ceased to hold office when anything so signed is issued or delivered, until the individual's authorization to sign on behalf of the College is revoked by resolution of the Council.

11.3 Banking and Finance.

11.3.1 The banking business of the College shall be transacted with such chartered banks, trust companies or other financial institutions, as may, from time to time, be designated by or under the authority of the Council on recommendation of the Finance and Audit Committee through the Executive Committee. All such banking business, or any part thereof, shall be transacted on the College's behalf by one or more officers and or other persons as Council may designate, direct, or authorize, from time to time, by resolution and to the extent therein provided.

11.3.2 Cheques drawn on the bank, trust or other similar accounts of the College, drafts drawn or accepted by the College, promissory notes given by it, acceptances, bills of exchange, orders for the payment of money and other instruments of a like nature, may be made, signed, drawn, accepted or endorsed, as the case may be, any two (2) of the Registrar, the Deputy Registrar, the Director of Conduct, the Director, Corporate Services and the Director of Quality, provided however that no individual shall execute, acknowledge, or verify any instrument in more than one capacity.

11.4 Financial Year and Audit.

11.4.1 The financial year of the College shall be the calendar year ending December 31.

11.4.2 The Council shall appoint a chartered accountant or a firm of chartered accountants to audit the books and prepare a financial statement for each fiscal year, such appointment to be made at a Council meeting in the year for which the books are to be audited.

11.5 Inspectors/Practice Advisors. The Registrar may from time to time, and within budgetary limits, appoint Inspectors for the purposes of the *Drug and Pharmacies Regulation Act*, any such appointment to be reported to the Executive Committee and to the Council at the next regular meeting following the appointment. Inspectors so appointed shall have such authority and shall perform such

duties as are set out in the *Drug and Pharmacies Regulation Act* and such additional duties as may be prescribed by the Registrar.

11.6 Inspectors for the Purposes of Inspecting Drug Preparation Premises. The Registrar may appoint inspectors for the purposes of the *Pharmacy Act Regulations*. Inspectors so appointed shall have such authority and shall perform such duties as are set out in the *Pharmacy Act Regulations*.

11.7 Grants.

11.7.1 The Council shall set aside, in the budget each year, such funds as are deemed necessary for the maintenance and operation of the Niagara Apothecary, in keeping with the agreement signed in respect thereof with the Ontario Heritage Trust.

11.7.2 The Council shall set aside in the budget each year such funds as are deemed appropriate for grants for any purpose that may tend to advance scientific knowledge or pharmacy education, or maintain or improve the standards of practice in pharmacy.

11.8 Funds.

11.8.1 The disbursement of funds of the College shall be as authorized in the annual budget approved by Council for the fiscal year upon the recommendation of the Finance and Audit Committee through the Executive Committee. Funds not authorized under the budget shall be disbursed only after approval by the Council, or the Executive Committee, as provided for in this By-Law.

11.8.2 Investments of surplus funds shall be made in accordance with investment policies in effect from time to time approved by Council on the recommendation of the Finance and Audit Committee through the Executive Committee. The securities of the College may be deposited for safekeeping and withdrawn, from time to time, with one or more chartered banks, trust companies or other financial institutions in accordance with such investment policies.

11.9 College Membership. The College may be a member of a national organization of bodies with similar functions.

11.10 Delegation of Powers and Duties.

11.10.1 The Registrar may, by written delegation, delegate any of the Registrar's powers and/or duties to any employee, director or officer of the College.

11.10.2 The Deputy Registrar shall be vested with and may exercise any or all of the powers and perform any or all the duties of the Registrar in the event the Registrar is absent or is unable to act with the exception of those powers or duties, if any, that have been delegated by the Registrar in accordance with subparagraph 11.10.1.

11.10.3 The Deputy Registrar shall be vested with and may exercise any or all of the powers and perform any or all of the duties delegated by the Registrar to a delegate in accordance with subparagraph 11.10.1, if any, in the event that such delegate is absent or unable to act in respect of any such powers or duties.

ARTICLE 12 THE REGISTER

12.1 Member's Name. A Member's name in the Register shall be:

- 12.1.1 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
- 12.1.2 a name other than as provided in subparagraph 12.1.1 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.

12.2 Business Address and Telephone Number.

- 12.2.1 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.
- 12.2.2 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.

12.3 Information Regarding a Result. When any provision of this Article 12 requires information regarding a "result" to be included in the Register, the term "result" shall have the same meaning as provided to it in the Act, specifically, when used in reference to:

- 12.3.1 a disciplinary proceeding, means the panel's finding that the Member committed an act of professional misconduct or was incompetent, particulars of the grounds for the finding, a synopsis of the decision and the order made, including any reprimand, and where the panel has made no such finding, includes a notation that no such finding was made and the reason why no such finding was made; and
- 12.3.2 an incapacity proceeding, means the panel's finding that the Member is incapacitated and the order made by the panel.

12.4 Publication Ban. Notwithstanding any other provision herein, no action shall be taken under this Article 12 which violates a publication ban, and nothing in this Article 12 requires or authorizes the violation of a publication ban.

12.5 Disclosure of Information. Notwithstanding any other provision herein, nothing in this Article 12 shall require or authorize the disclosure of information, including personal health information (as defined by the *Code*) where such disclosure would lead to a violation of the *Code*, including subsections 23(8), 23(9) or 23(11) of the *Code*.

12.6 Information to be kept in Register by the Code - Members. Under subsection 23(2) of the *Code*, but subject to the remaining subsections of section 23 of the *Code*, the following information must be contained in the Register and must be available to the public:

- 12.6.1 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.
- 12.6.2 Where a Member is deceased, the name of the deceased Member and the date upon which the Member died, if known.
- 12.6.3 The name, business address and business telephone number of every health profession corporation.
- 12.6.4 The names of the shareholders of each health profession corporation who are Members.
- 12.6.5 Each Member's class of registration and specialist status (specialist status not applicable to the Ontario College of Pharmacists at this time).
- 12.6.6 The terms, conditions and limitations that are in effect on each Certificate of Registration.
- 12.6.7 A notation of every caution that a Member has received from a panel of the Inquiries, Complaints and Reports Committee under paragraph (3) of subsection 26(1) of the *Code*, and any specified continuing education or remedial programs required by a panel of the Inquiries, Complaints and Reports Committee using its powers under paragraph 4 of subsection 26(1) of the *Code*.
- 12.6.8 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, including the date of the referral and the status of the hearing before a panel of the Discipline Committee, until the matter has been resolved.
- 12.6.9 A copy of the specified allegations against a Member for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the *Code* and that has not been finally resolved.
- 12.6.10 The result, including a synopsis of the decision, of every disciplinary and incapacity proceeding.
- 12.6.11 A notation and synopsis of any acknowledgements and undertakings in relation to matters involving allegations of professional misconduct or incompetence before the Inquiries, Complaints and Reports Committee or the Discipline Committee that a Member has entered into with the College and that are in effect.
- 12.6.12 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.
- 12.6.13 A notation of every revocation or suspension of a Certificate of Registration.
- 12.6.14 A notation of every revocation or suspension of a Certificate of Authorization.
- 12.6.15 Information that a panel of the Registration Committee, Discipline Committee or Fitness to Practise Committee specifies shall be included.
- 12.6.16 Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.

12.6.17 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.

12.6.18 The outcomes of any inspections undertaken by an inspection program of the College established under subsection 95(1)(h) or (h.1) of the *Code*, including inspections of the nature referred to in subparagraph 12.10.1.

12.6.19 Information that is required to be kept in the Register in accordance with the By-Laws.

12.6.20 Information that is required to be kept in the Register in accordance with the *RHPA Regulations*.

12.7 Information to be kept in Register by RHPA Regulations - Members. Under the *RHPA Regulations*, specifically, Ontario Regulation 261/18, subject to any exceptions or restrictions contained therein, the following information shall be contained in the Register, if known to the College, and must be available to the public:

12.7.1 If there has been a finding of guilt against a Member under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) and if none of the conditions in subparagraph 12.7.6 have been satisfied:

- (a) a brief summary of the finding;
- (b) a brief summary of the sentence; and
- (c) if the finding is under appeal, a notation that it is under appeal until the appeal is finally disposed of.

12.7.2 With respect to a Member, any currently existing conditions of release following a charge for an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) or subsequent to a finding of guilt and pending appeal or any variations to those conditions.

12.7.3 If a Member has been charged with an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) and the charge is outstanding:

- (a) the fact and content of the charge; and
- (b) the date and place of the charge.

12.7.4 If a Member has been the subject of a disciplinary finding or a finding of professional misconduct or incompetence by another regulatory or licensing authority in any jurisdiction:

- (a) the fact of the finding;
- (b) the date of the finding;
- (c) the jurisdiction in which the finding was made; and
- (d) the existence and status of any appeal.

12.7.5 If a Member is currently licenced or registered to practise another profession in Ontario or a profession in another jurisdiction, the fact of that licensure or registration.

12.7.6 The conditions referred to in paragraph 12.7.1 are the following:

- (a) The Parole Board of Canada has ordered a record suspension in respect of the conviction;
- (b) A pardon in respect of the conviction has been obtained; and
- (c) The conviction has been overturned on appeal.

12.7.7 Nothing in this paragraph 12.7 shall be interpreted as authorizing the disclosure of identifying information about an individual other than a Member.

12.7.8 For the purposes of this paragraph 12.7, “identifying information” means information that identifies an individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify an individual.

12.8 Additional Information to be kept in Register - Members. For the purposes of paragraph 20 of subsection 23(2) of the *Code*, and subject to paragraphs 12.13 and 12.14, 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*:

12.8.1 Any changes to each Member’s name which have been made in the Register since the Member was first issued a Certificate of Registration.

12.8.2 Each Member’s gender and registration number.

12.8.3 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.

12.8.4 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.

12.8.5 Where a Member holds a Certificate of Registration as a Pharmacist, Intern, Pharmacy Technician, or Intern Technician (following the date upon which the *Pharmacy Act Regulations* are amended to recognize Intern Technicians as a class of Certificates of Registration) 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 or intern technician program (as the case may be) and the year in which the degree was obtained or the program was completed.

12.8.6 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.

12.8.7 Where a Member holds a Certificate of Registration as a:

- (a) Pharmacist, a notation as to whether the Member is listed in Part A or Part B of the Register; and
- (b) Pharmacy Technician, following the date upon which the *Pharmacy Act Regulations* are amended to include a two-part register for Pharmacy Technicians, a notation as to whether the Member is listed in Part A or Part B of the Register.

12.8.8 Whether the Member has completed the necessary injection training requirements approved by the College.

- 12.8.9 Where a Member is an 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 the Member holds with that corporation.
- 12.8.10 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.
- 12.8.11 Where a Member is a Designated Manager or Contact Person of a pharmacy, a notation of the name and location of each pharmacy at which the Member holds that designation.
- 12.8.12 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.
- 12.8.13 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 shall include a description of the restriction, the date on which the restriction was imposed, the jurisdiction in which the restriction was made, and the existence and status of any appeal.
- 12.8.14 Without affecting the requirement of paragraph 12.7, if there has been a charge or finding of guilt against a Member of which the College is aware in respect of a federal, provincial and/or state offence in Canada or any other jurisdiction, that the Registrar believes is relevant to the Member's suitability to practise in which case the summary shall include:
- (a) a brief summary of the charge or finding, as the case may be;
 - (b) the date of the charge or finding, as the case may be;
 - (c) the jurisdiction in which the charge was brought or finding of guilt was made; and
 - (d) in the case of a finding of guilt, the existence and status of any appeal, unless, in the case of a finding of guilt the relevant legal authority has: (i) ordered a record suspension in respect of the conviction; (ii) issued a pardon in respect of the conviction; or (iii) the conviction has been overturned on appeal, in which case the information described in subparagraph 12.8.14 shall no longer be required.
- 12.8.15 Without affecting the requirement of subparagraph 12.7.2, a summary of any currently existing conditions, terms, orders, directions or agreements relating to the custody or release of the Member in respect of a federal, provincial and/or state offence in Canada or any other jurisdiction of which the College is aware and that the Registrar believes is relevant to the Member's suitability to practise.
- 12.8.16 Without affecting the requirement of subparagraph 12.7.5, where the College is aware that a Member is currently licenced or registered to practise: (i) the profession in another jurisdiction; or (ii) another profession in Ontario or any other jurisdiction, with respect to such licence or registration:
- (a) the existence of;

- (b) the name of the granting organization; and
- (c) the jurisdiction in which it was granted.

12.8.17 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.

12.8.18 Without affecting the requirement of subparagraph 12.6.13, where a Member's Certificate of Registration is suspended by the Registrar, the date upon which the suspension or revocation took effect and, for greater certainty, the reason for such suspension.

12.8.19 Without affecting the requirement of subparagraph 12.6.6, 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.

12.8.20 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.

12.8.21 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.

12.8.22 Where a Member's Certificate of Registration is reinstated, the effective date of the reinstatement.

12.8.23 Where 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.

12.8.24 Where a complaint has been filed or an investigator has been appointed under 75(1)(a) or 75(1)(b) of the *Code*, a panel of the Inquiries, Complaints and Reports 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.

12.8.25 Where a complaint has been filed or an investigator has been appointed under 75(1)(a) or 75(1)(b) of the *Code*, a panel of the Inquiries, Complaints and Reports 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.

12.8.26 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.

12.8.27 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.

12.8.28 A summary of any reprimand given 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*.

12.8.29 Without affecting the requirement of subparagraph 12.6.15, 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.

12.8.30 Without affecting the requirement of subparagraph 12.7.4, where the College is aware that a finding of professional misconduct or incompetence has been made against a Member outside of Ontario in respect of any profession:

- (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.

12.8.31 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.

12.8.32 The language(s) in which the Member can provide professional services as reported by the Member.

12.8.33 Any other information not otherwise referred to in subparagraph 12.6.20, which the College and the Member have agreed shall be available to the public.

12.9 Former Members.

12.9.1 The term "Former Member" shall mean those individuals whose membership in the College is revoked, suspended or rescinded (in which case, recognizing that such individual is deemed to have never held membership in the College) by the College or is otherwise resigned or terminated.

12.9.2 Where the College is aware of such information, the information described in subparagraphs 12.6.12, 12.7.1 to 12.7.4, 12.8.14 to 12.8.16 and 12.8.30 in respect of Former Members.

12.10 Information to be kept in Register – Drug Preparation Premises. For the purposes of paragraph 20 of subsection 23(2) of the *Code*, and subject to paragraphs 12.13 and 12.14, the following information referable to Drug Preparation Premises shall be kept in the Register, and is designated as public pursuant to subsection 23(5) of the *Code*:

12.10.1 The purpose (after January 1, 2016), outcome and status of inspections of Drug Preparation Premises (including conditions and reasons for fail results) carried out under the *Pharmacy Act Regulations*, including the relevant date.

12.10.2 A summary of the details of a Change of Control of a Drug Preparation Premises received by the College in accordance with Article 14.

12.10.3 Any other information which the College and a designated Member for the Drug Preparation Premises have agreed shall be available to the public.

12.11 Information to be kept in Register – Health Profession Corporations. For the purposes of paragraph 20 of subsection 23(2) of the *Code*, and subject to paragraphs 12.13 and 12.14, the following information referable to health profession corporations shall be kept in the Register, and is designated as public pursuant to subsection 23(5) of the *Code*:

12.11.1 The Certificate of Authorization number of the health profession corporation and the date upon which that Certificate was first issued.

12.11.2 Where the Certificate of Authorization has been revoked, a notation of that fact, the date when the revocation occurred and a brief summary of the reasons for the revocation.

12.11.3 Where the Certificate of Authorization was revised or a new Certificate of Authorization was issued to the health profession corporation, a notation of that fact and the date when that occurred.

12.11.4 The name, as set out in the College's Register, of each of the shareholders, officers and directors of the health profession corporation who are Members and the title or office, if any, held by each.

For greater certainty, the information required by this paragraph shall not affect the requirement of subparagraph 12.6.3.

12.12 Information to be kept in Register - Pharmacies. For the purposes of paragraph 20 of subsection 23(2) of the *Code*, and subject to paragraphs 12.13 and 12.14, the following information referable to pharmacies shall be kept in the Register, and is designated as public pursuant to subsection 23(5) of the *Code*:

12.12.1 The pharmacy's name, address, telephone and fax number.

12.12.2 The class of Certificate of Accreditation and Accreditation Number of the pharmacy.

12.12.3 The date the pharmacy opened.

12.12.4 The name of the Designated Manager or Contact Person of the pharmacy, as applicable.

12.12.5 The purpose (after January 1, 2016), outcome and status of inspections of the pharmacy, including the relevant date. This subparagraph applies to the most current purpose (after January 1, 2016), outcome and status of any inspection conducted after July 1, 2013 and the purpose (after January 1, 2016), outcome and status of every inspection conducted thereafter.

12.12.6 Any terms, conditions and limitations on the Certificate of Accreditation.

12.12.7 Where terms, conditions or limitations on the Certificate of Accreditation have been varied or removed, the effective date of their variance or removal.

12.12.8 Where the Certificate of Accreditation has been revoked or suspended, or has expired, a notation of that fact, the date when the revocation or suspension or expiry occurred and a brief summary of the reasons for the revocation or suspension.

12.12.9 Where a suspension of the Certificate of Accreditation has been lifted or otherwise removed, the effective date of its lifting or removal.

12.12.10 Where the Certificate of Accreditation has been amended, a notation of that fact and the date when it occurred.

12.12.11 A notation of every referral by the Accreditation Committee to the Discipline Committee under section 140 of the *Drug and Pharmacies Regulation Act* of the person who has been issued the Certificate of Accreditation, a Designated Manager of the pharmacy or, where the person who has been issued the Certificate of Accreditation is a corporation, the directors of the corporation, until the matter has been resolved, which notation shall include:

- (a) the date of the referral;
- (b) a brief summary of each specified allegation; and
- (c) 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.

- 12.12.12 The result, including a synopsis of the decision, of every disciplinary proceeding against the person who has been issued the Certificate of Accreditation, a Designated Manager of the pharmacy or, where the person who has been issued the Certificate of Accreditation is a corporation, the directors of the corporation, unless a panel of the Discipline Committee makes no finding with regard to the proceeding.
- 12.12.13 Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
- 12.12.14 A summary of any reprimand given publicly after November 1, 2006 to a Designated Manager of the pharmacy as part of an order of a panel of the Discipline Committee, unless the results of the proceeding before the Discipline Committee are not otherwise available to the public under the *Drug and Pharmacies Regulation Act* or the *Code*.
- 12.12.15 Where a Certificate of Accreditation is subject to an interim order of the Discipline Committee, a notation of that fact, the nature of the order and its effective date.
- 12.12.16 Where, during or as a result of a proceeding that was commenced pursuant to section 140 of the *Drug and Pharmacies Regulation Act*, a person or corporation ceases to operate a pharmacy and agrees never to operate a pharmacy again in Ontario, a notation of same.
- 12.12.17 Where applicable, a summary of any restriction on a pharmacy's ability to operate:
- (a) resulting from an undertaking given to the College or an agreement entered into with 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.
- 12.12.18 Where an order has been made under section 162 or section 162.1 of the *Drug and Pharmacies Regulation Act* against the person who has been issued the Certificate of Accreditation, a Designated Manager of the pharmacy or, where the person who has been issued the Certificate of Accreditation is a corporation, the directors of the corporation, a notation of that fact including:
- (a) the date the order was made;
 - (b) a summary of the order; and
 - (c) where the order has been appealed, a notation that it is under appeal, until the appeal is finally disposed of.
- 12.12.19 Where the Owner or operator of the pharmacy, the person who has been issued the Certificate of Accreditation, a Designated Manager of the pharmacy or, where the person who has been issued the Certificate of Accreditation or the operator of the pharmacy is a corporation, the directors of the corporation, have been found guilty of an offence under section 165 or section 166 of the *Drug and Pharmacies Regulation Act*, a notation of that finding including:
- (a) the date the finding was made;

- (b) a summary of the finding of the court;
- (c) the sentence that the court imposed; and
- (d) where the finding or the sentence has been appealed, a notation that it is under appeal, until the appeal is finally disposed of.

12.12.20 Where a trustee in bankruptcy, liquidator, assignee or personal representative of the person who owns or operates the pharmacy becomes authorized to own or operate the pharmacy pursuant to section 145 of the *Drug and Pharmacies Regulation Act*, a notation of that fact including the date the person commences to be so authorized and the date the person ceases to be so authorized.

12.12.21 Where a person has permanently closed the pharmacy, a notation of that fact and the date the pharmacy was closed.

12.12.22 Any other information not otherwise referred to in this paragraph, which the College and the person who has been issued the Certificate of Accreditation have agreed shall be available to the public.

12.13 Deletion of Information.

12.13.1 Unless otherwise indicated, where the information described in paragraphs 12.6 to 12.12 changes, the College may maintain the previous information on the Register, in addition to the new, changed information, as long as it may be relevant for the public to know in the opinion of the Registrar.

12.13.2 Despite paragraphs 12.8 to 12.12, and subject to subparagraphs 12.13.3, 12.13.4 and 12.13.5, the College is not required to maintain and may delete from the Register information about a Member, a Drug Preparation Premises, a health professional corporation, or a pharmacy once three years has passed since the revocation, suspension or other termination of the Certificate of Registration, operation of the Drug Preparation Premises, Certificate of Authorization or Certificate of Accreditation as the case may be.

12.13.3 Despite subparagraphs 12.13.2 and 12.13.5 and the *Code*, the College shall maintain on the Register all of the information about a Member and a pharmacy where the Register contains information about the Member resulting from a direction or order of a Committee or resulting from an offence proceeding.

12.13.4 The College is not required to maintain and may delete from the Register any information which would otherwise have been required to be maintained under subparagraphs 12.8.13, 12.8.33, 12.12.17, 12.12.22 and 12.13.3 where the Registrar is satisfied that the information is no longer relevant for the public to know.

12.13.5 The College is not required to maintain and may delete from the Register any information which would otherwise have been required to be maintained under subparagraphs 12.8.24 and/or 12.8.25 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.

12.14 Disclosure. All of the information referred to in paragraphs 12.6 to 12.12 is designated as information that may be withheld from the public for the purposes of subsection 23(6) of the *Code*, such that the Registrar may refuse to disclose to an individual or post on the College's website any or all of that information if the Registrar has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

**ARTICLE 13
FILING OF INFORMATION BY MEMBERS, PHARMACIES AND HEALTH PROFESSION
CORPORATIONS**

13.1 Filing of Information by Members.

13.1.1 The College shall forward to each Member who holds a Certificate of Registration as a Pharmacist or Pharmacy Technician each year, and may forward to any Member at any time, in a form approved by the Registrar, a request for information that includes, but is not limited to:

- (a) the Member's home address and home telephone number, being the address and telephone number of the principal Ontario residence of the Member or, if the Member does not have a residence in Ontario, the Member's principal residence and, where available, the Member's e-mail address;
- (b) where a Member is engaged in the practice of pharmacy, whether inside or outside of Ontario, the name, address, telephone number and facsimile number of each person or business for or through which the Member engages in the practice 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 name, address, telephone number and facsimile number of each agency or other person or business for or through which the Member provides such services;
- (c) the Member's preferred address, preferred telephone number and where applicable, the Member's preferred e-mail address for communications from the College;
- (d) in the case of a Member who is required to possess personal professional liability insurance in accordance with Article 3, information respecting the Member's personal professional liability insurance;
- (e) information respecting the Member's participation in the Quality Assurance Program;

13.1.2 information required to be contained in the Register pursuant to the *Code* and the By-Laws;

- (a) such other information as may be required to be provided to the College pursuant to the By-Laws, the Act, the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act* or the regulations under any of those Acts;
- (b) information that relates to the professional characteristics and activities of the Member that may assist the College in carrying out its objects;
- (c) information for the purpose of compiling statistical information to assist the College in fulfilling its objects; and
- (d) any other information that the College deems may assist it in carrying out its objects.

- 13.1.3 Each Member shall fully and accurately respond to the request for information, and shall submit the information to the College, in the required form, by the deadline set out in the request for information to the Member.
- 13.1.4 Where any information that a Member has provided to the College in response to a request under subparagraph 13.1.1 has changed, the Member shall notify the College of the change within thirty (30) days of its effective date.
- 13.1.5 In addition to the requirements in subparagraphs 13.1.3 and 13.1.4, a Member shall comply, within the time stipulated by the Registrar, with all requests by the Registrar for the provision of any information that is required to be contained in the Register, or that the Member is required to provide to the College, pursuant to the *Code* or the By-Laws.

13.2 Filing of Information by Applicants for a Certificate of Accreditation.

- 13.2.1 Every Applicant for a Certificate of Accreditation shall file the following information with the Registrar at least 30 days before the date on which the Applicant proposes to commence operation of the pharmacy:
- (a) the full name of the Applicant and, where the Applicant is a corporation, the full name and residential addresses of the directors and officers of the corporation and the corporation number;
 - (b) where the Applicant is:
 - (i) a corporation or partnership, the business address of the corporation or partnership; or
 - (ii) an individual, the home address of the individual;
 - (c) the name by which the pharmacy will be known to the public;
 - (d) the location of the pharmacy;
 - (e) the proposed date of the opening of the pharmacy;
 - (f) such additional information as the College requires in its application form for issuance of a Certificate of Accreditation, or as the College otherwise requests or requires pursuant to the *Drug and Pharmacies Regulation Act Regulations*; and
 - (g) any other information that the College deems may assist it in carrying out its objects.
- 13.2.2 Every Applicant for a Certificate of Accreditation shall provide such additional information the College requests or requires pursuant to the *Drug and Pharmacies Regulation Act Regulations*.
- 13.2.3 Every Applicant for a Certificate of Accreditation shall, on or before the day the person commences to operate the pharmacy, notify the College of the name of the Designated Manager or Contact Person of the pharmacy, as applicable.
- 13.2.4 Where any of the information that an Applicant has provided to the College under subparagraph 13.2.1, 13.2.2 or 13.2.3 has changed, the Applicant or Owner, as applicable, of the pharmacy shall provide notification of the change to the College within thirty (30) days of its effective date.

13.3 Filing of Information by Pharmacies.

13.3.1 In connection with the annual renewal of a Certificate of Accreditation, every Owner of a pharmacy shall provide the following information respecting the pharmacy to the College:

- (a) the full name of the Owner of the pharmacy and, where the Owner is a corporation, the full name and residential addresses of the directors and officers of the corporation and the corporation number;
- (b) where the Owner is:
 - (i) a corporation or partnership, the business address of the corporation or partnership;
or
 - (ii) an individual, the home address of the individual;
- (c) the name by which the pharmacy is known to the public;
- (d) the location of the pharmacy;
- (e) such additional information as the College requires in its application form for renewal of a Certificate of Accreditation, or as the College otherwise requests or requires pursuant to the *Drug and Pharmacies Regulation Act Regulations*; and
- (f) any other information that the College deems may assist it in carrying out its objects.

13.3.2 Where any of the information that an Owner of a pharmacy has provided to the College under subparagraph 13.3.1 has changed, the Owner of the pharmacy shall provide notification of the change to the College within thirty (30) days of its effective date.

13.3.3 In addition to the requirements in subparagraphs 13.3.1 and 13.3.2, every Owner of a pharmacy shall comply, within the time stipulated by the Registrar, with all requests by the Registrar for the provision of any information or documentation that the Owner of the pharmacy is required to provide to the College pursuant to the By-Laws, the *Drug and Pharmacies Regulation Act* or the *Drug and Pharmacies Regulation Act Regulations*.

13.4 Filing of Information for Closing Pharmacies.

13.4.1 Subject to subparagraph 13.4.2, every person who permanently closes a pharmacy, shall, within seven (7) days of closing the pharmacy, notify the Registrar of the closing and within thirty (30) days of the closing shall file with the Registrar a signed statement setting out:

- (a) the date of closing;
- (b) the disposition of the drugs in stock in the pharmacy at the time of closing;
- (c) the disposition of the prescription files, drug registers and other records required to be kept under the *Drug and Pharmacies Regulation Act* or the *Drug and Pharmacies Regulation Act Regulations*; and
- (d) the date on which all signs and symbols relating to the practice of pharmacy either within or outside the premises were removed.

13.4.2 Where a person permanently closes a remote dispensing location, the signed statement referred to in subparagraph 13.4.1 need only set out the information in subparagraph 13.4.1(a) and (d).

13.5 Filing of Information by Health Profession Corporations.

13.5.1 The College shall forward to each health profession corporation each year, in a form approved by the Registrar, a request for such information as the health profession corporation is required to provide to the Registrar pursuant to applicable statutes and regulations.

13.5.2 Every health profession corporation shall fully and accurately respond to the request for information and shall submit the information to the College, in the required form, by the 10th day of March next following the forwarding of the request for information to the health profession corporation.

13.5.3 Where any information that a health profession corporation has provided to the College in response to a request under subparagraph 13.5.1 has changed, the health profession corporation shall notify the College of the change within thirty (30) days of its effective date.

13.5.4 Despite subparagraph 13.5.3, a health profession corporation shall notify the Registrar within ten (10) days of a change in the shareholders of the corporation.

13.5.5 In addition to the requirements in subparagraphs 13.5.2, 13.5.3 and 13.5.4, a health profession corporation shall comply, within the time stipulated by the Registrar, with all requests by the Registrar for the provision of any information or documentation that is required to be contained in the Register, or that the health profession corporation is required to provide to the College, pursuant to applicable statutes or regulations or the By-Laws.

**ARTICLE 14
CHANGE OF CONTROL**

14.1 Change of Control.

14.1.1 In the event that a Member engages in or supervises drug preparation activities at or in connection with a Drug Preparation Premises, the Member must notify the College in the event that the Member becomes aware that a Change of Control has occurred in respect of such Drug Preparation Premises.

14.1.2 When used herein, the term "Change of Control" in respect of a Drug Preparation Premises shall mean:

- (a) any transfer of all or substantially all of the assets of the owner of the Drug Preparation Premises;
- (b) any transfer of all or substantially all of the assets used in the operation of the Drug Preparation Premises;
- (c) any change in ownership of more than fifty percent (50%) of the shares of the owner of the Drug Preparation Premises;
- (d) any amalgamation, merger or consolidation of the owner of the Drug Preparation Premises with another entity;

- (e) any governance reorganization causing a change in fifty percent (50%) or more of the members of the board of directors of the owner of the Drug Preparation Premises; and
- (f) any dissolution, liquidation or winding-up of the owner of the Drug Preparation Premises, in each case, by way of one or a series of related transactions.

ARTICLE 15 MEMBER FEES

15.1 Application of Fees. Unless otherwise indicated, the fees set out in this Article 15 shall be effective as of January 1, 2019.

15.2 Application and Issuance Fees

- 15.2.1 Every person, other than a person who already holds a Certificate of Registration, who wishes to apply for a Certificate of Registration of any class, shall pay an initial application fee of \$375.00 plus applicable taxes, due and payable immediately upon the College opening a registration file for such person.
- 15.2.2 Every applicant for a Certificate of Registration of any class shall pay an application fee of \$94.00, which shall be due and payable upon the applicant submitting his or her completed application to the Registrar.
- 15.2.3 The fee for the issuance of a Certificate of Registration as a Pharmacist is the applicable annual fee plus applicable taxes.
- 15.2.4 The fee for the issuance of a Certificate of Registration as a Pharmacy Technician is the applicable annual fee plus applicable taxes.

15.3 Examination Fee. An applicant for a Certificate of Registration who wishes to write the examination in pharmaceutical jurisprudence approved by the College shall pay an examination fee of \$125.00 plus applicable taxes.

15.4 Annual Fees.

- 15.4.1 Every person who holds a Certificate of Registration as a Pharmacist and is listed in Part A of the Register shall pay an annual fee of: (i) for the year beginning January 1, 2019, \$675.00 plus applicable taxes; and (ii) thereafter, \$750.00 plus applicable taxes, except that in the year in which the person is first registered as a Pharmacist, if the Certificate of Registration is issued on or after September 1, the fee shall be fifty percent (50%) of the annual fee for that year.
- 15.4.2 Every person who holds a Certificate of Registration as a Pharmacist and is listed in Part B of the Register shall pay an annual fee of: (i) for the year beginning January 1, 2019, \$337.50 plus applicable taxes; and (ii) thereafter, \$375.00 plus applicable taxes, except that in the year in which the person is first registered as a Pharmacist, if the Certificate of Registration is issued on or after September 1, the fee shall be fifty percent (50%) of the annual fee for that year.
- 15.4.3 Every person who holds a Certificate of Registration as a Pharmacy Technician shall pay an annual fee of: (i) for the year beginning January 1, 2019, \$450.00 plus applicable taxes; and (ii) thereafter, \$500.00 plus applicable taxes, except that in the year in which the person

is first registered as a Pharmacy Technician, if the Certificate of Registration is issued on or after September 1, the fee shall be fifty percent (50%) of the annual fee for that year.

- 15.4.4 The annual fee must be paid on or before March 10, except that in the year in which a person is first registered, if the Certificate of Registration is issued after March 10, the annual fee must be paid on the date the person is registered.
- 15.4.5 No later than 30 days before the annual fee is due, the Registrar shall notify the Member of the amount of the fee and the day on which the fee is due.
- 15.4.6 A Pharmacist or Pharmacy Technician who fails to pay an annual fee on or before the day on which the fee is due shall pay a penalty in addition to the annual fee. If the Pharmacist or Pharmacist Technician pays the annual fee:
 - (a) within thirty (30) days of when it is due, the penalty shall be \$125.00 plus applicable taxes; and
 - (b) thirty-one (31) days or more after it is due, the penalty shall be \$188.00 plus applicable taxes.

15.5 Fee to Lift Suspension or for Reinstatement.

- 15.5.1 Where a Member's Certificate of Registration has been suspended by the Registrar for failing to pay a required fee, the fee that the Member shall pay for the lifting of the suspension shall be: (a) the fee the Member failed to pay; (b) the annual fee for the year in which the suspension is to be lifted, if the Member has not already paid it; and (c) a penalty of \$188.00 plus applicable taxes.
- 15.5.2 Where a Member's Certificate of Registration has been suspended by the Registrar pursuant to the *Pharmacy Act Regulations*, the fee that the Member shall pay for the lifting of the suspension shall be: (a) the annual fee for the year in which the suspension is to be lifted, if the Member has not already paid it; and (b) a penalty of \$188.00 plus applicable taxes.
- 15.5.3 The fee that a Member shall pay for the reinstatement of his or her Certificate of Registration shall be \$313.00 plus applicable taxes.

15.6 Election Recount Fee. The election recount fee payable by a candidate for election to the Council who requests a recount of the vote shall be \$500.00 plus applicable taxes.

15.7 Other Fees.

- 15.7.1 Where a person requests the Registrar to do anything that the Registrar is required or authorized to do, the person shall pay the fee set by the Registrar for doing so.
- 15.7.2 Where, pursuant to the *Pharmacy Act Regulations*, a member:
 - (a) has undertaken remediation by order of the Quality Assurance Committee;
 - (b) undergoes a practice review by an assessor after the remediation, and is found by the Quality Assurance Committee to continue to have a deficiency in his or her knowledge, skills or judgment that requires correction; and

- (c) is ordered by the Quality Assurance Committee to undertake a further remediation and a further practice review by an assessor after the further remediation, the member shall pay a fee of \$1000.00 plus applicable taxes for each such further practice review by an assessor, and for any additional practice reviews that the member undertakes thereafter.
- 15.7.3 The fee for an Applicant required to undertake the Practice Assessment of Competence at Entry (PACE) a second and/or subsequent time following initial assessment is \$1,000.00.
- 15.7.4 The fee for the inspection of a Drug Preparation Premises pursuant to the *Pharmacy Act Regulations*, including all activities related to the inspection, shall be \$3,125.00 plus applicable taxes, and shall be payable, jointly and severally, by those Members who engage in, or supervise, drug preparation activities at the Drug Preparation Premises.

ARTICLE 16 PHARMACY TRANSACTION FEES

16.1 Application of Fees. Unless otherwise indicated, the fees set out in this Article 16 shall be effective as of January 1, 2019.

16.2 Application Fee.

- 16.2.1 Subject to subparagraph 16.2.2, the application fee for a Certificate of Accreditation to establish and operate a pharmacy of the community pharmacy class or hospital pharmacy class shall be \$625.00 plus applicable taxes.
- 16.2.2 Where an Applicant who has acquired two (2) or more existing pharmacies of the community pharmacy class or hospital pharmacy class, applies for Certificates of Accreditation to establish and operate the pharmacies, the application fee shall be \$625.00 plus applicable taxes for the first application, and \$63.00 plus applicable taxes for each additional application.

16.3 Issuance Fee.

- 16.3.1 Subject to subparagraph 16.3.3, the fee for the issuance of a Certificate of Accreditation shall be:
 - (a) \$938.00 plus applicable taxes if issued between May 10 and November 9 in a given year, and \$469.00 plus applicable taxes if issued between November 10 and May 9 in a given year for a Certificate of Accreditation of the community pharmacy class; and
 - (b) \$4,375.00 plus applicable taxes if issued between May 10 and November 9 in a given year, and \$2,188.00 plus applicable taxes if issued between November 10 and May 9 in a given year for a Certificate of Accreditation of the hospital pharmacy class.
- 16.3.2 Subject to subparagraphs 16.3.4, the additional fee for the issuance of a Certificate of Accreditation to establish and operate a community pharmacy that permits the operation of remote dispensing locations, shall be \$938.00 plus applicable taxes for each remote dispensing location to be operated.
- 16.3.3 The fee for the issuance of a Certificate of Accreditation to establish and operate a pharmacy for an Applicant who has acquired or relocated an existing pharmacy shall be:
 - (a) \$1,200.00 plus applicable taxes for a Certificate of Accreditation of the hospital pharmacy class; and

- (b) \$313.00 plus applicable taxes for a Certificate of Accreditation of the community pharmacy class.

16.3.4 There shall be no additional fee for the issuance of a Certificate of Accreditation that permits the operation of remote dispensing locations if the Certificate of Accreditation is issued to an Applicant who has acquired or relocated an existing community pharmacy that permits the operation of remote dispensing locations.

16.4 Fee for Amended Certificates - Remote Dispensing Locations.

16.4.1 The application fee for an amended Certificate of Accreditation that permits the operation of remote dispensing locations or additional remote dispensing locations shall be \$313.00 plus applicable taxes for each remote dispensing location or additional remote dispensing location that is to be operated.

16.4.2 The fee for the issuance of an amended Certificate of Accreditation that permits the operation of remote dispensing locations or additional remote dispensing locations shall be \$938.00 plus applicable taxes for each remote dispensing location or additional remote dispensing location that is to be operated.

16.4.3 For greater certainty, subparagraphs 16.4.1 and 16.4.2 shall only apply with respect to the issuance of a Certificate of Accreditation of the community pharmacy class.

16.5 Renewal Fee. The fee for the renewal of a Certificate of Accreditation shall be paid on or before May 10 of each year and shall be in the amount of:

- (a) \$1,175.00 plus applicable taxes for a Certificate of Accreditation of the community pharmacy class; and
- (b) \$4,375.00 plus applicable taxes for a Certificate of Accreditation of the hospital pharmacy class.

16.6 Additional Renewal Fee. The additional renewal fee for the renewal of a Certificate of Accreditation for each pharmacy that, within the twelve (12) months prior to the renewal, has undergone a re-inspection as a result of deficiencies noted in an initial inspection, for a third time or more after the initial inspection, shall be \$1,250.00 plus applicable taxes for each such re-inspection, and shall be paid on or before May 10 of each year. The additional renewal fee shall not apply where the re-inspection was pursuant to an order of the Discipline Committee.

**ARTICLE 17
CERTIFICATE OF AUTHORIZATION FEES**

17.1 Application of Fees. Unless otherwise indicated, the fees set out in this Article 17 shall be effective as of January 1, 2019.

17.2 Application Fee. The application fee for a Certificate of Authorization for a health profession corporation is \$1,250.00 plus applicable taxes.

17.3 Renewal Fee.

17.3.1 The fee for the annual renewal of a Certificate of Authorization is \$375.00 plus applicable taxes.

17.3.2 The annual renewal fee for a Certificate of Authorization must be paid on or before March 10 of each year.

17.3.3 No later than thirty (30) days before the annual renewal fee is due, the Registrar shall notify the health profession corporation of the amount of the fee and the day on which it is due.

ARTICLE 18 CODES OF ETHICS AND CONDUCT

18.1 Code of Ethics. There shall be a Code of Ethics for Members, which is Schedule A to this By-Law.

18.2 Code of Conduct. There shall be a Code of Conduct for members of the Council and of Committees, which is Schedule B to this By-Law.

ARTICLE 19 MAKING, AMENDING AND REVOKING BY-LAWS

19.1 Requirements.

19.1.1 By-Laws may be made, repealed or amended by at least two-thirds (2/3^{rds}) of all members of Council present at a meeting of the Council and eligible to vote.

19.1.2 Amendments may be proposed by not fewer than three (3) members of the Council or by the Executive Committee.

19.1.3 Proposed amendments shall be sent to the Registrar thirty (30) days in advance of the meeting at which the amendments will be voted on by the members of the Council.

19.1.4 The Registrar shall, at least two (2) weeks before the meeting at which the amendments are to be considered, notify all members of the Council of the proposed amendments.

19.2 Repeal of Former By-Laws. The repeal of any By-Law in whole or part shall not in any way affect the validity of any act done or right, privilege, obligation or liability acquired or incurred thereunder or the validity of any contract or agreement made pursuant to any such By-Law prior to such repeal. All members of the Council and other persons acting under any By-Law so repealed in whole or in part shall continue to act as if elected or appointed under the provisions of this By-Law.

19.3 Effective Date. This By-Law shall come into force and effect on the date that it is approved by the Council. Upon this By-Law coming into force and effect, By-Law No. 4 shall hereby be repealed.

19.4 Conflict. If any By-Law is, at any time, found to be in conflict with the Act or the *Pharmacy Act* or the *Drug and Pharmacies Regulation Act*, it shall, to the extent of such conflict, be disregarded in favour of the Act or the *Pharmacy Act* or the *Drug and Pharmacies Regulation Act*, as the case may be, and the Registrar shall, upon discovery of such conflict, prepare, for consideration by the Council, a proposed amendment, alteration or repeal of the offending By-Law which shall have the effect of removing from the By-Law anything inconsistent with any such Act.

PASSED by Council and sealed with the corporate seal of the College the _____ day of _____, 20____.

President
(Corporate Seal)

Vice-President

SCHEDULE A

Ontario College of Pharmacists Code of Ethics

Role and Purpose of the Code of Ethics

One of the objects of the Ontario College of Pharmacists (OCP, the College), as outlined in the *Regulated Health Professions Act, Schedule 2, Health Professions Procedural Code* is to “develop, establish and maintain standards of professional ethics for members” of the profession.

The role and purpose of OCP’s Code of Ethics is to clearly articulate the ethical principles and standards which guide the practice of pharmacists and pharmacy technicians in fulfilling the College’s mandate to serve and protect the public by putting patients first.

Specifically, OCP’s Code of Ethics supports the College in fulfilling its mandate by:

- Clearly articulating the ethical principles and standards by which pharmacists and pharmacy technicians are guided and under which they are accountable
- Serving as a resource for education, self-evaluation and peer review
- Serving as an educational resource for the public outlining the ethical obligations of the profession
- Providing a benchmark for monitoring and addressing the conduct of pharmacists and pharmacy technicians

Who does the Code of Ethics Apply to?

The Code of Ethics applies to all members of the College, in accordance with their scope of practice, including registered pharmacists, interns, intern technicians and pharmacy technicians. The Code of Ethics is also relevant to all those who aspire to be members of the College.

The Code of Ethics is applicable in all pharmacy practice, education and research environments including non-traditional practice settings which may not involve a healthcare professional/patient relationship.

All members are responsible for applying the Code of Ethics requirements in the context of their own specific professional working environments.

Compliance with the Code of Ethics

The Standards listed in OCP’s Code of Ethics are not intended to provide an exhaustive or definitive list of ethical behaviours and attitudes required of members. Members do not justify unethical behaviour by rationalizing that such behaviour is not expressly prohibited in a Standard of this Code.

The College holds members accountable for adhering to the Code of Ethics and will inquire into allegations of a breach of the Code of Ethics and take appropriate action(s) in relation to the severity of the breach.

The Code of Ethics, Standards of Practice and all relevant legislation, policies and guidelines are companion documents and none of these should be read or applied in isolation of the other(s). It is not unusual for there to be duplication within these documents as requirements may be both ethical and legal.

All members of the College are required to affirm their understanding of and commitment to OCP's Code of Ethics by signing the Declaration of Commitment.

Understanding the Professional Role and Commitment of Healthcare Professionals

The most important feature or characteristic that distinguishes a healthcare professional from another type of professional is that: *healthcare professionals are committed, first and foremost, to the direct benefit of their patients and only secondarily to making a profit.* Pharmacists and pharmacy technicians are healthcare professionals.

What does being a healthcare professional require of pharmacists and pharmacy technicians?

In choosing to become a pharmacist or pharmacy technician we acknowledge our understanding and commitment to the professional role, recognizing it is not about us – our own personal or business interests – it is about the patient.

We appreciate that our patients are vulnerable and may often be limited by personal and circumstantial factors which enhance and reinforce this vulnerability and that inherent within the healthcare professional/patient relationship there is an imbalance of power with the healthcare professional holding that power.

Patients trust that as healthcare professionals we will respect and protect their vulnerability and maintain professional boundaries within the healthcare professional/patient relationship as we use our knowledge, skills and abilities to make decisions that enhance their health and well-being.

Where does this obligation come from?

When we become a regulated healthcare professional we implicitly enter into what is commonly referred to as a “*social contract with society*”.

This contract requires that we keep our promise to act in the best interest of our patients and place their well-being first and foremost. It requires that we recognize and remember that we have not simply chosen a profession but also a vocation, committing ourselves to help and benefit those entrusted to our care in a spirit of altruism, goodwill, sincerity and integrity.

In exchange for our promise society agrees to provide our profession with the autonomy to govern ourselves as a self-regulating profession with all the privileges and statuses afforded regulated healthcare professionals.

Ethical Principles that Govern Healthcare Practice

In fulfilling our professional promise to our patients and to society, healthcare professionals are guided by the following ethical principles of healthcare:

Beneficence (to benefit):

The first foundational principle that forms and guides our commitment to *serve* and protect the best interests of our patients establishes the fact that our primary role and function as healthcare professionals is to benefit our patients. We need to remember that our patients seek our care and services because they believe and trust that we will apply our knowledge, skills and abilities to help make them better.

Non maleficence (do no harm, and prevent harm from occurring):

The second foundational principle that guides our commitment to *serve* and *protect* the best interests of our patients addresses the reality that as we strive to benefit our patients we must be diligent in our efforts to do no harm and, whenever possible, prevent harm from occurring.

Respect for Persons/Justice:

The third foundational principle merges the principles of “Respect for Persons” and “Justice” which collectively guide our understanding of how we ought to treat our patients. Respect for persons acknowledges that all persons, as a result of their intrinsic humanity, are worthy of our respect, compassion and consideration. We demonstrate this when we respect our patients’ vulnerability, autonomy and right to be self-governing decision-makers in their own healthcare. The principle of “Justice” requires that we fulfill our ethical obligation to treat all patients fairly and equitably.

Accountability (Fidelity):

The fourth and final foundational principle directly ties us to our professional promise to be responsible fiduciaries of the public trust ensuring that we keep our promise to our patients and society to always and invariably act in their best interests and not our own. It is this principle that holds us accountable, not just for our own actions and behaviours, but for those of our colleagues as well.

Code of Ethics and Standards of Application

The Ontario College of Pharmacists Code of Ethics is founded on the core ethical principles of healthcare: beneficence, non-maleficence, respect for persons/justice and accountability (fidelity). Code requirements are articulated in the form of guiding ethical principles, general statements of application and standards that specify the behaviours and attitudes that are required of all members of the College as regulated healthcare professionals.

1. Principle of Beneficence

The ethical principle of “Beneficence” refers to the healthcare professional’s obligation to actively and positively serve and benefit the patient and society.

Application

Pharmacists and Pharmacy Technicians serve and benefit the patient and society’s best interests.

Standards

- 1.1 Members ensure that their primary focus at all times is the well-being and best interests of the patient.
- 1.2 Members utilize their knowledge, skills and judgment to actively make decisions that provide patient-centred care and optimize health outcomes for patients.
- 1.3 Members apply therapeutic judgment in order to assess the appropriateness of current or proposed medication therapy given individual patient circumstances.
- 1.4 Members seek information and ask questions of patients or their advocate to ascertain if the current or proposed medication provides the most appropriate therapy for the patient.
- 1.5 Members ensure that they consider relevant factors such as; age, mental capacity, lifestyle and living circumstances of the patient and adapt and tailor provision of care accordingly.
- 1.6 Members provide patients with the relevant and sufficient information they need in order to make more informed decisions about their healthcare.
- 1.7 Members ensure that information provided to patients is current and consistent with the standards of practice of the profession and best available evidence.
- 1.8 Members consider and take steps, when possible, to address factors that may be preventing or deterring patients from obtaining the pharmacy care or services required or from achieving the best possible health outcome.
- 1.9 Members prioritize care and services and provide adequate time to ensure that complex patients receive the care they need.
- 1.10 Members participate in consultation, communication and documentation with colleagues or other healthcare professionals to facilitate quality patient care.
- 1.11 Members make every reasonable effort to provide quality cost-effective pharmacy care and services to patients and society.
- 1.12 Members participate as appropriate and viable in public education programs that promote health and wellness and disease prevention.
- 1.13 Members strive to contribute to the development of the profession by participating in the education and mentoring of pharmacy students and interns, pharmacists and pharmacy technicians.
- 1.14 Members, within their roles and expertise, strive to conduct, participate in or promote appropriate research practices that advance pharmacy knowledge and practice.

- 1.15 Members ensure that when conducting and/or participating in research initiatives they are scientifically and ethically approved by a research ethics board that meets current ethical research standards.
- 1.16 Members strive to facilitate positive change in the healthcare system by actively participating in healthcare policy review and development as it applies to the practice of pharmacy.

2. Principle of Non Maleficence

The ethical principle of “Non Maleficence” refers to the healthcare professional’s obligation to protect their patients and society from harm.

Application

Pharmacists and Pharmacy Technicians refrain from participating in behaviours that may harm patients or society and whenever possible prevent harm from occurring.

Standards

- 2.1 Members refrain from participating in behaviours/attitudes which could potentially result in harm and utilize their professional judgment to make every reasonable and conscientious effort to prevent harm to patients and society.
- 2.2 Members practise only within their scope of practice, recognize their limitations and when necessary, refer the patient to a colleague or other healthcare professional whose expertise can best address the patient’s needs.
- 2.3 Members disclose medical errors and “near misses” and share information appropriately to manage risk of future occurrences.
- 2.4 Members act with honesty and transparency if harm does occur and assume responsibility for disclosing this harm to the patient and initiating steps to mitigate the harm.
- 2.5 Members challenge the judgment of their colleagues or other healthcare professionals if they have good reason to believe that their decisions or actions could adversely affect patient care.
- 2.6 Members provide the patient with relevant and sufficient information regarding the potential harms identified in terms of risks and the most frequent and serious side effects associated with the medication therapy or pharmacy service.
- 2.7 Members ensure that when they are involved in the patient’s transition from one healthcare provider or healthcare facility to another the relevant patient information is provided to the receiving healthcare provider or healthcare facility to ensure safe and effective transition of care.
- 2.8 Members provide only medications and health-related products that are from safe and proven sources, of good quality, and meet the standards required by law.
- 2.9 Members respect the patient’s right to privacy and confidentiality and take every reasonable precaution to protect patient confidentiality by preventing unauthorized or accidental disclosure of confidential patient information.
- 2.10 Members ensure that the healthcare professional/patient relationship is not exploited by the member for any personal, physical, emotional, financial, social or sexual gain.
- 2.11 Members do not under any circumstances participate in sexual behaviour including, but not limited to:
 - i. Sexual intercourse or other forms of sexual relations between the member and the patient;
 - ii. Touching of a sexual nature, of the patient by the member; or
 - iii. Behaviour or remarks of a sexual nature, by the member towards the patient.
- 2.12 Members do not under any circumstances participate in any form of harassment including, but not limited to:
 - i. Bullying or intimidating;
 - ii. Offensive jokes or innuendos;
 - iii. Displaying or circulating offensive images or materials; or

- iv. Offensive or intimidating communications (phone calls, emails, text messages, etc.).
- 2.13 Members must, in circumstances where they are unwilling to provide a product or service to a patient on the basis of moral or religious grounds, ensure the following:
 - i. that the member does not directly convey their conscientious objection to the patient;
 - ii. that the member participates in a system designed to respect the patient's right to receive products and services requested;
 - iii. that there is an alternative provider available to enable the patient to obtain the requested product or service, which minimizes inconvenience or suffering to the patient.
- 2.14 Members may only consider ending the professional/patient relationship when the member has met the following conditions:
 - i. In his/her judgement the professional/patient relationship is compromised and/or issues cannot be resolved;
 - ii. Considers the condition of the patient;
 - iii. Considers the availability of alternative services; and
 - iv. Provides the patient with notice and sufficient opportunity to arrange alternate services.
- 2.15 Members assume responsibility for making reasonable efforts to ensure continuity of patient care when they are unable or unwilling to provide requested pharmacy services.
- 2.16 Members in emergency situations, including pandemics and other public health emergencies where the health of the patient or the public is at risk, have a duty to provide patient care within their professional competence and expertise.
- 2.17 Members maintain appropriate human resources to facilitate compliance with Standards of Practice and relevant legislation, policies and guidelines governing the practice of pharmacy and the operation of pharmacies to ensure that professional performance and the health of others in the work place are not compromised.
- 2.18 Members raise concerns to the appropriate authority if they reasonably believe human resources, policies, procedures, working conditions or the actions, professional performance or health of others may compromise patient care or public safety.
- 2.19 Members assign tasks only to those individuals who are competent and trained to do them.
- 2.20 Members ensure that they remain current with respect to professional knowledge and skills and are committed to continuous lifelong learning and professional improvement throughout their professional working life.

3. Principle of Respect for Persons/Justice

The ethical principle of Respect for Persons/Justice refers to the healthcare professional's dual obligations to respect and honour the intrinsic worth and dignity of every patient as a human being and to treat all patients fairly and equitably.

Application

Pharmacists and Pharmacy Technicians respect their patients as self-governing decision-makers in their healthcare and treat all patients fairly and equitably.

Standards

- 3.1 Members recognize and respect the vulnerability of patients.
- 3.2 Members respect and value the autonomy and dignity of patients.
- 3.3 Members practise patient-centred care and treat patients with sensitivity, caring, consideration and respect.
- 3.4 Members listen to patients to seek understanding of their needs, values and desired health goals and respect their right to be an active decision-maker in their healthcare.
- 3.5 Members respect the patient's values, customs and beliefs and their right to hold these as self-governing decision-makers.

- 3.6 Members respect the patient's right to privacy and do not disclose confidential information without the consent of the patient unless authorized by law or by the need to protect the welfare of the patient or the public.
- 3.7 Members seek only that information that is reasonable to make informed decisions about the patient's health and the treatment alternatives that align with the patient's treatment goals, unless otherwise authorized by law.
- 3.8 Members respect the patient's right to accept or refuse treatment and/or services offered, without prejudice.
- 3.9 Members respect the patient's right to choose a pharmacy and/or pharmacy professional and facilitate the patient's wish to change or transfer pharmacy care and services as requested.
- 3.10 Members obtain the patient's consent, implied or expressed, prior to the provision of pharmacy care or services.
- 3.11 Members respect the right of a competent minor to provide informed consent and make decisions about their healthcare.
- 3.12 Members recognize and respect the right of a legally authorized substitute decision-maker to make decisions on the incompetent patient's behalf.
- 3.13 Members recognize the known wishes/intentions of a patient who is not competent where those wishes/intentions, through a personal directive, were expressed before the person became incompetent.
- 3.14 Members ensure that their views about a patient's personal life, religious beliefs, and other morally irrelevant factors such as: race, gender, identity, sexual orientation, age, disability, marital status and any other factor(s), do not prejudice their opinion of the patient and affect the quality of service that they provide to the patient.
- 3.15 Members recognize the power imbalance inherent in the healthcare professional/patient relationship and assume responsibility for maintaining appropriate professional boundaries at all times.
- 3.16 Members provide fair and equitable access to pharmacy services and deliver consistent quality of care to all patients regardless of socio-economic status, culture, disease state or any other related factor that might unfairly bias patient care.
- 3.17 Members advocate for the fair treatment and fair distribution of resources for those in their care.
- 3.18 Members make fair decisions about the allocation of resources under their control based on the needs of persons, groups or communities to whom they are providing care and services.

4. Principle of Accountability (Fidelity)

The ethical principle of Accountability (Fidelity) refers to the healthcare professional's fiduciary duty to be a responsible and faithful custodian of the public trust.

Application

Pharmacists and Pharmacy Technicians maintain the public trust by ensuring that they act in the best interest of their patients and society.

In order to fulfill their fiduciary duty to maintain the public trust:

- A. Members practise within their scope of practice, in accordance with their Code of Ethics, Standards of Practice and all relevant legislation, policies and guidelines and only when competent to do so.
- B. Members refrain from participating in unethical business practices.
- C. Members avoid conflict of interest.

Standards

A. General Responsibilities

- 4.1 Members abide by the spirit of this Code which applies to the practice of the profession of pharmacy and the operation of pharmacies.
- 4.2 Members conduct themselves with personal and professional integrity at all times and ensure that they demonstrate good character and maintain good standing with the College.
- 4.3 Members ensure that they only practise when they are competent, with respect to both relevant knowledge and skill and physical, emotional and mental capacity, to do so.
- 4.4 Members assume responsibility for all decisions and actions they undertake in professional practice, including failure to make a decision and take appropriate action when necessary.
- 4.5 Members do not perform controlled acts under their scope of practice for an unethical or illegal purpose.
- 4.6 Members ensure that all professional documentation is accurately maintained in accordance with practice standards.
- 4.7 Members maintain confidentiality in creating, storing, accessing, transferring and disposing of records they maintain and control.
- 4.8 Members understand that their trust in the care provided by colleagues and other healthcare professionals must be balanced with critical evaluation.
- 4.9 Members must be diligent in identifying and responding to red flag situations that present in practice.
- 4.10 Members report professional incompetence or unethical behaviour by colleagues or other healthcare professionals to the appropriate regulatory authority.
- 4.11 Members take appropriate steps to prevent and report the misuse or abuse of substances by themselves, patients, colleagues, other healthcare professionals or other pharmacy employees.
- 4.12 Members do not practise under conditions which compromise their professional judgment and impede their ability to provide quality patient care and services.
- 4.13 Members participate in responsible and ethical communication and ensure that any comments or images communicated are not offensive and do not in any manner discredit the member or the profession.
- 4.14 Members ensure that when power imbalances exist in professional working relationships they do not exploit these relationships for personal, physical, emotional, financial, social or sexual gain.
- 4.15 Members co-operate in any inspection, assessment, review or audit conducted by the College or any other authorized person or organization and abide by any undertakings or restrictions placed on their practice as result of an investigation.
- 4.16 Members recognize that self-regulation of the profession is a privilege and that each pharmacist and pharmacy technician has a professional responsibility to merit this privilege by maintaining public trust and confidence in each member individually and the profession as a whole.

B. Participate in Ethical Business Practices

- 4.17 Members recognize that their patient's best interests must always override their own interests or the interests of the business which the member owns, has a financial interest in or is employed by.
- 4.18 Members only provide pharmacy care and services that are of good quality and intended to optimize the patient's health outcomes and do not compromise patient care for corporate or business interests or financial gain.
- 4.19 Members will not provide pharmacy services, care or products where there is no potential benefit to the patient.
- 4.20 Members do not influence, persuade or pressure patients to accept pharmacy services in order to retain the patient's business.
- 4.21 Members will not compromise their professional integrity in order to further institutional or business interests and promote financial gain to the detriment of the patient and public interest.
- 4.22 Members are honest in dealings with patients, colleagues, other healthcare professionals, the College, other organizations, service suppliers, and public or private payers related to the practice of the profession and to the operation of the pharmacy.

- 4.23 Members are transparent in the fees that they charge and ensure that these are communicated to patients in advance of the provision of the service or product provided.
- 4.24 Members do not submit charges to patients or to any third party drug payment plan for services that they know or ought to know are false and fraudulent.
- 4.25 Members do not participate in any practice that involves falsifying patient health records or member practice records.
- 4.26 Members must ensure that they do not participate in any form of advertising or promotion that contravenes this *Code*, Standards of Practice or relevant legislation, policies or guidelines, reflects poorly on the profession or breaches public trust and confidence.

C. Avoid Conflict of interest

Members need to proceed with caution and conscientiously exercise professional judgment in dealing with conflict of interest situations which they may encounter in practice but which are not explicitly addressed below.

- 4.27 Members avoid situations that are or may reasonably be perceived to construe a conflict of interest.
- 4.28 Members avoid dual relationships and other situations which may present a conflict of interest and potentially affect the member's ability to be impartial and unbiased in their decision-making.
- 4.29 Members declare any personal or professional interests and inform the relevant party(s) if they are involved in a real, perceived or potential conflict of interest and resolve the situation in the best interests of the patient and public safety as soon as possible.
- 4.30 Members involved in decision-making must disclose any relationship they are involved in that may influence or appear to others to influence their objectivity.
- 4.31 Members enter into relationships with industry which are appropriate and in compliance with this *Code* and which allow them to maintain their professional integrity and retain public trust and confidence.
- 4.32 Members do not provide rewards or incentives that have the potential to adversely influence patient decisions which may result in harm to the patient.
- 4.33 Members do not ask for or accept gifts, inducements or referrals that may affect or be perceived to affect their professional judgment.
- 4.34 Members ensure that they do not participate in referral programs with other members or with members of other healthcare professions for the expressed purpose of benefiting financially.
- 4.35 Members limit their treatment of self and the members of their immediate family to minor conditions and emergency circumstances unless another appropriate healthcare professional is not readily available.

SCHEDULE B

THE “CODE OF CONDUCT” FOR COUNCIL AND COMMITTEE MEMBERS

Members of Council and Committees will,

- (a) be familiar and comply with the provisions of the *Regulated Health Professions Act, 1991*, the *Health Professions Procedural Code*, the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act* and their regulations, and the by-laws and policies of the College;
- (b) be prepared to participate in Council meetings and Committee work including reading background materials and briefing documents;
- (c) diligently take part in Committee work and actively serve on Committees as appointed by the Council;
- (d) regularly attend meetings on time (including not missing three (3) or more consecutive meetings without reasonable cause) and participate constructively in discussions;
- (e) offer opinions and express views on matters before the College, Council and Committee, when appropriate;
- (f) participate in all deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Council and Committee members;
- (g) uphold the decisions made by a majority of Council and Committees, regardless of the level of prior individual disagreement;
- (h) place the interests of the College, Council and Committee above other interests;
- (i) avoid and, where that is not possible, declare any appearance of or actual conflicts of interest and remove oneself from discussing or voting on any issue where there is a conflict of interest;
- (j) refrain from including or referencing Council or Committee titles or positions held at the College in any personal or business promotional materials, advertisements and business cards (although referencing one’s titles or positions held at the College in one’s curriculum vitae is acceptable so long as the curriculum vitae is not overtly used in a promotional manner);
- (k) preserve confidentiality of all information before Council or Committee unless disclosure has been authorized by Council or is otherwise exempted under the RHPA (e.g., it is already in the public domain);
- (l) refrain from attempting to influence a statutory decision unless one is a member of a panel of the Committee or, where there is no panel, of the Committee dealing with the matter;

- (m) respect the boundaries of staff whose role is not to report to or work for individual Council or Committee members including not contacting staff members directly, except on matters where the staff member has been assigned to provide administrative support to that Committee or the Council or where otherwise appropriate; and
- (n) be respectful of others and not engage in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment.

SCHEDULE C

RULES OF ORDER OF THE COUNCIL

1. Each agenda topic shall be introduced briefly by the person or Committee representative raising it. Council Members may ask questions of clarification, then the person introducing the matter shall make a motion and another Council Member must second the motion before it can be debated.
2. When any Council Member wishes to speak, he or she shall so indicate by raising his or her hand and shall address the presiding officer and confine himself or herself to the matter under discussion.
3. Staff persons and consultants with expertise in a matter may be permitted by the presiding officer to answer specific questions about the matter.
4. Observers at a Council meeting are not allowed to speak to a matter that is under debate.
5. A Council Member may not speak again on the debate of a matter until every other Council Member who wishes to speak to it has been given an opportunity to do so. The only exception is that the person introducing the matter or a staff person may answer questions about the matter. Council Members shall not speak to a matter more than twice without the permission of the presiding officer.
6. No Council Member may speak longer than five (5) minutes upon any motion except with the permission of Council.
7. When a motion is under debate, no other motion can be made except to amend it, to postpone it, to put the motion to a vote, to adjourn the debate or the Council meeting or to refer the motion to a Committee.
8. A motion to amend the motion then under debate shall be disposed of first. Only one motion to amend the motion under debate can be made at a time.
9. When it appears to the presiding officer that the debate on a matter has concluded, when Council has passed a motion to vote on the motion or when the time allocated to the debate on the matter has concluded, the presiding officer shall put the motion to a vote.
10. When a matter is being voted on, no Council Member shall enter or leave the Council room, and no further debate is permitted.
11. No Council Member is entitled to vote upon any motion in which he or she has a conflict of interest, and the vote of any Council Member so interested shall be disallowed.
12. Any motion decided by the Council shall not be re-introduced during the same meeting except by a two-thirds vote of the Council Members then present and eligible to vote.
13. Whenever the presiding officer is of the opinion that a motion offered to the Council is contrary to these rules or the by-laws, he or she shall rule the motion out of order and give his or her reasons for doing so.
14. The presiding officer shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council without debate.

15. The above rules may be relaxed by the presiding officer if it appears that greater informality is beneficial in the particular circumstances, unless the Council requires strict adherence.
16. Council Members are not permitted to discuss a matter with observers while it is being debated including during any recess of the debate.
17. Council Members and others present in the room shall turn off cell phones or put them on vibrate during Council meetings and, except during a break in the meeting, shall not use a cell phone, blackberry or other electronic device. Laptops shall only be used during Council meetings to review materials related to the matter under debate (e.g., electronic copies of background documents) and to make personal notes of the debate.
18. Council Members shall be silent while others are speaking except to bring a permissible motion.
19. In all cases not provided for in these rules or by other rules of Council, the current edition of "Robert's Rules of Order" shall be followed so far as they may be applicable.
20. These Rules shall apply, with necessary modifications, to meetings conducted by teleconference or any other electronic means permitted by the by-laws, including audio or video conferencing.