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ONTARIO COLLEGE OF PHARMACISTS – BY-LAW NO. 6

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 Definitions.

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;
- 1.1.2* “**Board**” means the board of directors of the College. For the purposes of the Act, the *RHPA Regulations*, the *Code*, the *Pharmacy Act*, the *Pharmacy Act Regulations*, and any other legislation or policy where the context requires, the Board means the Council of the College;
- 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 Registrant by the Registrar pursuant to the *Code*;
- 1.1.7* “**Chair**” means the chair of the Board and for the purpose of the Act, the *RHPA Regulations*, the *Code*, the *Pharmacy Act*, the *Pharmacy Act Regulations*, and any other legislation or policy where the context requires, means the President of the College, and “chair” means the chair of a Committee or the person presiding at a meeting of the Board, as the context requires;
- 1.1.8* “**Change of Control**” has the meaning given to it in subparagraph 18.1.2;
- 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 Directors and Committee Members which is set out in Schedule B to this By-Law, as the same 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 the same 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 “**Contact Person**” means the person designated as the contact person for a hospital pharmacy or institutional pharmacy pursuant to section 146.1 of the *Drug and Pharmacies Regulation Act*;
- 1.1.15 “**Deputy Registrar**” means the person who, from time to time, holds the title of Deputy Registrar of the College;
- 1.1.16 “**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*;
- 1.1.17 “**Director**” means a person elected or appointed to be a member of the Board;
- 1.1.18 “**Director Profile**” means the combination of patient populations served as set out in subparagraph 5.9.1, and knowledge, skills and experience as set out in subparagraph 5.9.2, that will be required of applicants who seek to be qualified as candidates for election to the Board, as determined by the Governance Committee;
- 1.1.19 “**Drug and Pharmacies Regulation Act**” means the *Drug and Pharmacies Regulation Act*, R.S.O. 1990, Chap. H.4;
- 1.1.20 “**Drug and Pharmacies Regulation Act Regulations**” means the regulations made under the *Drug and Pharmacies Regulation Act*;
- 1.1.21 “**Drug Preparation Premises**” means drug preparation premises as defined in the *Pharmacy Act Regulations*;
- 1.1.22 “**Elected Director**” means a Director elected to the Board in accordance with this By-Law;
- 1.1.23 “**Former Registrant**” has the meaning given to it in subparagraph 16.9.1;
- 1.1.24 “**Health Profession Corporation**” means a corporation incorporated under the *Business Corporations Act* (Ontario) that holds a Certificate of Accreditation;
- 1.1.25 “**Lay Committee Appointee**” means an individual appointed under this By-Law to serve as a member of a Committee who is neither a Director nor a Registrant;

- 1.1.26 “**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;
- 1.1.27 “**Owner**” means an “owner” as defined in the *Drug and Pharmacies Regulation Act Regulations*;
- 1.1.28 “**Pharmacy Act**” means the *Pharmacy Act, 1991*, S.O. 1991, c.36;
- 1.1.29 “**Pharmacy Act Regulations**” means the regulations made under the *Pharmacy Act*;
- 1.1.30 “**Professional Advocacy Association**” means an organization whose principal mandate is to represent the interests of and advocate on behalf of pharmacies (community and hospital), pharmacists 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;
- 1.1.31 “**Professional Committee Appointee**” means a Registrant who is not a Director, who is appointed under this By-Law to serve as a member of a Committee;
- 1.1.32 “**Protecting Patients Act**” means the *Protecting Patients Act, 2017*, S.O. 2017, C.11;
- 1.1.33 “**Public Director**” means a Director appointed to the Board by the Lieutenant Governor-in-Council;
- 1.1.34 “**Register**” means the register required to be kept pursuant to the *Code*;
- 1.1.35 “**Registrant**” means a member of the College;
- 1.1.36 “**Registrar**” means the person who, from time to time, holds the title of Registrar and Chief Executive Officer of the College;
- 1.1.37 “**RHPA Regulations**” means the regulations made under the Act;
- 1.1.38 “**Statutory Committees**” means the Committees listed in section 10 of the *Code* as of the date of enactment of this By-Law, and the Accreditation Committee as required under the *Pharmacy Act*; and
- 1.1.39 “**Vice-Chair**” means the vice-chair of the Board and for the purpose of the Act, the *RHPA Regulations*, the *Code*, the *Pharmacy Act*, the *Pharmacy Act Regulations*, and any other legislation or policy where the context requires, means the Vice-President of the College.

1.2 Amendments.

Whenever reference is made in a By-Law to any statute or regulation, such reference shall be deemed to include any amendment to such statute or regulation as may be made from time to time.

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” will 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 Registrant 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 Registrant and provide that Registrant with mobility and coverage wherever in Ontario that Registrant 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 Registrant 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 Registrant's professional liability insurance policy.

ARTICLE 4 RESTRICTION ON DIRECTORS AND COMMITTEE MEMBERS

4.1 Restriction on Directors.

A Director shall not be an employee of the College.

4.2 Restriction on Committee Members.

A member of a Committee shall not be an employee of the College.

ARTICLE 5 ELECTION OF DIRECTORS

5.1 Number of Elected Directors.

5.1.1 Subject to subparagraph 5.1.2, there shall be nine (9) Elected Directors, of whom two (2) shall be pharmacy technicians.

5.1.2 In the event that the number of Public Directors exceeds nine (9), the Board may increase the number of Elected Directors to be elected at the next annual August election to correspond to the number of Public Directors. Any such additional Elected Directors shall be pharmacists.

5.1.3 If the number of Public Directors is subsequently reduced, the Board may reduce the number of Elected Directors to be elected at the next annual August election to equal the number of Public Directors then-appointed.

5.2 Voting Eligibility.

Every Registrant 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 Directors.

5.3 Renewal of the Board - August 2020.

5.3.1 Subject to subparagraph 5.3.2, the terms of office of all Elected Directors who are members of the Council as of the date that this By-Law comes into effect (the "**Incumbent Elected Directors**") will end on the date of the first meeting of the Board held after the election in August 2020, and seven (7) Elected Directors shall be elected to the Board in accordance with this By-Law at the election in August 2020 for the terms of office set out in paragraph 5.5.

5.3.2 Notwithstanding subparagraph 5.3.1, the Board shall select two (2) Incumbent Elected Directors who sit on the Executive Committee as of the date that this By-Law comes into effect, who will have their terms of office continue for one (1) year and two (2) years, respectively, following the August 2020 election.

5.4 Election Date.

5.4.1 An election of Elected Directors will be held on the first Wednesday in August of every year beginning in 2020, for the number of positions on the Board that are then available.

5.5 Terms of Office - August 2020.

The terms of office of the seven (7) Elected Directors elected in August 2020 will commence at the first meeting of the Board following the election and end, subject to paragraph 5.11, as follows:

5.5.1 the two (2) pharmacists who receive the highest number of votes out of all pharmacist candidates will be elected for a three (3)-year term;

5.5.2 the pharmacy technician who receives the highest number of votes out of all pharmacy technician candidates will be elected for a three (3)-year term;

5.5.3 the pharmacy technician who receives the second highest number of votes of all pharmacy technician candidates will be elected for a two (2)-year term;

5.5.4 the pharmacist who receives the third highest number of votes out of all pharmacist candidates will be elected for a two (2)-year term;

5.5.5 the two (2) pharmacists who receive the fourth and fifth highest number of votes out of all pharmacist candidates will each be elected for a one-(1)-year term; and

5.5.6 if there is tie among candidates and it is necessary to break the tie to determine who will receive the longer term between the candidates, the Registrar shall break the tie, by lot.

5.6 Terms of Office - After August 2020.

5.6.1 The term of office of an Elected Director who is elected in each annual election beginning with the August 2021 election will be three (3) years, commencing at the first meeting of the Board after the election.

5.6.2 No Elected Director who is first elected in the August 2020 election may serve as a Director for more than six (6) consecutive years.

5.6.3 No Director who is a member of Council on the date this By-Law comes into effect may serve for more than nine (9) consecutive years (inclusive of years of service prior to the date this By-Law comes into effect).

5.6.4 If an Elected Director reaches the end of his or her maximum service prior to the end of his or her term, the Elected Director will cease to hold office and his or her position on the Board will be filled by way of a by-election in accordance with paragraph 5.20.

5.7 Eligibility for Election.

5.7.1 A Registrant who holds a valid Certificate of Registration as a pharmacist or as a pharmacy technician is eligible to seek to be a candidate for election to the Board if he or she meets the following requirements:

- (a) the Registrant is not in default of payment of any fees prescribed in the By-Laws;
- (b) the Registrant is not the subject of any disciplinary or incapacity proceeding;
- (c) the Registrant has not been found to have committed an act of professional misconduct or to be incompetent by a panel of the Discipline Committee.
- (d) the Registrant is not a registered pharmacy student or intern;
- (e) the Registrant's Certificate of Registration is not subject to a term, condition or limitation other than one prescribed by regulation;
- (f) the Registrant is not, and has not within the three (3) years immediately preceding the election been, an employee, officer or director of a Professional Advocacy Association. For greater certainty, nothing in this clause will prevent a Registrant who serves on an association or organization to which he or she has been appointed by the Board as a representative of the College, from running for election to be an Elected Director;
- (g) the Registrant has not been disqualified from serving on the Board or a Committee within the six (6) years immediately preceding the election;
- (h) where the Registrant was formerly a Director, but is not as of the date of the election a Director, it has been at least three (3) years since he or she was a Director;
- (i) the Registrant is not an adverse party in litigation against the College, the Board, a Committee or any of the College's officers, employees or agents;

- (j) the Registrant commits to devoting sufficient time in his or her schedule to participating in all required Board and Committee activities;
- (k) the Registrant has not, in the opinion of the Screening Committee, engaged in conduct unbecoming a Director; and
- (l) the Registrant 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.

5.8 Notice of Election and Call for Applicants.

- 5.8.1 No later than April 1 in the year in which the election is to be held the Registrar shall notify each Registrant who is eligible to vote of the date of the election and the number of available positions on the Board. Such notification shall be by electronic mail, shall include a link to the Director Profile and application form for election and shall be addressed to each Registrant at his or her electronic address that is on file with the College. Such notice shall also be published on the website of the College.

5.9 Director Competencies.

- 5.9.1 The Board shall at all times comprise Elected Directors who collectively serve, or have experience working with, the following diverse patient populations:
- (a) patients served by rural community pharmacies;
 - (b) patients served by urban community pharmacies;
 - (c) patients treated at teaching hospitals;
 - (d) patients treated at community hospitals;
 - (e) patients located in northern/remote areas;
 - (f) patients who identify as Indigenous;
 - (g) patients with mental health and addictions needs; and
 - (h) patients in long-term care.
- 5.9.2 The Board shall in addition at all times comprise Directors who collectively have the following knowledge, skills and experience:

- (a) experience in and understanding of the principles of protecting, and acting in, the public interest;
- (b) experience working with diverse populations, marginalized groups and people with disabilities;
- (c) experience serving on boards in an oversight capacity;
- (d) experience in managing risk, including reputational risk;
- (e) experience in senior leadership roles in business;
- (f) experience as a human resource professional including in occupational health and safety, organizational structures and human resources oversight and compensation, recruiting and succession planning;
- (g) financial and/or accounting expertise, including experience preparing, auditing, analyzing or evaluating financial statements and an understanding of generally accepted accounting principles;
- (h) ability to navigate electronic systems to access Board and Committee materials;
- (i) legal experience or familiarity with regulated professions, including overseeing regulations and setting standards for certification; and
- (j) experience participating in, or leading, an organization in planning for its future, such as: conducting S.W.O.T. (strengths, weaknesses, opportunities, and threats) analysis, environmental scans, strategy design, planning, implementation and evaluation.

5.10 Application Procedure.

- 5.10.1* A Registrant seeking to be a candidate for election as an Elected Director shall complete and return an application form no later than the deadline provided in the form. The application form shall be accompanied by three (3) reference letters in accordance with the instructions contained in the application form.
- 5.10.2* The application form shall include a signed affirmation by the applicant of his or her commitment to participate in pre-orientation activities aimed at understanding the obligations of a Director.
- 5.10.3* The Screening Committee shall review the applications against the eligibility requirements as set out in paragraph 5.7 and the Director Profile that the Governance Committee has announced for the election. Applicants who (a) meet the eligibility requirements in paragraph 5.7, and (b) serve or have

experience with patient populations, and have knowledge, skill and experience, that are within the Director Profile, will be qualified as candidates for election.

- 5.10.4* If the Screening Committee requires additional information in order to assess whether an applicant meets the criteria in the Director Profile, the Screening Committee may require the applicant to participate in an interview in person or by electronic means.
- 5.10.5* An applicant may withdraw his or her application by notice of withdrawal delivered to the Registrar no later than July 1 in the year in which the election is to be held.
- 5.10.6* All applicants who have not withdrawn their application will be notified whether they are eligible and have been qualified as candidates for election.
- 5.10.7* In the event of a dispute about whether a Registrant is eligible or qualified as a candidate for election, the Governance Committee shall conduct an investigation and report its findings and recommendations to the Executive Committee. The Executive Committee shall rule and inform the candidate of its decision and reasons.
- 5.10.8* A person who has a direct interest in the result of an election dispute shall not participate in the investigation or consideration of such dispute.

5.11 Acclamation.

- 5.11.1* If, after the deadline referred to in subparagraph 5.10.5, the number of pharmacy technicians qualified as candidates for election is equal to the number of pharmacy technicians to be elected in that election, the Registrar shall declare those pharmacy technician candidate(s) to be elected by acclamation.
- 5.11.2* If, after the deadline referred to in subparagraph 5.10.5, the number of pharmacists qualified as candidates for election is equal to the number of pharmacists to be elected in that election, the Registrar shall declare those pharmacist candidate(s) to be elected by acclamation.
- 5.11.3* If, after the deadline referred to in subparagraph 5.10.5, the number of pharmacy technicians qualified as candidates for election is less than the number of pharmacy technicians to be elected in that election, the Registrar shall declare the qualified pharmacy technician candidate(s) to be elected by acclamation and there will be a supplementary application, selection and election process held in accordance with paragraph 5.21 in order to fill any remaining vacancies.
- 5.11.4* If, after the deadline referred to in subparagraph 5.10.5, the number of pharmacists qualified as candidates for election is less than the number of

pharmacists to be elected in that election, the Registrar shall declare the qualified pharmacist candidate(s) to be elected by acclamation and there will be a supplementary application, selection and election process held in accordance with paragraph 5.21 in order to fill any remaining vacancies.

5.11.5 In the event of acclamation pursuant to this paragraph 5.11 in an election in which candidates will be elected to terms of varying lengths, the Registrar shall determine by lot which successful candidate will serve for which length of term. However, if subparagraph 5.11.3 or 5.11.4 is applicable, the candidate(s) elected by acclamation will serve the longer of the available terms.

5.12 Registrar's Electoral Duties.

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

- (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; and
- (f) provide for the notification of all candidates and Registrants of the results of the election.

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

5.13 Scrutineers.

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

5.13.2 The scrutineers will be reimbursed for their expenses as provided in Article 7 in accordance with a policy made by a resolution of the Board.

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

5.14 Ballots.

- 5.14.1 The names of the candidates who have not withdrawn their candidacies by the deadline for so doing will appear on the ballot.
- 5.14.2 The Registrar shall prepare a list of the voting Registrants.
- 5.14.3 A Registrant 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 Registrant with a replacement.

5.15 Voting.

- 5.15.1 A ballot shall clearly indicate the candidates of the voting Registrant's choice and shall be submitted so that it is received not later than 5:00 p.m. on the day of the election.
- 5.15.2 The scrutineers shall ascertain that each voting Registrant is eligible to vote according to the list prepared by the Registrar.
- 5.15.3 The scrutineers shall verify the votes at the head office of the College on the day following the election.
- 5.15.4 The verification of the votes by the scrutineers shall be conducted in such a manner that no person will know for whom any voting Registrant has voted.
- 5.15.5 The only persons permitted to be present during the verification will 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.
- 5.15.6 If the scrutineers cannot agree on any matter relating to the verification, the matter shall be decided by the Registrar.
- 5.15.7 Upon completing the verification, the scrutineers shall prepare a return and file the return with the Registrar.
- 5.15.8 The successful pharmacist candidates in an election will be those with the highest and next highest number of votes and so on until the number of successful pharmacist candidates equals the number of pharmacists to be elected in that election.
- 5.15.9 The successful pharmacy technician candidate in an election where one pharmacy technician is to be elected will be the one with the highest number of votes. If more than one (1) pharmacy technician is to be elected in an election, the successful pharmacy technician candidates will be those with the highest and next highest number of votes until all positions are filled.

5.15.10 Upon receiving the returns from the scrutineers, the Registrar shall declare the pharmacists who were successful in accordance with subparagraph 5.15.8 to be elected as Elected Directors and shall declare that the pharmacy technician or technicians who were successful in accordance with subparagraph 5.15.9 to be elected as Elected Director(s), and shall notify each candidate of the election results.

5.16 Number of Votes to be Cast.

5.16.1 In the election to be held in August 2020, each Registrant may vote for up to five (5) pharmacist candidates and up to two (2) pharmacy technician candidates.

5.16.2 In each annual election beginning in August 2021, each Registrant may vote for up to the number of pharmacy technician candidates as there are pharmacy technician vacancies on the Board and for up to the number of pharmacist candidates as there are pharmacist vacancies on the Board.

5.17 Tie Votes.

5.17.1 If there is a tie in an election of Elected Directors and it is necessary to break the tie to determine who will be the successful candidate, the Registrar shall break the tie, by lot, and then declare the candidate elected.

5.18 Interruption of Service.

5.18.1 Where there is an interruption of mail or electronic service during the application period or election, the Registrar shall extend the deadline for applications and the holding of the election for such period of time as the Registrar considers necessary to compensate for the interruption.

5.19 Conduct of Directors.

5.19.1 An Elected Director is automatically disqualified from sitting on the Board if the Elected Director:

- (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 Registrant by a panel of the Fitness to Practise Committee.

5.19.2 Formal governance action may be taken against a Director, in accordance with subparagraphs 5.19.3, where the Director:

- (a) fails, or does not make himself or herself available, without cause, to attend three (3) consecutive meetings of the Board;

- (b) fails, or does not make himself or herself available, 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) fails, or does not make himself or herself available, without cause, to attend Director education and evaluation activities hosted by the College from time to time;
- (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 Director shall not be disqualified by reason of serving on an association or organization to which he or she has been appointed by the Board as a representative of the College);
- (f) in the case of a dean of a faculty of pharmacy who is a Registrant,
 - (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 Registrant by a panel of the Fitness to Practise Committee;
- (g) initiates litigation against the College, the Board, a Committee or any of the College's officers, employees or agents; or
- (h) engages in conduct or an omission that is reasonably regarded by the Board as being disgraceful, dishonourable, unprofessional or unbecoming a Director.

5.19.3

In the event of a concern or complaint regarding the conduct of a Director, the following procedure shall be followed:

- (a) the person raising the concern or complaint shall report it to any of the Past-Chair, the Chair, the Registrar or the Vice-Chair who shall bring the concern or complaint to the Governance Committee. The concern or complaint will also be disclosed to the Director in question;
- (b) if the Governance Committee is unable to address the concern or complaint, the Executive Committee may appoint another Committee to fulfill the Governance Committee's duties under subparagraph 5.19.3 or perform such duties itself;

- (c) if the Governance Committee or other Committee, after any inquiry it deems appropriate, concludes that the concern or 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 Director of his or her right to retain a lawyer and shall provide an opportunity for the Director to respond to the concern or complaint;
- (d) as soon as feasible, the independent third party shall report the results of the investigation in writing to the Governance Committee or other Committee and to the Director. 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 Director set out in subparagraph 5.19.2 have been met and, if so, the apparent significance of the breach;
- (e) if the Governance Committee or other Committee determines that formal governance action is warranted it shall be placed on the agenda of the next regular Board 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 Governance Committee or other Committee ineligible to participate and vote on the matter at the Board;
- (f) before the Board decides whether to take formal governance action, the Director shall be afforded an opportunity to address the Board for a period of no less than one (1) hour. The Director shall not take part in the deliberation or vote;
- (g) the Board shall determine whether grounds for taking formal governance action against the Director set out in subparagraph 5.19.2 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 Director set out in subparagraph 5.19.2 have been met and the determination to impose a formal governance sanction pursuant to subparagraph 5.19.4 must be approved by a vote of at least two-thirds of the Directors eligible to vote. The vote will be a recorded vote; and
- (i) where the Board determines that grounds for taking formal governance action against the Director set out in subparagraph 5.19.2 have not been met and that formal governance action is not warranted, the Board may direct the College to

reimburse the Director for all or part of the Director's legal expenses.

5.19.4 The formal governance sanction imposed by the Board under subparagraph 5.19.3(g) may include one or more of the following:

- (i) censure of the Director verbally or in writing;
- (ii) disqualification of an Elected Director from the Board;
- (iii) where the Director is a Public Director, sending a copy of the independent third party's report and the Board's determination to the Ministry of Health; or
- (iv) where the Director is a dean of a faculty of pharmacy, sending a copy of the independent third party's report and the Board's determination to the applicable Ontario university.

5.19.5 An Elected Director who is disqualified from sitting on the Board is thereby removed from the Board and ceases to be a Director.

5.20 Filling of Vacancies.

5.20.1 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 5.20 will be subject to any provisions of the *RHPA Regulations* respecting the filling of vacancies arising on the Board.

5.20.2 If the position of an Elected Director becomes vacant not more than twelve (12) months before the expiry of the term of office of that Elected Director, the Board may:

- (a) leave the position vacant, if the number of Elected Directors remaining on the Board is nine (9) or more;
- (b) declare the eligible Registrant with the next highest number of votes in the election immediately prior to the vacancy who was not elected to be acclaimed to the vacant position; or
- (c) direct the Registrar to hold a by-election in accordance with this By-Law for an Elected Director who meets the criteria of the Director Profile for the election immediately prior to the vacancy, except if the by-election is held at the same time as an annual election, in which case the Director Profile developed for that annual election will apply.

- 5.20.3 If the position of an Elected Director becomes vacant more than twelve (12) months before the expiry of the term of office of that Elected Director, the Board shall:
- (a) declare the eligible Registrant with the next highest number of votes in the election immediately prior to the vacancy who was not elected to be acclaimed to the vacant position; or
 - (b) direct the Registrar to hold a by-election in accordance with this By-Law for an Elected Director who meets the criteria of the Director Profile for the election immediately prior to the vacancy, except if the by-election is held at the same time as an annual election, in which case the Director Profile developed for that annual election will apply.
- 5.20.4 The provisions of this By-Law that apply to the conduct of elections apply to the conduct of by-elections, with all necessary modifications.
- 5.20.5 The term of office of an Elected Director acclaimed or elected in a by-election under subparagraph 5.20.2 or 5.20.3 will commence upon acclamation or election and continue until the term of office of the former Elected Director would have expired.

5.21 Supplementary Election Procedures.

- 5.21.1 If the Screening Committee fails to identify a sufficient number of applicants who are qualified as candidates for election by the deadline referred to in subparagraph 5.10.5, or if the number of eligible candidates is less than the number of Elected Directors to be elected, there shall be a supplementary election.
- 5.21.2 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.
- 5.21.3 The term of office of an Elected Director elected in a supplementary election under paragraph 5.21 will commence upon acclamation or election and continue until the end of the term of office that would have been held had an Elected Director been elected to that position on the Board in the applicable August election.

ARTICLE 6 BOARD MEETINGS

6.1 Meetings of the Board.

- 6.1.1 The Board shall hold at least four (4) regular meetings in the one (1)-year period following each annual August election of Elected Directors. The first

regular Board meeting shall take place within ninety (90) days following the August election. The dates for the remaining regular Board meetings shall be set no later than the first regular Board meeting following the August election.

- 6.1.2 The Chair may call a special meeting of the Board at any time, provided that notice is given in accordance with the *Pharmacy Act Regulations*, the *Code* and this By-Law to each Director, the Registrants and the public, specifying the purpose of the meeting.
- 6.1.3 The College shall post on its website information regarding upcoming meetings of the Board, 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 Directors 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 the Board shall not be posted; and if the Registrar anticipates that the Board 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 the Board shall be sufficient if provided to each Director at his or her specified email address as shown in the records of the College.
- 6.1.5 The Chair or, in his or her absence or failure to act, the Vice-Chair, shall call a special meeting of the Board upon the written request of two-thirds of the Directors. In the event that the Chair or Vice-Chair are both unable, or fail, to call a meeting of the Board, two-thirds of the Directors 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 the Board shall be held at the permanent office of the College, or at such other place or places as the Board may designate.
- 6.1.7 The quorum for the transaction of business at any meeting of the Board shall be a majority of Directors.
- 6.1.8 Unless specifically provided for otherwise in the By-Law, any question arising at any meeting of the Board shall be determined by a majority of votes of Directors present at the meeting and eligible to vote. In the event of a tie vote, the Chair shall break the tie with an additional vote.
- 6.1.9 At the regular meetings of the Board, the business shall include such matters as are set out in an agenda to be approved by the Board.

- 6.1.10 A Director may place any item that can properly be discussed by the Board on the Board agenda by making a notice of motion. Notices of all motions intended to be introduced shall be given in writing, seconded, and given to the Chair before being considered at a meeting of the Board on a day previous to the discussion or vote unless this requirement is dispensed with by a vote of at least two-thirds of all Directors present at the meeting and eligible to vote.
- 6.1.11 The Rules of Order set out in Schedule C of this By-Law apply to the conduct of Board meetings.

6.2 Meetings Held By Technological Means.

- 6.2.1 If two-thirds of all Directors, or of members 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, Directors or members of a Committee may participate in a meeting of, respectively, the Board or of a Committee, by means of such conference telephone or other communications facilities as permits all persons participating in the meeting to hear each other, and a Director or member 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 subparagraph 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.

ARTICLE 7 REMUNERATION AND EXPENSES

7.1 Remuneration and Expenses.

When they are on official College business, Directors and Committee members, and participants in working groups and task forces, other than Public Directors, will be paid and / or reimbursed for expenses in accordance with a policy made by a resolution of the Board.

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 the 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, screening, appointment and terms of office of members of such Committees who are not Directors; 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 this 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 Screening Committee;
- 8.3.3 Governance Committee; and
- 8.3.4 Drug Preparation Premises Committee.

8.4 Appointment of Special Committees.

The Board 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 shall report at least annually to the Board.

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), will be subject to the 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 Chair and the Vice-Chair, and three (3) additional Directors, one (1) of whom shall be an Elected Director and two (2) of whom shall be Public Directors.

9.3 Chair of the Executive Committee.

The Chair shall be the chair of the Executive Committee.

9.4 Duties of the Executive Committee.

The Executive Committee shall:

- 9.4.1 in accordance with section 12 (1) of the *Code*, exercise all the powers and duties of the Board between Board meetings that, in the Committee's opinion, require attention, other than the power to make, amend or revoke a regulation or By-Law;
- 9.4.2 recommend to the Board proposals for changes to applicable statutes, regulations, By-Laws, College policies and standards of practice;
- 9.4.3 receive findings and recommendations from the Governance Committee pursuant to subparagraph 5.10.7, 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 Board;

- 9.4.4 ensure that the policies of the Board are carried out;
- 9.4.5 report its activities, decisions and recommendations through the Chair at each meeting of the Board; and
- 9.4.6 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 two (2) Public Directors;
- 9.5.2 five (5) or more Professional Committee Appointees;
- 9.5.3 at the discretion of the Governance Committee, one (1) or more Lay Committee Appointees;
- 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 Board; 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.

- 9.6.1 The Registration Committee shall:
 - (a) perform such functions as are assigned to it by statute or regulation; and
 - (b) 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.

9.6.2 The Registration Committee may be required by the Board from time to time in the Board's discretion to:

- (a) recommend to the Board changes to applicable statutes, regulations, By-Laws, College policies and standards of practice; and
- (b) provide guidance to the Board on matters concerning registration, examinations and in-service training required prior to registration.

9.7 Composition of the Inquiries, Complaints and Reports Committee.

The Inquiries, Complaints and Reports Committee shall be composed of:

- 9.7.1 all of the Public Directors;
- 9.7.2 ten (10) or more Professional Committee Appointees; and
- 9.7.3 at the discretion of the Governance Committee, one (1) or more Lay Committee Appointees.

9.8 Duties of the Inquiries, Complaints and Reports Committee.

9.8.1 The Inquiries, Complaints and Reports Committee shall perform such functions as are assigned to it by statute or regulation.

9.8.2 The Inquiries, Complaints and Reports Committee may be required by the Board from time to time in the Board's discretion to:

- (a) recommend to the Board changes to applicable statutes, regulations, By-Laws, College policies and standards of practice; and
- (b) provide guidance to the Board on matters concerning investigations, complaints and reports.

9.9 Composition of the Discipline Committee.

The Discipline Committee shall be composed of:

- 9.9.1 all of the Elected Directors;
- 9.9.2 all of the Public Directors except those who are on the Accreditation Committee;
- 9.9.3 ten (10) or more Professional Committee Appointees who are not on the Accreditation Committee; and

9.9.4 at the discretion of the Governance Committee, one (1) or more Lay Committee Appointees who are not on the Accreditation Committee.

9.10 Duties of the Discipline Committee.

9.10.1 The Discipline Committee shall perform such functions as are assigned to it by statute or regulation.

9.10.2 The Discipline Committee may be required by the Board from time to time in the Board's discretion to:

- (a) recommend to the Board changes to applicable statutes, regulations, By-Laws, College policies and standards of practice; and
- (b) provide guidance to the Board 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 two (2) Public Directors;

9.11.2 two (2) or more Professional Committee Appointees; and

9.11.3 at the discretion of the Governance Committee, one (1) or more Lay Committee Appointees.

9.12 Duties of the Fitness to Practise Committee.

9.12.1 The Fitness to Practise Committee shall perform such functions as are assigned to it by statute or regulation.

9.12.2 The Fitness to Practise Committee may be required by the Board from time to time in the Board's discretion to:

- (a) recommend to the Board changes to applicable statutes, regulations, By-Laws, College policies and standards of practice; and
- (b) provide guidance to the Board 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 two (2) Public Directors;

9.13.2 five (5) or more Professional Committee Appointees; and

9.13.3 at the discretion of the Governance Committee, one (1) or more Lay Committee Appointees.

9.14 Duties of the Quality Assurance Committee.

9.14.1 The Quality Assurance Committee shall:

- (a) perform such functions as are assigned to it by statute or regulation; and
- (b) maintain a continuing review of the Quality Assurance Program.

9.14.2 The Quality Assurance Committee may be required by the Board from time to time in the Board's discretion to:

- (a) recommend to the Board changes to applicable statutes, regulations, By-Laws, College policies and standards of practice; and
- (b) provide guidance to the Board on matters concerning quality assurance.

9.15 Composition of the Patient Relations Committee.

The Patient Relations Committee shall be composed of:

9.15.1 two (2) or more Professional Committee Appointees; and

9.15.2 at the discretion of the Governance Committee, one (1) or more Lay Committee Appointees.

9.16 Duties of the Patient Relations Committee.

9.16.1 The Patient Relations Committee shall perform such functions as are assigned to it by statute or regulation.

9.16.2 The Patient Relations Committee may be required by the Board from time in the Board's discretion to:

- (a) recommend to the Board changes to applicable statutes, regulations, By-Laws, College policies and standards of practice; and
- (b) provide guidance to the Board on matters concerning patient relations.

9.17 Composition of the Accreditation Committee.

The Accreditation Committee shall be composed of:

- 9.17.1 two (2) Public Directors;
- 9.17.2 three (3) or more Professional Committee Appointees; and
- 9.17.3 at the discretion of the Governance Committee, one (1) or more Lay Committee Appointees.

9.18 Duties of the Accreditation Committee.

- 9.18.1 The Accreditation Committee shall perform such functions as are assigned to it by statute or regulation.
- 9.18.2 The Accreditation Committee may be required by the Board from time to time in the Board's discretion to:
 - (a) recommend to the Board changes to applicable statutes, regulations, By-Laws, College policies and standards of practice; and
 - (b) provide guidance to the Board 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 two (2) or more Elected Directors; and
- 9.19.2 at the discretion of the Governance Committee, two (2) or more Lay Committee Appointees.

9.20 Duties of the Finance and Audit Committee.

The Finance and Audit Committee shall:

- 9.20.1 review and recommend to the Board, 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 the Board 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 Board 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 Board on the appointment or reappointment of the external auditor;
- 9.20.7 make recommendations to the Board 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 Board changes to applicable By-Laws, College policies and standards of practice.

9.21 Composition of the Screening Committee.

The Screening Committee shall be composed of:

- 9.21.1 the chair of the Governance Committee;
- 9.21.2 two (2) additional Directors, one (1) or more of whom shall be a Public Director; and
- 9.21.3 two (2) or more Lay Committee Appointees.

9.22 Duties of the Screening Committee.

The Screening Committee shall:

- 9.22.1 administer the process for screening applicants to be qualified as candidates for the Board in accordance with paragraph 5.10; and
- 9.22.2 review applications and recommend applicants to be appointed as Professional Committee Appointees or Lay Committee Appointees.

9.23 Composition of the Governance Committee.

The Governance Committee shall be composed of:

- 9.23.1 four (4) Directors, including the Vice-Chair (who shall be the chair of the Governance Committee) and one (1) or more of each of the following: a Public Director, a pharmacist Elected Director and a pharmacy technician Elected Director; and

- 9.23.2 at the discretion of the Governance Committee, one (1) or more Lay Committee Appointees.

9.24 Duties of the Governance Committee.

The Governance Committee shall:

- 9.24.1 assess the collective knowledge, skills and experience of the current Board in order to:
- i) determine the competencies the Board will be seeking in the upcoming election and develop the Director Profile; and
 - ii) consider and implement the succession strategy for the positions of Chair, Vice-Chair and member of the Executive Committee, in order to determine which Directors are qualified for the purpose of paragraph 12.1;
- 9.24.2 recommend a slate of appointees for Committees;
- 9.24.3 oversee the processes for orientation of Directors and members of Committees;
- 9.24.4 oversee the process to evaluate the performance of Committees, the Board as a whole, as well as individual Directors and Committee appointees;
- 9.24.5 identify and recommend opportunities for education, training, coaching and remediation of Directors and Committee members;
- 9.24.6 in the event of a dispute as set out in subparagraph 5.10.7, conduct an investigation and report findings and recommendations to the Executive Committee about whether a Registrant is eligible or qualified as a candidate for election; and
- 9.24.7 review By-Laws and Board policies for conformance with current legislative requirements and good governance best practices.

9.25 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.

9.26 Duties of the Drug Preparation Premises Committee.

The Drug Preparation Premises Committee shall:

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

- 9.26.2 deal with any other matters concerning the inspection of Drug Preparation Premises as directed by the Board.

ARTICLE 10 DUTIES OF OFFICERS

10.1 Duties of the Chair and the Vice-Chair.

- 10.1.1* The Chair shall:
- (a) preside as chair at all meetings of the Board; and
 - (b) make all necessary rulings as to the order of business, subject to an appeal to the Directors present.
- 10.1.2* The Vice- Chair shall, in the event of the absence or inability of the Chair to act, perform the duties of the Chair.
- 10.1.3* In the event of the absence or inability of both the Chair and the Vice- Chair to act, the Directors present at a meeting of the Board may appoint one (1) of the other Directors to preside at any meeting of the Board.
- 10.1.4* In the event of the death, or disqualification, or inability to act of a permanent nature of the Chair or the Vice-Chair, the Board shall elect Directors to fill these vacancies according to the provisions of this By-Law for calling a meeting and electing the Chair and the Vice-Chair.
- 10.1.5* Where the Chair has lost the confidence of the Board, the Board may, on a notice of motion to that effect or at a special meeting of the Board, disqualify the Chair from office by a vote of at least two-thirds of the Directors present and eligible to vote.

ARTICLE 11 COMMITTEE APPOINTEES

11.1 Professional Committee Appointments.

- 11.1.1* The application form for appointment as a Professional Committee Appointee shall be made available on the College's website.
- 11.1.2* Subject to subparagraph 8.1.3, a Registrant is eligible for appointment to a Committee as a Professional Committee Appointee if the Registrant has completed and submitted an application form to the Screening Committee and on the date of the appointment:
- (a) the Registrant holds a valid Certificate of Registration as a pharmacist or as a pharmacy technician;
 - (b) the Registrant either practises or resides in Ontario;

- (c) the Registrant is not in default of payment of any fees prescribed in this By-Law;
- (d) the Registrant has not been found to have committed an act of professional misconduct or to be incompetent by a panel of the Discipline Committee;
- (e) the Registrant is not the subject of any disciplinary or incapacity proceeding;
- (f) the Registrant is not currently charged with nor has been found guilty of an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada);
- (g) the Registrant has not, in the opinion of the Screening Committee, engaged in conduct unbecoming a Committee member;
- (h) the Registrant's Certificate of Registration has not been revoked or suspended in the six (6) years preceding the date of the appointment;
- (i) the Registrant's Certificate of Registration is not subject to a term, condition or limitation other than one prescribed by regulation;
- (j) the Registrant has not been disqualified from serving on the Board or a Committee within the six (6) years immediately preceding the appointment;
- (k) the Registrant does not have a conflict of interest in respect of the Committee to which he or she seeks to be appointed;
- (l) the Registrant 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 time or more after the initial inspection; and
- (m) the Registrant is not, and has not within the three (3) years immediately preceding the election been, an employee, officer or director of a Professional Advocacy Association. For greater certainty, nothing in this clause will prevent a Registrant who serves on an association or organization to which he or she has been appointed by the Board as a representative of the College, from becoming a Professional Committee Appointee.

11.2 Lay Committee Appointees

- 11.2.1* The application form for appointment as a Lay Committee Appointee shall be made available on the College's website.

11.2.2

An individual is eligible for appointment to a Committee as a Lay Committee Appointee if the individual has completed and submitted an application form to the Screening Committee and on the date of the appointment:

- (a) the individual resides in Ontario;
- (b) the individual has not been disqualified from serving on the Board or a Committee within the six (6) years immediately preceding the appointment;
- (c) the individual has never been a Registrant;
- (d) the individual has not been found to have committed an act of professional misconduct or to be incompetent by a panel of an adjudicatory committee of any profession;
- (e) the individual is not the subject of any disciplinary or incapacity proceeding by a panel of an adjudicatory committee of any profession;
- (f) the individual is not currently charged with nor has been found guilty of an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada);
- (g) the individual has no direct or indirect ownership interest in a pharmacy other than holding shares on a publicly traded stock exchange;
- (h) the individual does not have a conflict of interest in respect of the Committee to which he or she seeks to be appointed; and
- (i) the individual is not, and has not within the three (3) years immediately preceding the election been, an employee, officer or director of a Professional Advocacy Association, or any professional advocacy association of any health profession under the Act. For greater certainty, nothing in this clause will prevent an individual who serves on an association or organization to which he or she has been appointed by the Board as a representative of the College, from running becoming a Lay Committee Appointee.

ARTICLE 12 ELECTION OF OFFICERS AND EXECUTIVE COMMITTEE

12.1 Election of the Chair, Vice-Chair and Executive Committee.

12.1.1

At the first regular meeting of the Board after each annual August election, the Governance Committee shall present a report of all eligible Directors who are willing to serve as and have been assessed by the Governance

Committee to be qualified for the role of (a) Chair, (b) Vice-Chair, and (c) member of the Executive Committee.

12.1.2 The election of the Chair shall be conducted in the following manner:

- (a) The chair of the Governance Committee shall announce those who are willing to serve as and are qualified to be Chair.
- (b) The chair of the Governance Committee shall call for further interest from the floor, and those additional Directors who are interested in running for Chair shall be added as candidates for election.
- (c) If there is more than one (1) candidate, an election shall be held using electronic voting methods.
- (d) The candidate receiving the overall majority of votes cast will 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 will be removed from the ballot and the vote will be repeated until there are two (2) candidates remaining. The vote will 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 will be determined by lot by the outgoing Chair.

12.1.3 The procedure outlined in subparagraph 12.1.2 will then be repeated for the office of Vice- Chair.

12.1.4 The Board shall elect the remaining members of the Executive Committee, in accordance with the composition requirements in paragraph 9.2. The election will be conducted in the following manner:

- (a) The chair of the Governance Committee shall announce those who are willing to serve as and are qualified to be on the Executive Committee.
- (b) The chair of the Governance Committee shall call for further interest from the floor, and those additional Directors who are interested in running for open positions on the Executive Committee shall be added as candidates for election.
- (c) Should there be only one (1) candidate who is an Elected Director, such candidate shall be declared appointed.
- (d) Should the number of candidates who are Public Directors match the number of open positions on the Executive Committee for Public Directors in accordance with paragraph 9.2, such candidates shall be declared appointed.

- (e) Should the number of candidates in either category exceed the number of open positions in that category, an election shall be held following the procedure in subparagraph 12.1.2(c). Should there be more than one (1) open position in a category, Directors shall mark their ballots for up to the number of candidates that matches the number of open positions in the category. The candidate who receives the fewest votes will 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. Directors may only cast one (1) vote per candidate on each ballot.

ARTICLE 13 APPOINTMENTS TO COMMITTEES

13.1 Appointments to Statutory and Standing Committees.

- 13.1.1* All Statutory Committee and standing Committee appointments, with the exception of the Executive Committee and the Screening Committee, shall be made by the Board in accordance with this paragraph 13.1 at the first regular meeting of the Board after each annual August election, and shall be for a term that expires at the first regular meeting of the Board after the following election.
- 13.1.2* At the first regular meeting of the Board after each annual August election, the Governance Committee shall present to the Board a slate of candidates for all Committees, other than the Executive Committee and the Screening Committee.
- 13.1.3* For each Committee to be formed at the first regular meeting of the Board after each annual August election except for the Executive Committee, the Board shall pass a resolution approving the slate, subject to any amendments by Board resolution. Once approved, each candidate on the slate shall be deemed to have been appointed to that Committee

13.2 Appointment of Screening Committee.

- 13.2.1* The Screening Committee for the election to the Board each year shall be appointed by the Board at the Board Meeting held in March in the year of the election. The members of the Screening Committee shall hold office for a term that expires at the first Board meeting following the election.

13.3 Committee Chairs

- 13.3.1* Following their formation, each Statutory Committee and standing Committee other than the Governance Committee, the Drug Preparation Premises Committee and the Executive Committee, shall select from among its members a chair of the Committee.

ARTICLE 14
COMMITTEE PROCEDURES

14.1 Disqualification, Vacancies and Term Limits of Committee Members.

14.1.1 A member of a Committee who is a Registrant 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 Registrant by a panel of the Fitness to Practise Committee.

14.1.2 The Board may disqualify a member of a Committee from sitting on the Committee if the member:

- (a) fails, without cause, to attend the orientation of members of Committees or 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) repeatedly fails to make himself or herself available to participate in meetings or panels of a Committee or Committees on which the member sits;
- (d) ceases to either practise or reside in Ontario;
- (e) is in default of payment of any fees prescribed in the By-Laws;
- (f) becomes an employee, officer or director of a Professional Advocacy Association (however, for greater certainty, a member of a Committee will not be disqualified by reason of serving on an association or organization to which he or she has been appointed by the Board as a representative of the College);
- (g) 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;
- (h) in the case of a Director who sits on a Committee, ceases to be a Director;
- (i) in the case of a Professional Committee Appointee, no longer meets the eligibility requirements specified in subparagraph 11.1.2; or

- (j) in the case of a Lay Committee Appointee, no longer meets the eligibility requirements specified in subparagraph 11.2.2.

14.1.3 A person who is disqualified under subparagraph 14.1.1 or 14.1.2 from sitting on a Committee is thereby removed from the Committee and ceases to be a member of the Committee and, subject to subparagraph 14.1.5, the Chair shall appoint a successor as soon after the disqualification as is feasible.

14.1.4 The term of office of a person who is appointed as a successor to a Committee member under subparagraph 14.1.3 will commence upon the appointment and continue until the term of office of the member of the Committee who is being replaced would have expired.

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

14.1.6 Nothing in paragraph 14.1 prevents the Board, or the Executive Committee acting on its behalf, from adding members to or substituting members on a Committee at any time where one (1) or more members of the Committee cannot fulfill their role.

14.2 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 made under any of those Acts, a majority of the members of a Committee constitutes a quorum for a meeting of a Committee.

14.3 Voting.

Unless specifically provided for otherwise under the Act, the *Code*, the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act*, the regulations made 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.

14.4 Committee Vacancies.

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

ARTICLE 15 BUSINESS OF THE COLLEGE

15.1 Seal.

The seal shall be the seal of the College.

15.2 Execution of Documents.

- 15.2.1* 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 Chair or Vice-Chair and any one (1) of the Registrar, the Deputy Registrar, and the persons holding the positions of director of conduct, director of corporate services, or director of quality, or their equivalent, provided that such instruments 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 Board 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.
- 15.2.2* Certificates of Registration shall be signed by the Chair and the Registrar.
- 15.2.3* 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.
- 15.2.4* 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 Board.

15.3 Banking and Finance.

- 15.3.1* 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 Board on recommendation of the Finance and Audit Committee. All such banking business, or any part thereof, shall be transacted on the College’s behalf by one (1) or more officers and/or other persons as the Board may designate, direct, or authorize, from time to time, by resolution and to the extent therein provided.
- 15.3.2* 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, by any two (2) of the Registrar, the Deputy Registrar and the persons holding the positions of director of conduct, director of corporate services, and director of quality, or their equivalent, provided however that no individual shall execute, acknowledge, or verify any instrument in more than one (1) capacity.

15.4 Financial Year and Audit.

15.4.1 The financial year of the College is the calendar year ending December 31.

15.4.2 The Board 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 Board meeting in the year for which the books are to be audited.

15.5 Inspectors.

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 Board at the next regular meeting following the appointment. Inspectors so appointed will 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.

15.6 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*.

15.7 Grants.

15.7.1 The Board 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.

15.7.2 The Board 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.

15.8 Funds.

15.8.1 The disbursement of funds of the College shall be as authorized in the annual budget approved by the Board for the fiscal year upon the recommendation

of the Finance and Audit Committee. Funds not authorized under the budget shall be disbursed only after approval by the Board.

- 15.8.2* Investments of surplus funds shall be made in accordance with investment policies in effect from time to time approved by the Board on the recommendation of the Finance and Audit Committee. The securities of the College may be deposited for safekeeping and withdrawn, from time to time, with one (1) or more chartered banks, trust companies or other financial institutions in accordance with such investment policies.

15.9 College Membership.

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

15.10 Delegation of Powers and Duties.

- 15.10.1* The Registrar may, by written delegation, delegate any of the Registrar's powers and/or duties to any employee or officer of the College.
- 15.10.2* The Deputy Registrar is vested with and may exercise all the powers and perform all the duties of:
- (a) 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 15.10.1; and
 - (b) a delegate of the Registrar in the event that such delegate is absent or unable to act in respect of any powers or duties delegated to him or her by the Registrar in accordance with subparagraph 15.10.1.

ARTICLE 16 THE REGISTER

16.1 Registrant's Name.

A Registrant's name in the Register shall be:

- 16.1.1* the Registrant's name as provided in the documentary evidence used to support the Registrant's initial registration with any other given name commonly used by the Registrant included in parentheses, or such other name as is acceptable to the Registrar; or
- 16.1.2* a name other than as provided in subparagraph 16.1.1 where a written request is made by the Registrant and the Registrar is satisfied that the Registrant has validly changed his or her name and that the use of the name is not for an improper purpose.

16.2 Business Address and Telephone Number.

- 16.2.1* A Registrant's business address and business telephone number in the Register shall be, respectively, the address and telephone number of each location at which the Registrant practises in Ontario or, in the case of a Registrant 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 Registrant provides such services.
- 16.2.2* Where a Registrant does not practise in Ontario, the Registrant's business address and business telephone number in the Register shall be, respectively, the address designated by the Registrant as the Registrant's business address and the telephone number associated with that business address.

16.3 Information Regarding a Result.

When any provision of this Article 16 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, "result" when used in reference to:

- 16.3.1* a disciplinary proceeding, means the panel's finding that the Registrant 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
- 16.3.2* an incapacity proceeding, means the panel's finding that the Registrant is incapacitated and the order made by the panel.

16.4 Publication Ban.

Notwithstanding any other provision herein, no action shall be taken under this Article 16 which violates a publication ban, and nothing in this Article 16 requires or authorizes the violation of a publication ban.

16.5 Disclosure of Information.

Notwithstanding any other provision herein, nothing in this Article 16 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*.

16.6 Information to be kept in Register by the Code - Registrants.

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:

- 16.6.1 Each Registrant's name, business address and business telephone number, and, if applicable, the name of every Health Profession Corporation of which the Registrant is a shareholder.
- 16.6.2 Where a Registrant is deceased, the name of the deceased Registrant and the date upon which the Registrant died, if known.
- 16.6.3 The name, business address and business telephone number of every Health Profession Corporation.
- 16.6.4 The names of the shareholders of each Health Profession Corporation who are Registrants.
- 16.6.5 Each Registrant's class of registration and specialist status (specialist status not applicable to the College).
- 16.6.6 The terms, conditions and limitations that are in effect on each Certificate of Registration.
- 16.6.7 A notation of every caution that a Registrant 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*.
- 16.6.8 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.
- 16.6.9 A copy of the specified allegations against a Registrant 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.
- 16.6.10 The result, including a synopsis of the decision, of every disciplinary and incapacity proceeding.
- 16.6.11 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 Registrant has entered into with the College and that are in effect.

- 16.6.12 A notation of every finding of professional negligence or malpractice, which may or may not relate to the Registrant's suitability to practise, made against the Registrant, unless the finding is reversed on appeal.
- 16.6.13 A notation of every revocation or suspension of a Certificate of Registration.
- 16.6.14 A notation of every revocation or suspension of a Certificate of Authorization.
- 16.6.15 Information that a panel of the Registration Committee, Discipline Committee or Fitness to Practise Committee specifies shall be included.
- 16.6.16 Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
- 16.6.17 Where, during or as a result of a proceeding under section 25 of the *Code*, a Registrant has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.
- 16.6.18 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 16.10.1.
- 16.6.19 Information that is required to be kept in the Register in accordance with the By-Laws.
- 16.6.20 Information that is required to be kept in the Register in accordance with the *RHPA Regulations*.

16.7 Information to be kept in Register by RHPA Regulations - Registrants.

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:

- 16.7.1 If there has been a finding of guilt against a Registrant under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) and if none of the conditions in subparagraph 16.7.6 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.
- 16.7.2 With respect to a Registrant, 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.

- 16.7.3 If a Registrant 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.
- 16.7.4 If a Registrant 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.
- 16.7.5 If a Registrant is currently licensed or registered to practise another profession in Ontario or a profession in another jurisdiction, the fact of that licensure or registration.
- 16.7.6 The conditions referred to in paragraph 16.7.1 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.
- 16.7.7 Nothing in this paragraph 16.7 shall be interpreted as authorizing the disclosure of identifying information about an individual other than a Registrant.
- 16.7.8 For the purposes of this paragraph 16.7, “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.

16.8 Additional Information to be kept in Register - Registrants.

For the purposes of paragraph 20 of subsection 23(2) of the *Code*, and subject to paragraphs 16.13 and 16.14, the following additional information referable to Registrants

will be kept in the Register, and is designated as public pursuant to subsection 23(5) of the *Code*:

- 16.8.1 Any changes to each Registrant's name which have been made in the Register since the Registrant was first issued a Certificate of Registration.
- 16.8.2 Each Registrant's gender and registration number.
- 16.8.3 The date when each Registrant's Certificate of Registration was first issued or, if the Registrant was licensed under Part VI of the *Health Disciplines Act*, the date when the Registrant was first issued a licence by the College.
- 16.8.4 Where a person ceased to be a Registrant as a result of his or her resignation or death, the last calendar year during which the person was a Registrant.
- 16.8.5 Where a Registrant 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 Registrant 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.
- 16.8.6 The classes of Certificate of Registration held or previously held by each Registrant, the date on which each was issued and, if applicable, the termination or expiration date of each.
- 16.8.7 Where a Registrant holds a Certificate of Registration as a:
- (a) pharmacist, a notation as to whether the Registrant 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 (2)-part register for pharmacy technicians, a notation as to whether the Registrant is listed in Part A or Part B of the Register.
- 16.8.8 Whether the Registrant has completed the necessary injection training requirements approved by the College.
- 16.8.9 Where a Registrant 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 Registrant holds with that corporation.
- 16.8.10 Where a Registrant 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 Registrant holds with that corporation.

- 16.8.11* Where a Registrant is a Designated Manager or Contact Person of a pharmacy, a notation of the name and location of each pharmacy at which the Registrant holds that designation.
- 16.8.12* Where a Registrant is a Narcotic Signer of a pharmacy, a notation of the name and location of each pharmacy at which the Registrant holds that authority.
- 16.8.13* Where applicable, a summary of any restriction on a Registrant's right to practise:
- (a) resulting from an undertaking given by the Registrant to the College or an agreement entered into between the Registrant 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.
- 16.8.14* Without affecting the requirement of paragraph 16.7, where there has been a charge or finding of guilt against a Registrant 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 Registrant's suitability to practise:
- (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 16.8.14 will no longer be required.
- 16.8.15* Without affecting the requirement of subparagraph 16.7.2, a summary of any currently existing conditions, terms, orders, directions or agreements relating to the custody or release of the Registrant 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 Registrant's suitability to practise.

- 16.8.16 Without affecting the requirement of subparagraph 16.7.5, where the College is aware that a Registrant is currently licensed 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 the licence or registration;
 - (b) the name of the granting organization; and
 - (c) the jurisdiction in which it was granted;
- 16.8.17 Where a Registrant'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.
- 16.8.18 Without affecting the requirement of subparagraph 16.6.13, where a Registrant'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.
- 16.8.19 Without affecting the requirement of subparagraph 16.6.6, where a Registrant has any terms, conditions or limitations in effect on his or her Certificate of Registration, the effective date of those terms, conditions and limitations.
- 16.8.20 Where terms, conditions or limitations on a Registrant's Certificate of Registration have been varied or removed, the effective date of the variance or removal of those terms, conditions and limitations.
- 16.8.21 Where a suspension of a Registrant's Certificate of Registration is lifted or otherwise removed, the effective date of the lifting or removal of that suspension.
- 16.8.22 Where a Registrant's Certificate of Registration is reinstated, the effective date of the reinstatement.
- 16.8.23 Where the Registrar confirms whether the College is investigating a Registrant because there is a compelling public interest in disclosing this information pursuant to 36(1)(g) of the Act, the fact that the Registrant is under investigation.
- 16.8.24 Where a complaint has been filed or an investigator has been appointed under 75(1)(a) or 75(1)(b) of the *Code*, and a panel of the Inquiries, Complaints and Reports Committee requires a Registrant 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.

16.8.25 Where a complaint has been filed or an investigator has been appointed under 75(1)(a) or 75(1)(b) of the *Code*, and a panel of the Inquiries, Complaints and Reports Committee takes other action requiring a Registrant 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.

16.8.26 Where an allegation of a Registrant's professional misconduct or incompetence has been referred to the Discipline Committee, where a Registrant 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.

16.8.27 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.

- 16.8.28 A summary of any reprimand given to a Registrant 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*.
- 16.8.29 Without affecting the requirement of subparagraph 16.6.15, where the question of a Registrant'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.
- 16.8.30 Without affecting the requirement of subparagraph 16.7.4, where the College is aware that a finding of professional misconduct or incompetence has been made against a Registrant 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.
- 16.8.31 Where a decision of a panel of the Discipline Committee has been published by the College with the Registrant's or former Registrant'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.
- 16.8.32 The language(s) in which the Registrant can provide professional services as reported by the Registrant.
- 16.8.33 Any other information not otherwise referred to in subparagraph 16.6.20, which the College and the Registrant have agreed shall be available to the public.

16.9 Former Registrants.

- 16.9.1 The term “Former Registrant” means those individuals whose registration with the College is revoked, suspended or rescinded (in which case, recognizing that such individual is deemed to have never held registration with the College) by the College or is otherwise resigned or terminated.
- 16.9.2 Where the College is aware of such information, the information described in subparagraphs 16.6.12, 16.7.1 to 16.7.4, 16.8.14 to 16.8.16 and 16.8.30 in respect of Former Registrants shall be kept in the Register and is designated as public pursuant to subsection 23(5) of the *Code*.

16.10 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 16.13 and 16.14, 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*:

- 16.10.1 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.
- 16.10.2 A summary of the details of a Change of Control of a Drug Preparation Premises received by the College in accordance with Article 18.
- 16.10.3 Any other information which the College and a designated Registrant for the Drug Preparation Premises have agreed shall be available to the public.

16.11 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 16.13 and 16.14, 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*:

- 16.11.1 The Certificate of Authorization number of the Health Profession Corporation and the date upon which that Certificate was first issued.
- 16.11.2 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.
- 16.11.3 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.
- 16.11.4 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 Registrants 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 16.6.3.

16.12 Information to be Kept in Register - Pharmacies.

For the purposes of paragraph 20 of subsection 23(2) of the *Code*, and subject to paragraphs 16.13 and 16.14, 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*:

- 16.12.1 The pharmacy's name, address, telephone and fax number.
- 16.12.2 The class of Certificate of Accreditation and Accreditation Number of the pharmacy.
- 16.12.3 The date the pharmacy opened.
- 16.12.4 The name of the Designated Manager or Contact Person of the pharmacy, as applicable.
- 16.12.5 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.
- 16.12.6 Any terms, conditions and limitations on the Certificate of Accreditation.
- 16.12.7 Where terms, conditions or limitations on the Certificate of Accreditation have been varied or removed, the effective date of their variance or removal.
- 16.12.8 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.
- 16.12.9 Where a suspension of the Certificate of Accreditation has been lifted or otherwise removed, the effective date of its lifting or removal.
- 16.12.10 Where the Certificate of Accreditation has been amended, a notation of that fact and the date when it occurred.
- 16.12.11 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, including:
 - (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.

16.12.12 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.

16.12.13 Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.

16.12.14 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*.

16.12.15 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.

16.12.16 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.

16.12.17 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.

16.12.18 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.

16.12.19 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.

16.12.20 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.

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

16.12.22 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.

16.13 Deletion of Information.

16.13.1 Unless otherwise indicated, where the information described in paragraphs 16.6 to 16.12 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.

16.13.2 Despite paragraphs 16.8 to 16.12, and subject to subparagraphs 16.13.3, 16.13.4 and 16.13.5, the College is not required to maintain and may delete from the Register information about a Registrant, a Drug Preparation Premises, a Health Profession Corporation, or a pharmacy once three (3) years have 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.

16.13.3 Despite subparagraphs 16.13.2 and 16.13.5 and the *Code*, the College shall maintain on the Register all of the information about a Registrant and a pharmacy where the Register contains information about the Registrant, resulting from a direction or order of a Committee or resulting from an offence proceeding.

16.13.4 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 16.8.13, 16.8.33, 16.12.17, 16.12.22 and 16.13.3 where the Registrar is satisfied that the information is no longer relevant for the public to know.

16.13.5 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 16.8.24 and/or 16.8.25 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.

16.14 Disclosure.

All of the information referred to in paragraphs 16.6 to 16.12 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 17

FILING OF INFORMATION BY REGISTRANTS, PHARMACIES AND HEALTH PROFESSION CORPORATIONS

17.1 Filing of Information by Registrants.

17.1.1 The College shall forward to each Registrant who holds a Certificate of Registration as a pharmacist or pharmacy technician each year, and may forward to any Registrant at any time, in a form approved by the Registrar, a request for information that includes, but is not limited to:

- (a) the Registrant's home address and home telephone number, being the address and telephone number of the principal Ontario residence of the Registrant or, if the Registrant does not have a

residence in Ontario, the Registrant's principal residence and, where available, the Registrant's e-mail address;

- (b) where a Registrant 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 Registrant engages in the practice or, in the case of a Registrant 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 Registrant provides such services;
- (c) the Registrant's preferred address, preferred telephone number and where applicable, the Registrant's preferred e-mail address for communications from the College;
- (d) in the case of a Registrant who is required to possess personal professional liability insurance in accordance with Article 3, information respecting the Registrant's personal professional liability insurance;
- (e) information respecting the Registrant's participation in the Quality Assurance Program;
- (f) information required to be contained in the Register pursuant to the *Code* and the By-Laws;
- (g) 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 made under any of those Acts;
- (h) information that relates to the professional characteristics and activities of the Registrant that may assist the College in carrying out its objects;
- (i) information for the purpose of compiling statistical information to assist the College in fulfilling its objects; and
- (j) any other information that the College deems may assist it in carrying out its objects.

17.1.2

Each Registrant 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 Registrant.

17.1.3 Where any information that a Registrant has provided to the College in response to a request under subparagraph 17.1.1 has changed, the Registrant shall notify the College of the change within thirty (30) days of its effective date.

17.1.4 In addition to the requirements in subparagraphs 17.1.2 and 17.1.3, a Registrant 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 Registrant is required to provide to the College, pursuant to the *Code* or the By-Laws.

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

17.2.1 Every applicant for a Certificate of Accreditation shall file the following information with the Registrar at least 30 (thirty) 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.

17.2.2 Every applicant for a Certificate of Accreditation shall provide such additional information as the College requests or requires pursuant to the *Drug and Pharmacies Regulation Act Regulations*.

17.2.3 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.

- 17.2.4 Where any of the information that an applicant has provided to the College under subparagraph 17.2.1, 17.2.2 or 17.2.3 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.

17.3 Filing of Information by Pharmacies.

- 17.3.1 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.

- 17.3.2 Where any of the information that an Owner of a pharmacy has provided to the College under subparagraph 17.3.1 has changed, the Owner of the pharmacy shall provide notification of the change to the College within thirty (30) days of its effective date.

- 17.3.3 In addition to the requirements in subparagraphs 17.3.1 and 17.3.2, 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*.

17.4 Filing of Information for Closing Pharmacies.

- 17.4.1* Subject to subparagraph 17.4.2, 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.
- 17.4.2* Where a person permanently closes a remote dispensing location, the signed statement referred to in subparagraph 17.4.1 need only set out the information in subparagraph 17.4.1(a) and (d).

17.5 Filing of Information by Health Profession Corporations.

- 17.5.1* 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.
- 17.5.2* 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 tenth day of March next following the forwarding of the request for information to the Health Profession Corporation.
- 17.5.3* Where any information that a Health Profession Corporation has provided to the College in response to a request under subparagraph 17.5.1 has changed, the Health Profession Corporation shall notify the College of the change within thirty (30) days of its effective date.
- 17.5.4* Despite subparagraph 17.5.3, a Health Profession Corporation shall notify the Registrar within ten (10) days of a change in the shareholders of the corporation.
- 17.5.5* In addition to the requirements in subparagraphs 17.5.2, 17.5.3 and 17.5.4, 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 18 CHANGE OF CONTROL

18.1 Change of Control.

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

18.1.2 When used herein, the term “Change of Control” in respect of a Drug Preparation Premises means:

- (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 (1) or a series of related transactions.

ARTICLE 19 REGISTRANT FEES

19.1 Application and Issuance Fees

19.1.1 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 due and payable immediately upon the College opening a registration file for such person.

19.1.2 Every applicant for a Certificate of Registration of any class shall pay an application fee, due and payable upon the applicant submitting his or her completed application to the Registrar.

19.1.3 Every successful applicant for a Certificate of Registration shall pay an issuance fee which is the applicable annual fee.

19.2 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.

19.3 Annual Fees.

19.3.1 Every person who holds a Certificate of Registration as a pharmacist or pharmacy technician shall pay an annual fee, except that in the year in which the person is first registered as a pharmacist or pharmacy technician, if the Certificate of Registration is issued on or after September 1, the fee will be fifty percent (50%) of the annual fee for that year.

19.3.2 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.

19.3.3 No later than thirty (30) days before the annual fee is due, the Registrar shall notify the Registrant of the amount of the fee and the day on which the fee is due.

19.3.4 A Registrant 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.

19.4 Fee to Lift Suspension or for Reinstatement.

19.4.1 Where a Registrant's Certificate of Registration has been suspended by the Registrar for failing to pay a required fee, the fee that the Registrant shall pay for the lifting of the suspension shall be: (a) the fee the Registrant failed to pay; (b) the annual fee for the year in which the suspension is to be lifted, if the Registrant has not already paid it; and (c) a penalty.

19.4.2 Where a Registrant's Certificate of Registration has been suspended by the Registrar pursuant to the *Pharmacy Act Regulations*, the fee that the Registrant 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 Registrant has not already paid it; and (b) a penalty.

19.4.3 A Registrant shall pay a reinstatement fee for the reinstatement of his or her Certificate of Registration.

19.5 Other Fees.

- 19.5.1 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.
- 19.5.2 Where, pursuant to the *Pharmacy Act Regulations*, a Registrant:
- (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 Registrant shall pay a fee for each such further practice review by an assessor, and for any additional practice reviews that the Registrant undertakes thereafter.
- 19.5.3 An applicant required to undertake the Practice Assessment of Competence at Entry (PACE) a third and/or subsequent time shall pay a fee for such assessment(s).
- 19.5.4 Registrants who engage in, or supervise, drug preparation activities at a Drug Preparation Premises shall, jointly and severally, be required to pay a fee for the inspection of the Drug Preparation Premises pursuant to the *Pharmacy Act Regulations*, including all activities related to the inspection.

ARTICLE 20 PHARMACY TRANSACTION FEES

20.1 Application Fee.

- 20.1.1 Subject to subparagraph 20.1.2, an applicant for a Certificate of Accreditation to establish and operate a pharmacy of the community pharmacy class or hospital pharmacy class shall pay an application fee, due and payable upon the applicant submitting a completed application to the Registrar.
- 20.1.2 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 applicant shall pay an application fee for the first application and for each additional application.

20.2 Issuance Fee.

- 20.2.1 Every successful applicant for a Certificate of Accreditation of the community pharmacy class and the hospital pharmacy class shall pay an issuance fee.
- 20.2.2 Every successful applicant for a Certificate of Accreditation to establish and operate a community pharmacy that permits the operation of remote dispensing locations shall pay an issuance fee. The fee will apply for each remote dispensing location to be operated, except that there will 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.
- 20.2.3 An applicant who has acquired or relocated an existing pharmacy shall pay an issuance fee for a Certificate of Accreditation to establish and operate a pharmacy.

20.3 Fee for Amended Certificates - Remote Dispensing Locations.

- 20.3.1 Every person who seeks to amend a Certificate of Accreditation to permit the operation of remote dispensing locations or additional remote dispensing location(s) shall pay an application fee for each remote dispensing location or additional remote dispensing location that is to be operated.
- 20.3.2 Every successful applicant for an amended Certificate of Accreditation to permit the operation of remote dispensing locations or additional remote dispensing location(s) shall pay an issuance fee for each remote dispensing location or additional remote dispensing location that is to be operated.
- 20.3.3 For greater certainty, subparagraphs 20.3.1 and 20.3.2 will only apply with respect to the issuance of a Certificate of Accreditation of the community pharmacy class.

20.4 Renewal Fee.

Every person who holds a Certificate of Accreditation of the community pharmacy class or a Certificate of Accreditation of the hospital pharmacy class shall pay the applicable renewal fee on or before May 10 each year.

20.5 Additional Renewal Fee.

An additional renewal fee will apply, and be due and payable on or before May 10 each year, 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. The additional renewal fee will apply for each re-inspection but will not apply where the re-inspection was pursuant to an order of the Discipline Committee.

**ARTICLE 21
CERTIFICATE OF AUTHORIZATION FEES**

21.1 Application Fee.

An applicant for a Certificate of Authorization for a Health Profession Corporation shall pay an application fee.

21.2 Renewal Fee.

- 21.2.1* Every Health Profession Corporation that holds a Certificate of Authorization shall pay the applicable renewal fee each year.
- 21.2.2* The renewal fee for a Certificate of Authorization must be paid on or before March 10 each year.
- 21.2.3* 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.
- 21.2.4* A Health Profession Corporation that fails to pay a renewal fee on or before the day on which the fee is due shall pay a penalty in addition to the renewal fee.

**ARTICLE 22
APPLICATION OF FEES**

22.1 Application of Fees

- 22.1.1* Unless otherwise indicated, the fees and penalties set out in Article 19, Article 20, Article 21 and Schedule D shall be effective as of the date set out in Schedule D.
- 22.1.2* The fees and penalties prescribed in Article 19, Article 20 and Article 21 are set out in Schedule D. All fees and penalties are subject to applicable taxes, which are payable in addition to the fees and penalties.
- 22.1.3* On January 1 of each year commencing in 2021, each fee prescribed in Article 19, Article 20, and Article 21, and listed in Schedule D, will be increased by the percentage increase, if any, in the consumer price index for goods and services in Canada as published by Statistics Canada or any successor organization.

**ARTICLE 23
CODES OF ETHICS AND CONDUCT**

23.1 Code of Ethics.

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

23.2 Code of Conduct.

There shall be a Code of Conduct for Directors and Committee members, which is Schedule B to this By-Law.

ARTICLE 24 MAKING, AMENDING AND REVOKING BY-LAWS

24.1 Requirements.

- 24.1.1 By-Laws may be made, repealed or amended by at least two-thirds of all Directors present at a meeting of the Board and eligible to vote.
- 24.1.2 Amendments may be proposed by not fewer than three (3) Directors or by the Executive Committee.
- 24.1.3 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 Directors.
- 24.1.4 The Registrar shall, at least two (2) weeks before the meeting at which the amendments are to be considered, notify all Directors of the proposed amendments

24.2 Repeal of Former By-Laws.

Subject to subparagraph 5.3.1 and subparagraph 5.3.2, 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 Directors 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.

24.3 Effective Date.

This By-Law shall come into force and effect on the date that it is approved by the Board. Upon this By-Law coming into force and effect, By-Law No. 5 shall hereby be repealed.

24.4 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 will, 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 Board, 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 the Board and sealed with the corporate seal of the College the _____,
_____.

Chair
(Corporate Seal)

Vice-Chair

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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 registrants 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 registrants 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 registrants 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 registrants. Registrants do not justify unethical behaviour by rationalizing that such behaviour is not expressly prohibited in a Standard of this Code.

- The College holds registrants 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 registrants 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 registrants 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 Registrants ensure that their primary focus at all times is the well-being and best interests of the patient.
- 1.2 Registrants utilize their knowledge, skills and judgment to actively make decisions that provide patient- centred care and optimize health outcomes for patients.
- 1.3 Registrants apply therapeutic judgment in order to assess the appropriateness of current or proposed medication therapy given individual patient circumstances.
- 1.4 Registrants 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 Registrants 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 Registrants provide patients with the relevant and sufficient information they need in order to make more informed decisions about their healthcare.
- 1.7 Registrants ensure that information provided to patients is current and consistent with the standards of practice of the profession and best available evidence.
- 1.8 Registrants 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 Registrants prioritize care and services and provide adequate time to ensure that complex patients receive the care they need.
- 1.10 Registrants participate in consultation, communication and documentation with colleagues or other healthcare professionals to facilitate quality patient care.
- 1.11 Registrants make every reasonable effort to provide quality cost-effective pharmacy care and services to patients and society.
- 1.12 Registrants participate as appropriate and viable in public education programs that promote health and wellness and disease prevention.
- 1.13 Registrants 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 Registrants, within their roles and expertise, strive to conduct, participate in or promote appropriate research practices that advance pharmacy knowledge and practice.
- 1.15 Registrants 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 Registrants 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 Registrants 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 Registrants 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 Registrants disclose medical errors and “near misses” and share information appropriately to manage risk of future occurrences.
- 2.4 Registrants 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 Registrants 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 Registrants 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 Registrants 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 Registrants 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 Registrants 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 Registrants ensure that the healthcare professional/patient relationship is not exploited by the registrant for any personal, physical, emotional, financial, social or sexual gain.
- 2.11 Registrants 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 registrant and the patient;
 - (ii) Touching of a sexual nature, of the patient by the registrant; or
 - (iii) Behaviour or remarks of a sexual nature, by the registrant towards the patient.
- 2.12 Registrants 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 Registrants 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 registrant does not directly convey their conscientious objection to the patient;
 - (ii) that the registrant 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 Registrants may only consider ending the professional/patient relationship when the registrant 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 Registrants 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 Registrants 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 Registrants 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 Registrants 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 Registrants assign tasks only to those individuals who are competent and trained to do them.
- 2.20 Registrants 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 Registrants recognize and respect the vulnerability of patients.
- 3.2 Registrants respect and value the autonomy and dignity of patients.
- 3.3 Registrants practise patient-centred care and treat patients with sensitivity, caring, consideration and respect.
- 3.4 Registrants 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 Registrants respect the patient's values, customs and beliefs and their right to hold these as self-governing decision-makers.
- 3.6 Registrants 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 Registrants 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 Registrants respect the patient's right to accept or refuse treatment and/or services offered, without prejudice.
- 3.9 Registrants 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 Registrants obtain the patient's consent, implied or expressed, prior to the provision of pharmacy care or services.
- 3.11 Registrants respect the right of a competent minor to provide informed consent and make decisions about their healthcare.
- 3.12 Registrants recognize and respect the right of a legally authorized substitute decision-maker to make decisions on the incompetent patient's behalf.
- 3.13 Registrants 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 Registrants 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 Registrants recognize the power imbalance inherent in the healthcare professional/patient relationship and assume responsibility for maintaining appropriate professional boundaries at all times.
- 3.16 Registrants 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 Registrants advocate for the fair treatment and fair distribution of resources for those in their care.
- 3.18 Registrants 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. Registrants 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. Registrants refrain from participating in unethical business practices.
- C. Registrants avoid conflict of interest.

Standards

A. General Responsibilities

- 4.1 Registrants abide by the spirit of this Code which applies to the practice of the profession of pharmacy and the operation of pharmacies.

- 4.2 Registrants 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 Registrants 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 Registrants 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 Registrants do not perform controlled acts under their scope of practice for an unethical or illegal purpose.
- 4.6 Registrants ensure that all professional documentation is accurately maintained in accordance with practice standards.
- 4.7 Registrants maintain confidentiality in creating, storing, accessing, transferring and disposing of records they maintain and control.
- 4.8 Registrants understand that their trust in the care provided by colleagues and other healthcare professionals must be balanced with critical evaluation.
- 4.9 Registrants must be diligent in identifying and responding to red flag situations that present in practice.
- 4.10 Registrants report professional incompetence or unethical behaviour by colleagues or other healthcare professionals to the appropriate regulatory authority.
- 4.11 Registrants 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 Registrants do not practise under conditions which compromise their professional judgment and impede their ability to provide quality patient care and services.
- 4.13 Registrants 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 Registrants 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 Registrants 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 Registrants 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 registrant individually and the profession as a whole.

B. Participate in Ethical Business Practices

- 4.17 Registrants recognize that their patient's best interests must always override their own interests or the interests of the business which the registrant owns, has a financial interest in or is employed by.
- 4.18 Registrants 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 Registrants shall not provide pharmacy services, care or products where there is no potential benefit to the patient.
- 4.20 Registrants do not influence, persuade or pressure patients to accept pharmacy services in order to retain the patient's business.
- 4.21 Registrants shall 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 Registrants 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 Registrants 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 Registrants 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 Registrants do not participate in any practice that involves falsifying patient health records or registrant practice records.
- 4.26 Registrants 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

Registrants 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 Registrants avoid situations that are or may reasonably be perceived to construe a conflict of interest.
- 4.28 Registrants avoid dual relationships and other situations which may present a conflict of interest and potentially affect the registrant's ability to be impartial and unbiased in their decision-making.
- 4.29 Registrants 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 Registrants 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 Registrants 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 Registrants 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 Registrants do not ask for or accept gifts, inducements or referrals that may affect or be perceived to affect their professional judgment.
- 4.34 Registrants ensure that they do not participate in referral programs with other Registrants or with members of other healthcare professions for the expressed purpose of benefiting financially.
- 4.35 Registrants 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 DIRECTORS AND COMMITTEE MEMBERS

Directors and members of Committees shall,

- (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 Board 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 Board;
- (d) regularly attend meetings on time and participate constructively in discussions;
- (e) offer opinions and express views on matters before the College, Board and Committee, when appropriate;
- (f) participate in all deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Directors and Committee members;
- (g) uphold the decisions made by a majority of the Board and Committees, regardless of the level of prior individual disagreement;
- (h) place the interests of the College, Board 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 Director 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 the Board or Committee unless disclosure has been authorized by the Board 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 Directors 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 Board 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.

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SCHEDULE C

RULES OF ORDER OF THE BOARD

1. Each agenda topic shall be introduced briefly by the person or Committee representative raising it. Directors may ask questions of clarification, then the person introducing the matter shall make a motion and another Director must second the motion before it can be debated.
2. When any Director 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 the Board meeting are not allowed to speak to a matter that is under debate.
5. A Director may not speak again on the debate of a matter until every other Director 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. Director shall not speak to a matter more than twice without the permission of the presiding officer.
6. No Director may speak longer than five (5) minutes upon any motion except with the permission of the Board.
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 Board 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 the Board 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 Director shall enter or leave the Board room, and no further debate is permitted.
11. No Director is entitled to vote upon any motion in which he or she has a conflict of interest, and the vote of any Director so interested shall be disallowed.
12. Any motion decided by the Board shall not be re-introduced during the same meeting except by a two-thirds vote of the Director then present and eligible to vote.

13. Whenever the presiding officer is of the opinion that a motion offered to the Board 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 Board 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 Board requires strict adherence.
16. Directors are not permitted to discuss a matter with observers while it is being debated including during any recess of the debate.
17. Directors and others present in the room shall turn off cell phones or put them on vibrate during Board meetings and, except during a break in the meeting, shall not use a cell phone, blackberry or other electronic device. Laptops and tablets may only be used during Board 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. Directors 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 the Board, 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.

SCHEDULE D

SCHEDULE OF FEES

[See attached]

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