



Nancy Lum-Wilson
Registrar and CEO
Ontario College of Pharmacists
483 Huron Street
Toronto, ON, M5R 2R4

Dear Ms. Lum-Wilson,

Re: Proposed Amendments to General Regulation 202/94 Made
Under the *Pharmacy Act, 1991*

Thank you for providing the office of the Fairness Commissioner (OFC) with the opportunity to provide comments on proposed amendments to General Regulation 202/94 made under the *Pharmacy Act, 1991*, sponsored by the Ontario College of Pharmacists (the College).

As we understand them, these amendments would allow the College to issue emergency assignment registration certificates to pharmacists and pharmacy technicians to enable them to undertake priority work during the course of the Covid-19 pandemic.

The OFC understands that the College has proposed these amendments, in part, because public health officials have determined that certain registration examinations offered by the College, or its third-party service providers, could not take place because of the pandemic. As a result, prospective registrants could not complete these requirements and have effectively been precluded from qualifying as pharmacists or pharmacy technicians.

The OFC supports the proposed amendments as a fair and reasonable approach to allow candidates to practice in their profession, subject to appropriate conditions, until such time as they are able to write their examinations. We agree that establishing emergency procedures to allow applicants to move into professional roles, on a temporary basis, both facilitates the delivery of critical health services and mitigates the registration barriers for applicants who cannot proceed through the licensing process through no fault of their own.

By enabling qualified applicants to become registered in a timely fashion, the College has demonstrated both a commitment to the principle of fairness



embedded in fair access legislation and the removal of unnecessary burdens from professional registration processes to enable qualified professionals to contribute to Ontario's health and economic priorities.

The OFC would also offer two comments on the text of the proposed regulation. First, given the potential length of pandemic episodes, the OCP may wish to recommend that it be given the authority to issue, and subsequently renew, these certificates for periods longer than 60 days. Second, the regulation would provide enhanced clarity if it defined what is meant by an emergency situation.

From a broader health system perspective, the OFC wishes to raise two policy-based issues, which it will also share with Ministry of Health officials. First, based on discussions with health colleges, the OFC understands that other professions have also experienced challenges with non-exemptible examination requirements during the pandemic where workarounds are proving to be problematic. On this basis, the ministry may also wish to consider pursuing a broader amendment to the *Regulated Health Professions Act*, or its regulations, to provide regulators with greater agility during pandemic scenarios to provisionally move candidates through the registration process.

This approach would both help to ensure that public health needs are addressed promptly and that applicants do not bear the financial and career risks associated with registration processes that cannot be concluded in a timely and predictable fashion.

Second, we understand that, based on discussions with public health officials, the clinical examinations which the OCP, and other colleges administer, pose particular public health challenges from a social distancing perspective. Based on the fact that recurring pandemics could constitute a new normal, the OFC strongly encourages the OCP to work with its third party service providers to develop virtual examination protocols that could serve as reasonable alternatives to traditional in-person testing models. This point is critical as it is the registrant who assumes the risk when traditional examinations are cancelled.

We would also encourage the College to evaluate the success of the emergency assignment process by collecting relevant data on the performance of the individuals to whom emergency assignment certificates have been issued. If these data suggest that provisional registrants are faring well, the College may wish to revisit the nature and/or stringency of the steps that it currently applies to assess the competency of applicants.

We appreciate the opportunity to provide these comments to the OCP and look forward to our continued collaboration. If you would like us to elaborate on any points we have raised, please let us know.



Kindest Regard,

Irwin Glasberg
Ontario Fairness Commissioner

CC: Sean Court
Assistant Deputy Minister
Strategic Policy Planning and French Language Services
Ontario Ministry of Health

CC: James Mendel
Compliance Analyst
Office of the Fairness Commissioner