



May 23, 2021

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

Via Email: consultations@ocpinfo.com

Dear Ms. Lum-Wilson:

Re: Seeking Feedback on the Draft Cross-Jurisdictional Services Policy

The Ontario Pharmacists Association ('OPA', the 'Association') is pleased to provide its comments and recommendations to the Ontario College of Pharmacists ('OCP', the 'College') on the College's new draft Cross-Jurisdictional Pharmacy Services Policy. If approved, the policy would outline the College's expectations for the provision of pharmacy services to patients located in other Canadian jurisdictions, as well as to patients located outside of Canada.

The Ontario Pharmacists Association is committed to evolving the pharmacy profession and advocating for excellence in practice and patient care. With more than 10,000 members, OPA is Canada's largest advocacy organization and continuing professional development provider for pharmacy professionals across Ontario. By leveraging the unique expertise of pharmacy professionals, enabling them to practice to their fullest potential, and making them more accessible to patients, OPA is working to improve the efficiency and effectiveness of the healthcare system.

The Association is supportive of a policy that will provide greater clarity for pharmacy professionals as it pertains to providing care both within and outside of Canada. However, it is important that any legal requirements and regulatory expectations are clearly outlined and that resources and/or tools are provided along with the policy to support practice and ensure a consistent, standardized approach to patient care that does not result in additional workload for pharmacy professionals. Consequently, OPA would like to provide the following comments and recommendations on specific sections of the draft policy.

Providing Pharmacy Services Across Canadian Jurisdictions

With respect to providing pharmacy services to patients that are physically located in another Canadian jurisdiction, although the expectation is clear that pharmacy professionals "*must be aware of, and comply with, the law, regulations, standards and policies, and any other practice requirements applicable in the jurisdiction where the patient is located*", OPA suggests that additional resources from the College are required along with this policy to support practice.

Pharmacy professionals are knowledgeable on federal and provincial legislation affecting pharmacy practice in Ontario, as demonstrated by successful completion of the Jurisprudence Exam, an entry-to-practice requirement for registration with the College. However, as legislation, regulations, standards and policies, and other practice requirements may not be the same across jurisdictions, OPA recommends the College develop a practice resource that outlines this information (e.g., which jurisdictions in Canada require the pharmacy professional to be registered in that jurisdiction prior to providing pharmacy services to patients located in that jurisdiction), especially if there are differences between other jurisdictions compared to Ontario. Having this resource readily accessible will help reduce administrative burden on pharmacy professionals to individually research and determine this information and better supports a standardized and consistent approach when providing care to patients.

Additionally, OPA recommends that the College include a provision within the draft policy which would allow for exceptions to some requirements, (e.g., that the pharmacy professional be registered in a jurisdiction prior to providing pharmacy services to patients located in that jurisdiction), in situations where the benefits outweigh the risks to the patient in the professional judgment of the registrant. An example of this would be in situations where patients from out-of-province seek specialized healthcare services in Ontario and return to their home province but still require follow-up care from their pharmacist in Ontario. To ensure continuity of care, the pharmacist licensed only in Ontario may need to continue to provide care to this patient during the period in which the patient is transitioning back to their local healthcare team or may need to continue to provide care in situations where it would be safer and more appropriate to follow-up with this patient until the situation for which the patient sought care has been fully resolved.

With respect to the section on obtaining informed consent, OPA suggests including under the section on obtaining informed consent that *“Registrants providing pharmacy services to patients located in another Canadian jurisdiction must obtain explicit informed consent from the patient or their substitute decision maker, **either orally or in writing**, before delivering cross-jurisdictional pharmacy services”* to ensure the language is consistent with the draft Virtual Care Policy which states that *“Prior to engaging in virtual care registrants must ensure that this informed consent is received explicitly from the patient or substitute decision-maker, either orally or in writing.”*

Regarding the context in which pharmacy professionals can dispense out-of-province prescriptions, the draft policy states that *“Registrants can dispense a medication according to a prescription authorized by a prescriber if in their professional judgement the patient requires the medication be dispensed by the pharmacy in Ontario”*. However this language does not take into consideration respect for the patient’s choice of pharmacy. As such, OPA recommends revising this sentence to state *“Registrants can dispense a medication according to a prescription authorized by a prescriber if in their professional judgement **it is appropriate for the medication to be dispensed by the pharmacy in Ontario**”*. With respect to the direction for registrants to *“consider the patient’s ability to access the medication in their home jurisdiction when deciding to dispense a medication according to a valid prescription”*, additional factors to consider may include patient choice and ensuring continuity of care. It should be noted that these comments would also be applicable to the latter section on dispensing medications for patients physically located outside of Canada.

Lastly, as it concerns out-of-province prescriptions, OPA recommends that the policy should make reference to the requirements for receiving out-of-province transfers of prescriptions and for delivery of prescriptions (e.g., by registered mail) as outlined in the College's fact sheets on [Prescription Transfers](#) and [Delivery of Prescriptions](#), respectively.

Providing Pharmacy Services to Patients in Ontario

OPA asserts that the audience for which this section is directed, as it is currently written, is not clearly defined and as such, may be interpreted to be applicable to pharmacy professionals licensed in other jurisdictions but residing in Ontario and therefore practicing in Ontario. As the College requires all pharmacists and pharmacy technicians in Ontario to be registered with OCP to be granted the right to practise in Ontario, OPA recommends that additional clarity around the intent of this section on providing pharmacy services to patients in Ontario be provided, i.e., to allow patients located in Ontario to receive care from a pharmacy professional located in another jurisdiction such as in the case of an out-of-province visitor to Ontario to be able to access care from their pharmacist in their home province.

In addition, OPA recommends that this policy explicitly state which laws, regulations, standards and policies, and any other professional practice requirements a pharmacy professional not licensed to practice in Ontario would be expected to be comply with. OPA would contend that many of the same principles and expectations that apply to registrants providing care to patients outside of Ontario should also apply to pharmacy professionals outside of Ontario who are providing care to patients located in Ontario. For example, prior to dispensing a medication, the out-of-province pharmacist should use their professional judgement to determine if the patient requires the medication to be dispensed by a pharmacy outside of Ontario. All patients located in Ontario should be receiving the same standard of care and therefore, all pharmacy professionals, regardless of where they are located, should be held accountable to the same laws, regulations, standards and policies, and any other professional practice requirements as pharmacy professionals practicing in Ontario.

Providing Pharmacy Services to Patients Not in Canada

Although the draft policy states that pharmacy professionals are *"permitted to provide care to patients where there is an existing therapeutic relationship and the patient is temporarily located outside of Canada"*, OPA believes that additional clarity is required with respect to the legal requirements and regulatory expectations. The policy outlines the requirements when providing pharmacy services across Canadian jurisdictions, i.e., *"pharmacy professionals must be aware of, and comply with, the law, regulations, standards and policies, and any other practice requirements applicable in the jurisdiction where the patient is located"*, however the same expectations are not included for situations where the patient is not located in Canada. As healthcare systems in other jurisdictions outside of Canada, including the role of pharmacy professionals, may be very different and more difficult for a pharmacy professional in Ontario to navigate (e.g., language barriers to interpret the laws and regulations), OPA recommends that language be added to clarify that registrants providing pharmacy services to patients not in Canada are expected to comply



with the law, regulations, standards and policies, and any other professional practice requirements applicable in Ontario where the pharmacy professional is located.

For completeness, OPA also recommends that the policy refer pharmacy professionals to the College's fact sheet on [Delivery of Prescriptions](#) for additional considerations regarding delivery of medications outside of Canada.

Conclusion

The Ontario Pharmacists Association appreciates the opportunity to provide the College with its comments and recommendations toward the proposed draft Cross-Jurisdictional Pharmacy Services Policy which outlines the College's expectations for the provision of pharmacy services to patients located in other jurisdictions both within and outside of Canada. OPA recognizes the importance of having such a policy to ensure that expectations are clearly articulated, however OPA believes that additional clarification around the legal requirements and regulatory expectations with respect to the cross-jurisdictional provision of pharmacy services are required as well as the inclusion of additional resources to support pharmacy practice.

Should you have any questions or comments related to this submission, please do not hesitate to contact me at your earliest convenience at ang@opatoday.com or by phone at 416-441-0788.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Angeline Ng".

Angeline Ng
VP, Professional Affairs

Cc: Mr. Justin J. Bates, Chief Executive Officer, Ontario Pharmacists Association
Ms. Jen Baker, Chair of the Board, Ontario Pharmacists Association