



**Board Meeting Minutes
Via Teleconference**

February 1, 2012

Present:

Agnes Fridl Poljak, District 1 Board Member
Beverley Harris, Vice-Chair, District 2 Board Member
Blair Tymchuk, District 3 Board Member
Doug Kipp, Chair, District 4 Board Member
Robert Crague, District 5 Board Member
John Hope, District 6 Board Member
Jerry Casanova, District 7 Board Member
Onnolee Osbourne, District 8 Board Member
Penny Denton, Board Member
Kris Gustavson, Board Member
Jeff Slater, Board Member

Regrets:

John Scholtens, Board Member

Staff:

Suzanne Solven, A/Registrar
Lori DeCou, Director – Communications (Minute Taker)

Vision: As the medication experts, registrants are professionals who apply their full knowledge, skills and abilities to achieve the best possible healthcare results through patient-centered care.

Mission: *To protect the public by ensuring that College registrants provide safe and effective pharmacy care to help people achieve better health.*

Our Values:

- Interactions will be handled ethically with respect and dignity while ensuring confidentiality.
- Integrity, honesty, accountability, transparency and responsiveness in all that we do.
- A culture of collaboration, learning and openness to change.



WELCOME AND CALL TO ORDER

Chair Kipp called the meeting to order at 8:33 pm.

AGENDA

Proposed Agenda

1. Proposed legislative changes to the *Health Professions Act (HPA)*
2. Adjournment

Confirmation of Agenda

It was moved, seconded that:

The February 1, 2012 agenda be accepted as proposed.

The motion was CARRIED

A/Registrar Suzanne Solven noted that Lori DeCou would be responsible for the taking of the Minutes of the February 1, 2012 Teleconference Meeting.

1. PROPOSED LEGISLATIVE CHANGES TO THE HPA

The A/Registrar walked the Board through the proposed legislative changes to the *HPA* and explained the rationale for the proposed change.

Background:

The College has authority to conduct investigations under Part 3 of the *HPA*. There are two “investigation streams”.

The first is when the College receives a “complaint” within the meaning of the *Act*, pursuant to section 32(1) from a member of the public. The second “stream” is an “own motion investigation” under section 33(4). The Inquiry Committee (IC) may investigate a matter when contraventions of good pharmacy practice or other infractions come to its attention internally through processes of self-regulation such as random inspections or referrals from law enforcement.

In 2009, Part 4.2 of the *Health Professions Act* came into operation. It created timelines by which an investigation had to be completed to the point of “disposition”. These timelines apply to complaints and own motion investigations. If the timelines are not met the College is obliged to notify the complainant, if there is one, *and the registrant in all cases*, that an investigation is underway and the timelines have not been met. Certain other provisions are triggered at this point.

The requirement to give notice to a registrant occurs at a 150 day deadline after start of the investigation. This notice requirement is key because it is sometimes the case, that an investigation, because of its complexity or for other valid reasons is not finished within



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the 150 days. However, the IC must give notice of the fact of an investigation to registrants, who may then destroy evidence, or temporarily stop the conduct until later.

The fact that 'own motion' investigations are included within the timeliness provisions under the *HPA* has the unintended consequence of creating significant difficulties which threaten the College's ability to move forward with current and future investigations if the legislation is not changed so that own motion investigations are excluded from the timeliness provisions. The current situation prevents the College from carrying out its mandate of public protection.

As the *HPA* governs all Health Regulatory Colleges the A/Registrar informed that Board they have been contacted regarding the proposed changes and collectively have expressed their support (a letter will be forwarded shortly from the Health Regulatory Organization to the Ministry).

DISCUSSION POINTS:

- A Board member asked, and was assured, that even with the removal of the timeliness provisions from 'own motion' investigations the registrant's rights, with respect to administrative law and principles of fairness, would still apply.
- A Board member asked, and it was confirmed, that the requested change was for the removal of the timeliness provisions for 'own motion' investigations only and that the requirement would still apply to investigations initiated through the 'complaints' stream.
- A Board member asked if we required the proposed change to be retroactive. The A/Registrar confirmed that we would be requesting that government make the proposed amendment to the *HPA* retroactive to the inception of the *HPA* which was March 2009.
- The question was called and the motion was read by the A/Registrar.

It was moved and seconded that:

A. Whereas the Board has considered the advice of counsel regarding the impact of sections 50.53(1)(b) and 50.55 – 50.58 of the Health Professions Act (“HPA”) and S.7 of the Regulation to the HPA [the “Sections”] on the ability of the College to comply with its statutory obligations to regulate the practice of pharmacy and protect the public,

B. Whereas the Board has concluded that the operation of the Sections in so far as they require the Inquiry Committee to comply with timeliness requirements significantly impairs its ability to effectively and fully conduct investigations in accordance with section 33(4) (“own motion investigations”) of registrants, pharmacies, pharmacy owners and directors,

It is resolved and the Board hereby directs the Acting Registrar to take such immediate steps as are necessary to work with government to pursue amendments to the Sections and any other related statutory provisions, to remove all references to own motion investigations from the Sections at the earliest possible opportunity, and in particular to work toward the matter being addressed by the Legislative Assembly at its sitting in the Spring, 2012.



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The motion was CARRIED

Note: Declaring a potential conflict of interest, Blair Tymchuk abstained from the vote.

3. ADJOURNMENT

It was moved and seconded that:

The meeting is adjourned at 8:58 pm.

The motion was CARRIED