

Pharmacy Operations and Drug Scheduling Act - BYLAWS

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Definitions

1. In these bylaws:

“**Act**” means the *Pharmacy Operations and Drug Scheduling Act*,

“**attestation**” means the attestation referred to in section 2(2)(d)(ii) of the *Act*;

“**British Columbia Company Summary**” means a summary issued by the BC Corporate Registry Services;

“**central pharmacy**” means a community pharmacy that holds one or more telepharmacy licences;

“**Central Securities Register**” means the register maintained under section 111(1) of the *Business Corporations Act* [SBC 2002] C.57 as amended from time to time;

“**community pharmacy**” means a pharmacy licensed to sell or dispense drugs to the public, but does not include a telepharmacy;

“**Community Pharmacy Standards of Practice**” means the standards, limits and conditions for practice established under section 19(1)(k) of the *Health Professions Act* respecting community pharmacies;

“**controlled drug substance**” means a drug which includes a substance listed in the Schedules to the *Controlled Drugs and Substances Act* (Canada) or Part G of the *Food and Drug Regulations* (Canada);

“**controlled prescription program**” means a program approved by the board, to prevent prescription forgery and reduce inappropriate prescribing of drugs;

“**criminal record history**” means the results of a criminal record search of Royal Canadian Mounted Police and local police databases, in the form approved by the board from time to time;

“**direct owner**” has the same meaning as in section 1 of the *Act*;

“**direct supervision**” means real time audio and visual observation by a full pharmacist of pharmacy services performed at a telepharmacy consistent with a pharmacy manager’s responsibilities as set out in subsection 18(2);

“**dispensary**” means the area of a community pharmacy or a telepharmacy that contains Schedule I and II drugs;

“**drug**” has the same meaning as in section 1 of the *Act*;

“**electronic signature**” means

(a) information in electronic form that a person has created or adopted in order to sign a record, other than with respect to a prescription signed by a full pharmacist

for the purpose of prescribing, that is in, attached to or associated with a record, is secure and is only reproducible and used by that person; and,
(b) with respect to a prescription signed by a full pharmacist for the purpose of prescribing, the electronic signature must meet the requirements of paragraph (a) and must be a unique mark personally applied by that pharmacist;

“full pharmacist” means a member of the college who is registered in the class of registrants established in section 41(a) of the Bylaws under the *Health Professions Act*;

“health authority” includes

- (a) a regional health board designated under the *Health Authorities Act*,
- (b) the Provincial Health Services Authority,
- (c) First Nations Health Authority, and
- (d) Providence Health Care Society.

“hospital” has the same meaning as in section 1 of the *Hospital Act*;

“hospital pharmacy” means a pharmacy licensed to operate in or for a hospital;

“hospital pharmacy satellite” means a physically separate area on or outside the hospital premises used for the provision of pharmacy services which is dependent upon support and administrative services from the hospital pharmacy;

“Hospital Pharmacy Standards of Practice” means the standards, limits and conditions for practice established under section 19(1)(k) of the *Health Professions Act* respecting hospital pharmacies;

“incentive” has the same meaning as in Part 1 of Schedule “F” of the bylaws of the college under the *Health Professions Act*;

“indirect owner” has the same meaning as in section 1 of the *Act*;

“manager” has the same meaning as in section 1 of the *Act*;

“outsource prescription processing” means to request another community pharmacy to prepare or process a prescription drug order;

“patient’s representative” has the same meaning as in section 64 of the bylaws of the college under the *Health Professions Act*;

“personal health information” has the same meaning as in section 25.8 of the *Health Professions Act*;

“pharmacy” has the same meaning as in section 1 of the *Act*;

“pharmacy education site” means a pharmacy

- (a) that has Schedule I, II and III drugs, but no controlled drug substances,
- (b) that is licensed solely for the purpose of pharmacy education, and

(c) from which pharmacy services are not provided to any person.

“pharmacy security” means

- (a) measures to prevent unauthorized access and loss of Schedule I, IA, II and III drugs, and controlled drug substances;
- (b) measures providing for periodic and post-incident review of pharmacy security;
- (c) measures to protect against unauthorized access, collection, use, disclosure or disposal of personal health information.

“pharmacy services” has the same meaning as in section 1 of the bylaws of the college under the *Health Professions Act*;

“pharmacy technician” has the same meaning as in section 1 of the bylaws of the college under the *Health Professions Act*;

“prescription drug” means a drug referred to in a prescription;

“professional products area” means the area of a community pharmacy that contains Schedule III drugs;

“professional service area” means the area of a community pharmacy that contains Schedule II drugs;

“record” has the same meaning as the definition of record in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;

“Residential Care Facilities and Homes Standards of Practice” means the standards, limits and conditions for practice established under section 19 (1) (k) of the *Health Professions Act* respecting residential care facilities and homes;

“rural and remote community” means a community set out in Schedule “H”;

“Schedule I, Schedule IA, Schedule II, or Schedule III”, as the case may be, refers to the drugs listed in Schedule I, IA, II or III of the *Drug Schedules Regulation*;

“signature” on a record means either a handwritten signature in ink or an electronic signature;

“support person” has the same meaning as in the *Act* except that it does not include a pharmacy technician;

“telepharmacy” means a pharmacy located in a rural and remote community that is licenced to provide pharmacy services;

“Telepharmacy Standards of Practice” means the standards, limits and conditions for practice established under subsection 19(1)(k) of the *Health Professions Act* respecting the operation of telepharmacies.

PART I – Pharmacy Licences

Licence Types

2. (1) The registrar may issue a licence for any of the following:
 - (a) a community pharmacy;
 - (b) a hospital pharmacy;
 - (c) a pharmacy education site; or
 - (d) a telepharmacy.

New Community Pharmacy Licence

- 3 (1) Applicants for a new community pharmacy licence must submit an application consistent with the type of ownership under section 5(2) of the *Act*.
- (2) A direct owner may apply for a new community pharmacy licence by submitting:
 - (a) an application in Form 1A;
 - (b) the fee(s) specified in Schedule “A”;
 - (c) a diagram professionally drawn to a scale of ¼ inch equals 1 foot, including the measurements and entrances of the pharmacy, demonstrating compliance with the physical requirements in the bylaws and applicable policies;
 - (d) Form 10;
 - (e) photographs or video demonstrating compliance with the physical requirements in the bylaws and applicable policies; and
 - (f) a copy of the pharmacy’s current business licence issued by the jurisdiction, if applicable.
- (3) In addition to the requirements in subsection (2), a direct owner described in section 5(2)(b) or (c) of the *Act* must submit:
 - (a) Form 7;
 - (b) a copy of the power(s) of attorney, if applicable;
 - (c) a copy of the Certificate of Incorporation, and
 - (d) a copy of the Notice of Articles, or
 - (e) a copy of the British Columbia Company Summary, whichever is current;
 - (f) a certified true copy of the Central Securities Register if a direct owner is or includes a corporation that is not traded publicly; and

- (g) a certified true copy of the Central Securities Register for a parent corporation if a direct owner is a subsidiary corporation.
- (4) If an indirect owner is a company incorporated under the *Company Act* or the *Business Corporations Act* that is not traded publicly, the following must be submitted for that company:
- (a) a copy of the power(s) of attorney, if applicable;
 - (b) a copy of the Certificate of Incorporation, and
 - (c) a copy of the Notice of Articles, or
 - (d) a copy of the British Columbia Company Summary, whichever is current; and
 - (e) a certified true copy of the Central Securities Register.
- (5) Proof of eligibility in Form 5 and a criminal record history in accordance with section 14 must be submitted by the following:
- (a) any pharmacist who is a direct owner described in section 5(2)(a) of the *Act*,
 - (b) indirect owner(s); and
 - (c) the manager.

Community Pharmacy Licence Renewal

4. (1) A direct owner may apply to renew a community pharmacy licence no later than 30 days prior to the expiry of the existing pharmacy licence by submitting:
- (a) an application in Form 2A;
 - (b) the fee(s) specified in Schedule "A";
 - (c) a copy of the pharmacy's current business licence issued by the jurisdiction, if applicable; and
 - (d) a copy of the current British Columbia Company Summary, if a direct owner is or includes a corporation.
- (2) At the time of the renewal application, an attestation in Form 5 must be submitted by:
- (a) any pharmacist who is a direct owner described in section 5(2)(a) of the *Act*,
 - (b) indirect owner(s); and
 - (c) the manager.

- (3) An application submitted later than 30 days prior to the expiry of the pharmacy licence is subject to the fee(s) specified in Schedule “A”.
- 4.1. The first application to renew an existing licence, submitted after the *Pharmacy Operations and Drug Scheduling Amendment Act 2016* comes into force, is an application for a new community pharmacy licence under section 3 but the requirements in subsections 3(2)(c),(d) and (e) do not apply.

Community Pharmacy Licence Reinstatement

5. (1) A direct owner may apply to reinstate a community pharmacy licence that has been expired for 90 days or less by submitting:
- (a) an application in Form 3A;
 - (b) the fee(s) specified in Schedule “A”;
 - (c) a copy of the pharmacy’s current business licence issued by the jurisdiction, if applicable; and
 - (d) a copy of the current British Columbia Company Summary, if the direct owner is or includes a corporation.
- (2) At the time of the reinstatement application, an attestation in Form 5 must be submitted by:
- (a) any pharmacist who is a direct owner described in section 5(2)(a) of the *Act*;
 - (b) indirect owner(s); and
 - (c) the manager.
- 5.1. The first application to reinstate an existing licence, submitted after the *Pharmacy Operations and Drug Scheduling Amendment Act 2016* comes into force, is an application for a new community pharmacy licence under section 3 but the requirements in subsections 3(2)(c),(d) and (e) do not apply.

New Hospital Pharmacy Licence

6. (1) Applicants for a new hospital pharmacy licence must submit an application consistent with the type of ownership under section 5(2) of the *Act*.
- (2) A direct owner may apply for a new hospital pharmacy licence by submitting:
- (a) an application in Form 1C;
 - (b) the fee(s) specified in Schedule “A”; and
 - (c) a diagram professionally drawn to a scale of ¼ inch equals 1 foot, including the measurements and entrances of the pharmacy, confirming compliance with Schedule “D”.

- (3) The manager must submit an attestation in Form 5 and a criminal record history in accordance with section 14.
- (4) A pharmacy located in a hospital which dispenses drugs to staff, out-patients or the public and which is not owned or operated by a health authority, must be licenced as a community pharmacy.

Hospital Pharmacy Licence Renewal

7. (1) A direct owner may apply to renew a hospital pharmacy licence no later than 30 days prior to the expiry of the existing pharmacy licence by submitting:
 - (a) an application in Form 2C; and
 - (b) the fee(s) specified in Schedule "A".
 - (2) At the time of the renewal application, the manager must submit an attestation in Form 5.
 - (3) An application submitted later than 30 days prior to the expiry of the pharmacy licence is subject to the fee(s) specified in Schedule "A".
- 7.1. The first application to renew an existing hospital licence, submitted after the *Pharmacy Operations and Drug Scheduling Amendment Act 2016* comes into force, is an application for a new hospital pharmacy licence under section 6 but the requirement in subsection 6(2)(c) does not apply.

Hospital Pharmacy Licence Reinstatement

8. (1) A direct owner may apply to reinstate a pharmacy licence that has been expired for 90 days or less by submitting:
 - (a) an application in Form 3C; and
 - (b) the fee(s) specified in Schedule "A".
 - (2) At the time of the reinstatement application, the manager must submit an attestation in Form 5.
- 8.1. The first application to reinstate an existing licence, submitted after the *Pharmacy Operations and Drug Scheduling Amendment Act 2016* comes into force, is an application for a new hospital pharmacy licence under section 6 but the requirement in subsection 6(2)(c) does not apply.

New Pharmacy Education Site Licence

9. (1) Applicants for a new pharmacy education site licence must submit an application consistent with the type of ownership under section 5(2) of the Act.
- (2) A direct owner may apply for a new pharmacy education site licence by submitting:
 - (a) an application in Form 1F; and

- (b) the fee(s) specified in Schedule “A”.
- (3) The manager must submit an attestation in Form 5 and a criminal record history in accordance with section 14.

Pharmacy Education Site Licence Renewal

- 10. (1) A direct owner may apply to renew a pharmacy education licence no later than 30 days prior to the expiry of the existing pharmacy licence by submitting:
 - (a) an application in Form 2F; and
 - (b) the fee(s) specified in Schedule “A”.
 - (2) At the time of the renewal application, the manager must submit an attestation in Form 5.
 - (3) An application submitted later than 30 days prior to the expiry of the pharmacy licence is subject to the fee(s) specified in Schedule “A”.
- 10.1. The first application to renew an existing licence, submitted after the *Pharmacy Operations and Drug Scheduling Amendment Act 2016* comes into force, is an application for a new pharmacy education site licence under section 9.

Pharmacy Education Site Licence Reinstatement

- 11. (1) A direct owner may apply to reinstate a pharmacy education site licence that has been expired for 90 days or less by submitting:
 - (a) an application in Form 3F; and
 - (b) the fee(s) specified in Schedule “A”.
 - (2) At the time of the reinstatement application, the manager must submit an attestation in Form 5.
- 11.1. The first application to reinstate an existing licence, submitted after the *Pharmacy Operations and Drug Scheduling Amendment Act 2016* comes into force, is an application for a new pharmacy education site licence under section 9.

New Telepharmacy Licence

- 12. A direct owner of a community pharmacy may apply for a new telepharmacy licence by submitting:
 - (a) an application in Form 2;
 - (b) the fee(s) specified in Schedule “A”;
 - (c) a diagram professionally drawn to a scale of ¼ inch equals 1 foot, including the measurements and entrances of the telepharmacy, confirming compliance with Schedule “C”;

- (d) Form 11;
- (e) photographs or video confirming compliance with Schedules “C” and “E”; and
- (f) if applicable, a copy of the telepharmacy’s business licence issued by the jurisdiction in which the telepharmacy is located.

Telepharmacy Licence Renewal

13. A direct owner may apply to renew a telepharmacy licence no later than 30 days prior to the expiry of the existing telepharmacy licence by submitting:
- (a) an application in Form 12;
 - (b) the fee(s) specified in Schedule “A”; and
 - (c) if applicable, a copy of the telepharmacy’s business licence issued by the jurisdiction in which the telepharmacy is located.

Criminal Record History of Direct Owner, Indirect Owner(s) and Manager

14. A direct owner, indirect owner(s) and a manager must submit a criminal record history pursuant to section 5.1 of the *Act*, in the form approved by the board from time to time.

Unlawful Operation

15. (1) Pursuant to section 7(1) of the *Act*, persons listed in Schedule “B” are authorized under this bylaw to store, dispense or sell drugs or devices to the public.
- (2) Pursuant to section 7(3) of the *Act*, the registrar may authorize the direct owner, indirect owner(s) or manager of an unlicensed pharmacy, or a full pharmacist to continue the operation of the pharmacy for a period not exceeding 90 days, for the limited purpose of transferring drugs and personal health information on the premises to another licenced pharmacy.
- (3) On receiving a referral under section 16(6), the application committee may consider whether to authorize the operation of the pharmacy pursuant to section 7(3) of the *Act* pending a determination under section 4(4)(b) of the *Act* as to relevance or risk to the public.

PART II - All Pharmacies

Change in Direct Owner, Indirect Owner(s) or Manager

16. (1) If a direct owner changes, the registrar may issue a new pharmacy licence upon receipt of the following from the new direct owner:
- (a) Form 8A;
 - (b) the fee(s) specified in Schedule “A”;
 - (c) a copy of the pharmacy’s current business licence issued by the jurisdiction, if applicable; and

- (d) the documents listed in sections 3(3), 3(4) and 3(5) as applicable.
- (2) If there is a change of indirect owner(s) the following must be submitted:
 - (a) Form 8B;
 - (b) the fee(s) specified in Schedule "A";
 - (c) a Notice of Change of Directors, if applicable;
 - (d) a certified true copy of the Central Securities Register, if there is a change of shareholder(s) of a non-publicly traded corporation; and
 - (e) the documents listed in sections 3(3), 3(4) and 3(5), as applicable.
- (3) If the change in subsection (2) includes a new indirect owner(s), proof of eligibility in Form 5 and a criminal record history in accordance with section 14 must be submitted by the new indirect owner(s).
- (4) If there is a change of manager, the registrar may issue a new pharmacy licence upon receipt of:
 - (a) Form 8C submitted by the direct owner;
 - (b) the fee(s) specified in Schedule "A"; and
 - (c) proof of eligibility in Form 5 and a criminal record history in accordance with section 14 submitted by the new manager.
- (5) In the event that a direct owner, indirect owner(s) or manager is no longer eligible under section 3 of the *Act*, the direct owner, indirect owner(s) or manager must submit a notice in Form 6.
- (6) On receipt of a Form 6 under subsection (5), the Registrar must refer the matter to the application committee who may act under sections 4(3), 4(4), 4(5) of the *Act*.

Changes to the Pharmacy Premises and Name

- 17. (1) If there is a change in the name of a corporation that is a direct owner the following must be submitted:
 - (a) Form 8D;
 - (b) the fee(s) specified in Schedule "A";
 - (c) a copy of the pharmacy's current business licence issued by the jurisdiction, if applicable; and
 - (d) a copy of the Alteration to the Notice of Articles.
- (2) If there is a change in the name of a corporation that is an indirect owner, the following must be submitted:

- (a) Form 8D;
 - (b) the fee(s) specified in Schedule "A"; and
 - (c) a copy of the Alteration to the Notice of Articles.
- (3) If there is a change in the operating name of the pharmacy, the following must be submitted:
- (a) Form 8E;
 - (b) the fee(s) specified in Schedule "A"; and
 - (c) a copy of the pharmacy's current business licence issued by the jurisdiction, if applicable.
- (4) If there is a change in location of the pharmacy, the registrar may issue a new pharmacy licence upon receipt of the following from the direct owner:
- (a) Form 8F;
 - (b) the fee(s) specified in Schedule "A"; and
 - (c) the requirements in section 3(2)(c), (d) and (e) for a community pharmacy, or
 - (d) the requirements in section 6(2)(c) for a hospital pharmacy; and
 - (e) a copy of the pharmacy's current business licence issued by the jurisdiction, if applicable.
- (5) If there is a change in layout of the pharmacy, the direct owner must submit the following:
- (a) Form 8G;
 - (b) the fee(s) specified in Schedule "A"; and
 - (c) a diagram, photographs or video to demonstrate the changes in layout in accordance with section 3(2)(c),(d) and (e) for a community pharmacy, or
 - (d) a diagram to demonstrate the changes in layout in accordance with section 6(2)(c) for a hospital pharmacy.

Responsibilities of Manager, Direct Owners, Directors, Officers and Shareholders

18. (1) A full pharmacist may not act as manager of more than one pharmacy location, unless the pharmacy of which the full pharmacist is manager includes
- (a) a telepharmacy,

- (b) a hospital pharmacy,
 - (c) a hospital pharmacy satellite, or
 - (d) a pharmacy education site.
- (2) A manager must do all of the following:
- (a) actively participate in the day-to-day management of the pharmacy;
 - (b) confirm that the staff members who represent themselves as registrants are registrants;
 - (c) notify the registrar in writing of the appointments and resignations of registrants as they occur;
 - (d) cooperate with inspectors acting under section 17 of the *Act* or sections 28 or 29 of the *Health Professions Act*;
 - (e) ensure that
 - (i) registrant and support persons staff levels are sufficient to ensure that workload volumes and patient care requirements are met at all times in accordance with the bylaws, Code of Ethics and standards of practice, and
 - (ii) meeting quotas, targets or similar measures do not compromise patient safety or compliance with the bylaws, Code of Ethics or standards of practice;
 - (f) ensure that new information directed to the pharmacy pertaining to drugs, devices and drug diversion is immediately accessible to registrants and support persons;
 - (g) establish policies and procedures to specify the duties to be performed by registrants and support persons;
 - (h) establish procedures for
 - (i) inventory management,
 - (ii) product selection, and
 - (iii) proper destruction of unusable drugs and devices;
 - (i) ensure that all records related to the purchase and receipt of controlled drug substances are signed by a full pharmacist;
 - (j) ensure appropriate security and storage of all Schedule I, II, and III drugs and controlled drug substances for all aspects of pharmacy practice including operation of the pharmacy without a registrant present;

- (j.1) ensure that pharmacy records containing personal information about patients are secure from unauthorized access, use, disclosure, modification and destruction;
- (k) ensure there is a written drug recall procedure in place for pharmacy inventory;
- (l) ensure that all steps in the drug recall procedure are documented, if the procedure is initiated;
- (m) ensure that each individual working in the pharmacy wears a badge that clearly identifies the individual's registrant class or other status;
- (n) notify the registrar as soon as possible in the event that he or she will be absent from the pharmacy for more than eight weeks;
- (o) notify the registrar in writing within 48 hours of ceasing to be the pharmacy's manager;
- (p) ensure the correct and consistent use of the community pharmacy operating name as it appears on the community pharmacy licence for all pharmacy identification on or in labels, directory listings, signage, packaging, advertising and stationery;
- (p.1) if the pharmacy is a central pharmacy, ensure the correct and consistent use of each telepharmacy operating name as it appears on the telepharmacy licence for all pharmacy identification on or in labels, directory listings, signage, packaging, advertising and stationery associated with that telepharmacy;
- (q) establish and maintain policies and procedures respecting pharmacy security;
- (r) ensure that pharmacy staff are trained in policies and procedures regarding pharmacy security;
- (s) notify the registrar of any incident of loss of narcotic and controlled drug substances within 24 hours;
- (t) in the event of a pharmacy closure or relocation,
 - (i) provide for the safe transfer and appropriate storage of all Schedule I, II, and III drugs and controlled drug substances,
 - (ii) advise the registrar in writing of the disposition of all drugs and prescription records at the time of a closure,
 - (iii) provide the registrar with a copy of the return invoice and any other documentation sent to Health Canada in respect of the destruction of all controlled drug substances,

- (iv) arrange for the safe transfer and continuing availability of the prescription records at another pharmacy, or an off-site storage facility that is bonded and secure, and
- (v) remove all signs and advertisements from the closed pharmacy premises;
- (u) in the event that a pharmacy will be closed temporarily for up to 14 consecutive days,
 - (i) notify patients and the public of the temporary closure at least 30 days prior to the start of the temporary closure, and
 - (ii) make arrangements for emergency access to the pharmacy's hard copy patient records.
- (v) advise the registrar if the pharmacy is providing pharmacy services over the internet, and provide to the registrar the internet address of every website operated or used by the pharmacy;
- (w) ensure the pharmacy contains the reference material and equipment approved by the board from time to time;
- (x) require anyone who will access the in-pharmacy computer system to sign an undertaking in a form approved by the registrar to maintain the confidentiality of patient personal health information;
- (y) retain the undertakings referred to in paragraph (x) in the pharmacy for 3 years after employment or any contract for services has ended;
- (z) provide the registrar with access to the pharmacy premises in cases where a pharmacy licence has been cancelled or suspended due to loss of eligibility under section 3 of the *Act*;
- (aa) ensure that no incentive is provided to a patient or patient's representative for the purpose of inducing the patient or patient's representative to
 - (a) deliver a prescription to a particular registrant or pharmacy for dispensing of a drug or device specified in the prescription, or
 - (b) obtain any other pharmacy service from a particular registrant or pharmacy, and
- (bb) notify the registrar of persistent non-compliance by a direct owner and indirect owner(s) with their obligations under the bylaws to the *Act*, and
- (cc) notify the registrar of any change of telephone number, fax number, electronic mail address or any other information previously provided to the registrar.

- (3) Subsection (2)(p) does not apply to a hospital pharmacy, hospital pharmacy satellite, telepharmacy or a pharmacy education site.
- (4) For the purpose of subsection (2)(t), a pharmacy closure includes a suspension of the pharmacy licence for a period of more than 30 days, unless otherwise directed by the registrar.
- (5) Subsection (2)(aa) does not prevent a manager, direct owner or indirect owner(s) from
 - (a) providing free or discounted parking to patients or patient's representatives,
 - (b) providing free or discounted delivery services to patients or patient's representatives, or
 - (c) accepting payment for a drug or device by a credit or debit card that is linked to an incentive.
- (6) Subsection (2)(aa) does not apply in respect of a Schedule III drug or an unscheduled drug, unless the drug has been prescribed by a practitioner.
- (7) A pharmacy education site's manager must ensure that only registrants and instructors are present in the pharmacy education site and must also comply with subsections (2)(a), (d), (h), (o), (r) and (t)(i) and (ii).
- (8) A direct owner, directors and officers must do all of the following:
 - (a) ensure compliance with subsections 2(d), (e), (g), (j), (k), (p), (p.1), (q), (z) and (aa);
 - (b) ensure that the requirements to hold a pharmacy licence under the Act are met at all times;
 - (c) notify the registrar of any change of name, address, telephone number, electronic mail address or any other information previously provided to the registrar; and
 - (d) in the event of a pharmacy closure under subsection 2(t), notify the registrar in writing at least thirty days before the effective date of proposed closure in Form 4.
- (9) Shareholders must comply with subsections 2(d) and 8(c).

Sale and Disposal of Drugs

19. (1) Schedule I, II, and III drugs and controlled drug substances must only be sold or dispensed from a pharmacy.
- (2) A registrant must not sell or dispense a quantity of drug that will not be used completely prior to the manufacturer's expiry date, if used according to the directions on the label.

- (3) If the manufacturer's expiry date states the month and year but not the date, the expiry date is the last day of the month indicated.
- (4) Every registrant practising in a pharmacy is responsible for the protection from loss, theft or unlawful sale or dispensing of all Schedule I, II, and III drugs and controlled drug substances in or from the pharmacy.
- (5) A registrant must not sell, dispense, dispose of or transfer a Schedule I drug except
 - (a) on the prescription or order of a practitioner,
 - (b) for an inventory transfer to a pharmacy by order of a registrant in accordance with the policy approved by the board,
 - (c) by return to the manufacturer or wholesaler of the drug, or
 - (d) by destruction, in accordance with the policy approved by the board.
- (6) Drugs included in the controlled prescription program must not be sold or dispensed unless
 - (a) the registrant has received the prescription on the prescription form approved by both the board and the College of Physicians and Surgeons of British Columbia, and
 - (b) the prescription form is signed by the patient or the patient's representative upon receipt of the dispensed drug.
- (7) A new prescription from a practitioner is required each time a drug is dispensed, except for
 - (a) a part-fill,
 - (b) a prescription authorizing repeats,
 - (c) a full pharmacist-initiated renewal or adaptation, or
 - (d) an emergency supply for continuity of care.
- (8) Subsection (6) does not apply to prescriptions written for
 - (a) residents of a facility or home subject to the requirements of the *Residential Care Facilities and Homes Standards of Practice*, or
 - (b) patients admitted to a hospital.

Drug Procurement/Inventory Management

20. (1) A full pharmacist may authorize the purchase of Schedule I, II, or III drugs or controlled drug substances only from

- (a) a wholesaler or manufacturer licensed to operate in Canada, or
 - (b) another pharmacy in accordance with the policy approved by the board.
- (2) A registrant must record a transfer of drugs that occurs for any reason other than for the purpose of dispensing in accordance with a practitioner's prescription.
- (3) All drug shipments must be delivered unopened to the pharmacy or a secure storage area.
- (4) Non-usable and expired drugs must be stored in a separate area of the pharmacy or a secure storage area until final disposal.
- (5) A full pharmacist must not purchase Schedule I, II and III drugs and controlled drug substances unless they are for sale or dispensing in or from a pharmacy.

Interchangeable Drugs

21. When acting under section 25.91 of the *Health Professions Act*, a full pharmacist must determine interchangeability of drugs by reference to Health Canada's Declaration of Equivalence, indicated by the identification of a Canadian Reference Product in a Notice of Compliance for a generic drug.

Returned Drugs

22. No registrant may accept for return to stock or reuse any drug previously dispensed except in accordance with section 11(3) of the *Residential Care Facilities and Homes Standards of Practice* or section 5(2) of the *Hospital Pharmacy Standards of Practice*.

Records

23. (1) All prescriptions, patient records, invoices and documentation in respect of the purchase, receipt or transfer of Schedule I, II and III drugs and controlled drug substances must be retained for a period of not less than three years from the date

- (a) a drug referred to in a prescription was last dispensed, or
- (b) an invoice was received for pharmacy stock.

(2) Despite subsection (1), a registrant must not destroy prescriptions, patient records, invoices and documentation as described in subsection (1) until the completion of any audit or investigation for which the registrant has received notice.

- ~~(3)~~ Registrants, support persons, managers, direct owners, and indirect owners must not, for commercial purposes, disclose or permit the disclosure of information or an abstract of information obtained from a prescription or patient record which would permit the identity of the patient or practitioner to be determined.

~~(3) Despite subsection (1), a registrant must not destroy prescriptions, patient records, invoices or documentation until the completion of any audit or investigation currently underway for which the registrant has received notice.~~

23.1. (1) All records required to be kept under bylaws of the college or other legislation that regulates the practice of pharmacy shall be readable, complete, filed systematically and maintained in a manner that is secure, auditable and allows for easy retrieval.

(2) Notwithstanding subsection (1), a prescription record that is valid must be retrievable immediately.

(3) For purposes of subsection (2):

(a) prescriptions for oral contraceptives are valid for a period of up to two years from the prescribing date; and

(b) prescriptions other than for oral contraceptives are valid for a period of up to one year from the prescribing date.

(4) With respect to prescriptions for drugs included in the controlled prescription program, the original prescription form must be retained, regardless of whether or not such prescription form has also been stored electronically.

(5) Prescriptions stored electronically must accurately reflect the original prescription, including the original colour composition of that prescription.

23.2. (1) A pharmacy manager must ensure that a policy is in place that:

(a) describes the pharmacy's records filing system, the records format and the method and system for storing records,

(b) is compliant with the sections 23.1, 23.2 and 23.3 requirements; and

(c) is readily accessible to and understood by pharmacy staff.

(2) With respect to electronic records, the policy must include a description of the process for the preservation, storage and backing up of records that is compliant with section 23.3 requirements.

23.3. (1) A pharmacy may maintain electronic records containing personal health information if the pharmacy has the equipment, software and systems necessary for the input, storage, use, protection and retrieval of records that are required to be kept under bylaws of the college or other legislation that regulates the practice of pharmacy.

(2) For purposes of subsection (1), the equipment, software and systems must:

(a) be capable of storing the electronic records for the periods required by applicable law;

- (b) keep the records secure from unauthorized access, use, disclosure, modification and destruction;
 - (c) for audit purposes, be capable of uniquely identifying each time an electronic record is accessed and modified;
 - (d) be capable of restricting the functions that may be used by an authorized person;
 - (e) be capable of tracing alterations to records by identifying the original entry, the identity of the individual who made the alteration and the date of the alteration;
 - (f) be capable of searching and sorting electronic prescription records chronologically, and by drug name, drug strength, patient, prescriber, prescription number and transaction number;
 - (g) ensure that electronic records can be stored, backed up and recovered in accordance with subsection (3); and,
 - (h) provide for a deliberate and auditable procedure to be carried out by the pharmacy manager or by an authorized person prior to the destruction of any electronic record that includes information identifying the pharmacy manager or authorized person who destroyed the record and the date, time and reason for its destruction.
- (3) A pharmacy manager must ensure that electronic records are preserved and backed up at least once daily and that such electronically preserved and backed up records are stored:
- (a) in a location resistant to environment perils including but not limited to fires and floods;
 - (b) so that they are secure from unauthorized access, use, modification, destruction and disclosure; and,
 - (c) in a manner that would enable the backed up records, once restored, to be compliant with section 23.1(1) requirements.
- (4) Notwithstanding subsections (1), (2) and (3), a pharmacy that presently stores electronic records has six months from the date this section comes into effect to bring itself into full compliance with the requirements of subsections (1), (2) and (3).

PART III – Community Pharmacies

Community Pharmacy’s Manager – Quality Management

24. (1) A community pharmacy's manager must develop, document and implement an ongoing quality management program that
- (a) maintains and enforces policies and procedures to comply with all legislation applicable to the operation of a community pharmacy,
 - (b) monitors staff performance, equipment, facilities and adherence to the *Community Pharmacy Standards of Practice*, and
 - (c) includes a process for reporting, documenting and following up on known, alleged and suspected errors, incidents and discrepancies.
- (2) If a community pharmacy is a central pharmacy, the quality management program in subsection (1) must include all telepharmacies associated with the central pharmacy and must comply with the *Telepharmacy Standards of Practice*.

Community Pharmacy and Telepharmacy Premises

25. (1) In locations where a community pharmacy or telepharmacy does not comprise 100 per cent of the total area of the premises, the community pharmacy manager or the central pharmacy manager in the case of a telepharmacy, must ensure that
- (a) the professional products area extends not more than 25 feet from the perimeter of the dispensary and is visually distinctive from the remaining areas of the premises by signage, and
 - (b) a sign reading "Medication Information" is clearly displayed to identify a consultation area or counter at which a member of the public can obtain a full pharmacist's advice.
- (2) Subject to subsection (3), the dispensary area of a community pharmacy or a telepharmacy must
- (a) be at least 160 square feet,
 - (b) be inaccessible to the public by means of gates or doors across all entrances,
 - (c) include a dispensing counter with at least 30 square feet of clear working space, in addition to service counters,
 - (d) contain adequate shelf and storage space,
 - (e) contain a double stainless steel sink with hot and cold running water,
 - (f) contain an adequate stock of drugs to provide full dispensing services, and
 - (g) contain a refrigerator.

- (3) A telepharmacy that was authorized by the registrar to provide pharmacy services as a telepharmacy remote site as of January 1, 2017 is exempt from the requirements in subsections (2)(a) and (c) until such time as it commences a renovation of all or part of the premises.
- (4) In all new and renovated community pharmacies or telepharmacies, an appropriate area must be provided for patient consultation that
 - (a) ensures privacy and is conducive to confidential communication, and
 - (b) includes, but is not limited to, one of the following:
 - (i) a private consultation room, or
 - (ii) a semiprivate area with suitable barriers.
- (5) All new and renovated community pharmacies and telepharmacies must have a separate and distinct area consisting of at least 40 square feet reserved as secure storage space.

Community Pharmacy and Telepharmacy Security

26. (1) A community pharmacy or telepharmacy must:
 - (a) keep Schedule IA drugs in a locked metal safe that is secured in place and equipped with a time delay lock set at a minimum of five minutes;
 - (b) install and maintain a security camera system that:
 - (i) has date/time stamp images that are archived and available for no less than 30 days, and
 - (ii) is checked daily for proper operation; and
 - (c) install and maintain motion sensors in the dispensary.
- (2) When no full pharmacist is present and the premise is accessible to non-registrants,
 - (a) the dispensary area must be secured by a monitored alarm, and
 - (b) Subject to subsection 2.1, schedule I and II drugs, controlled drug substances and personal health information, are secured by physical barriers.
- (2.1) A community pharmacy or telepharmacy that exists on the date this provision comes into force and is not renovated during the period must comply with section 26(2)(b) no later than three years after the date that provision comes into force.

- (2.2) For the purposes of subsection (2), a full pharmacist is deemed to be present at a telepharmacy when he or she is engaged in direct supervision of the telepharmacy.
- (3) Subject to subsection (5), a community pharmacy and a telepharmacy must clearly display at all external entrances that identify the premises as a pharmacy, and at the dispensary counter signage provided by the College.
- (4) The manager, direct owner or indirect owner(s) of a community pharmacy or telepharmacy that does not stock IA drugs must complete a declaration attesting that Schedule IA drugs are never stocked on the premises.
- (5) A pharmacy that is never open to the public and has no external signage identifying it as a pharmacy is exempt from the requirements in subsection (3).

Operation of a Community Pharmacy Without a Full Pharmacist

- 27. (1) Except as provided in subsection (2), a community pharmacy must not be open to the public unless a full pharmacist is present.
- (2) A community pharmacy may operate without a full pharmacist present if all the following requirements are met:
 - (a) the registrar is notified of the hours during which a full pharmacist is not present;
 - (b) a security system prevents the public, support persons and other non-pharmacy staff from accessing the dispensary, the professional service area and the professional products area;
 - (c) a pharmacy technician is present and ensures that the pharmacy is not open to the public;
 - (d) Schedule I, II, and III drugs and controlled drug substances in a secure storage area are inaccessible to support persons, other non-pharmacy staff and the public;
 - (e) dispensed prescriptions waiting for pickup may be kept outside the dispensary if they are inaccessible, secure and invisible to the public and the requirements of section 12 of the *Community Pharmacy Standards of Practice* have been met; and
 - (f) the hours when a full pharmacist is on duty are posted.
- (3) If the requirements of subsection (2) are met, the following activities may be performed at a community pharmacy by anyone who is not a registrant:
 - (a) requests for prescriptions, orders for Schedule II and III drugs and telephone requests from patients to order a certain prescription may be placed in the dispensary area by dropping them through a slot in the barrier;

- (b) orders from drug wholesalers, containing Schedule I, II and III drugs, may be received but must be kept secure and remain unopened.

Outsource Prescription Processing

28. (1) A community pharmacy may outsource prescription processing if
- (a) all locations involved in the outsourcing are community pharmacies,
 - (b) all prescriptions dispensed are labeled and include an identifiable code that provides a complete audit trail for the dispensed drug, and
 - (c) a notice is posted informing patients that the preparation of their prescription may be outsourced to another pharmacy.
- (2) The manager of an outsourcing community pharmacy must ensure that all applicable standards of practice are met in processing prescriptions at all locations involved in the outsourcing.
- (3) In this section, “community pharmacy” includes a hospital pharmacy.

PART IV – Hospital Pharmacies

Hospital Pharmacy’s Manager – Quality Management

29. (1) A hospital pharmacy’s manager must develop, document and implement an ongoing quality management program that
- (a) maintains and enforces policies and procedures to comply with all legislation applicable to the operation of a hospital pharmacy,
 - (b) monitors staff performance, equipment, facilities and adherence to the *Hospital Pharmacy Standards of Practice*,
 - (c) includes a process for reporting, documenting and following up on known, alleged and suspected errors, incidents and discrepancies,
 - (d) documents periodic audits of the drug distribution process,
 - (e) includes a process to review patient-oriented recommendations,
 - (f) includes a process that reviews a full pharmacist’s documentation notes in the hospital’s medical records,
 - (g) includes a process to evaluate drug use, and
 - (h) regularly updates policies and procedures for drug use control and patient-oriented pharmacy services in collaboration with the medical and nursing staff and appropriate committees.

- (2) If sample drugs are used within a hospital, the hospital pharmacy's manager must ensure that the pharmacy oversees the procurement, storage and distribution of all sample drugs.

After Hours Service

30. (1) If continuous pharmacy services are not provided in a hospital, the hospital pharmacy's manager must ensure that urgently needed drugs and patient-oriented pharmacy services are available at all times by
- (a) providing a cabinet which must
 - (i) be a locked cabinet or other secure enclosure located outside of the hospital pharmacy, to which only authorized persons may obtain access,
 - (ii) be stocked with a minimum supply of drugs most commonly required for urgent use,
 - (iii) not contain controlled drug substances unless they are provided by an automated dispensing system,
 - (iv) contain drugs that are packaged to ensure integrity of the drug and labeled with the drug name, strength, quantity, expiry date and lot number, and
 - (v) include a log in which drug withdrawals are documented, and
 - (b) arranging for a full pharmacist to be available for consultation on an on-call basis.
- (2) When a hospital pharmacy or hospital pharmacy satellite is closed, the premises must be equipped with a security system that will detect unauthorized entry.

PART V – Telepharmacy

Telepharmacy Licence

31. (1) The registrar must not issue a telepharmacy licence to a central pharmacy unless
- (a) the proposed telepharmacy will be the only telepharmacy or community pharmacy located in the rural and remote community,
 - (b) the proposed telepharmacy is located at least 25 kilometers away from any other telepharmacy or community pharmacy,
 - (c) the proposed operating name of the telepharmacy includes the word "telepharmacy",
 - (d) except for a pharmacy located at an address listed in Schedule "F", the proposed telepharmacy does not have a licence as a community pharmacy,

- (e) the central pharmacy applicant and the telepharmacy will have the same direct owner, and
 - (f) the central pharmacy is in compliance, and the telepharmacy will be in compliance, with the *Telepharmacy Standards of Practice*.
- (2) A telepharmacy licence issued under subsection (1) is valid only for the location stated on the telepharmacy licence.

Telepharmacy Operation

- 31.1 (1) A telepharmacy must not remain open and prescriptions must not be dispensed without a full pharmacist physically present on duty at the telepharmacy, unless
- (a) a full pharmacist at the central pharmacy is engaged in direct supervision of the telepharmacy in accordance with the *Telepharmacy Standards of Practice*, and
 - (b) subject to subsection (2), a pharmacy technician is physically present on duty at the telepharmacy.
- (2) A telepharmacy located at an address listed in Schedule “G” is exempt from the requirements in subsection (1)(b).
- (3) A telepharmacy must have a security system that prevents the public and non-pharmacy staff from accessing the professional services area and the dispensary area, including any area where personal health information is stored.
- (4) Prescriptions and labels relating to prescriptions dispensed at a telepharmacy must identify the prescription as having been dispensed at that telepharmacy.
- (4.1) Prescriptions and labels relating to prescriptions dispensed at a pharmacy listed in Schedule “F” must distinguish between those dispensed when it is operating as a telepharmacy from when it is operating as a community pharmacy.
- (5) The manager of a central pharmacy, or a full pharmacist designated by the manager, must
- (a) inspect and audit its telepharmacy at least 4 times each year, at intervals of not less than 2 months,
 - (b) record each inspection and audit in the prescribed form, and
 - (c) provide the inspection and audit records to the registrar immediately upon request.
- (6) A telepharmacy located at an address listed in Schedule “G” must perform a monthly count of narcotics at the telepharmacy and retain a record of each monthly count signed by the supervising pharmacist for three years at both the central pharmacy and the telepharmacy location, and provide the signed record to the registrar immediately upon request.

- (7) A telepharmacy must not continue to provide pharmacy services for more than 30 days after
 - (a) its location ceases to be a rural and remote community,
 - (b) a community pharmacy is established within the community, or
 - (c) a community pharmacy is established within 25 kilometers of the location of the telepharmacy.
- (8) A telepharmacy must have a policy and procedure manual on site that outlines the methods for ensuring the safe and effective distribution of pharmacy products and delivery of pharmaceutical care by the telepharmacy.
- (9) All transactions in PharmaNet must be distinguishable between the central pharmacy and telepharmacy.

PART VI – PharmaNet

Application of Part

32. This Part applies to every pharmacy that connects to PharmaNet.

Definitions

33. In this Part:

“database” means those portions of the provincial computerized pharmacy network and database referred to in section 13 of the *Act*;

“in-pharmacy computer system” means the computer hardware and software utilized to support pharmacy services in a pharmacy;

“patient keyword” means an optional confidential pass code selected by the patient which limits access to the patient’s PharmaNet record until the pass code is provided to the registrant;

“PharmaNet patient record” means the patient record described in section 11(2) of the *Community Pharmacy Standards of Practice* and in the PharmaNet Professional and Software Compliance Standards as the “patient profile”;

“PharmaNet Professional and Software Compliance Standards” means the document provided by the Ministry of Health Services specifying the requirements of an in-pharmacy computer system to connect to PharmaNet;

“terminal” means any electronic device connected to a computer system, which allows input or display of information contained within that computer system.

Operation of PharmaNet

34. A pharmacy must connect to PharmaNet and be equipped with the following:

- (a) an in-pharmacy computer system which meets the requirements set out in the current PharmaNet Professional and Software Compliance Standards;
- (b) a terminal that is capable of accessing and displaying patient records, located in an area of the pharmacy which
 - (i) is only accessible to registrants and support persons,
 - (ii) is under the direct supervision of a registrant, and
 - (iii) does not allow information to be visible to the public, unless intended to display information to a specific patient; and
- (c) the computer software upgrades necessary to comply with changes to the PharmaNet Professional and Software Compliance Standards.

Data Collection, Transmission of and Access to PharmaNet Data

35. (1) A registrant must enter the prescription information and transmit it to PharmaNet at the time of dispensing and keep the PharmaNet patient record current.
- (2) A registrant may collect and transmit patient record information to PharmaNet or access a patient's PharmaNet record only
- (a) to dispense a drug,
 - (b) to provide patient consultation, or
 - (c) to evaluate a patient's drug usage.
- (3) A registrant may collect and transmit patient record information to PharmaNet or access a patient's PharmaNet record only for the purposes of claims adjudication and payment by an insurer.
- (4) A registrant must revise information in the PharmaNet database pertaining to corrected billings for prescriptions billed to the patient or a payment agency other than PharmaCare and record the reason for the revision within 90 days of the original entry on PharmaNet.
- (5) A registrant must reverse information in the PharmaNet database, for any drug that is not released to the patient or the patient's representative, and record the reason for the reversal no later than 30 days from the date of the original entry of the prescription information in PharmaNet.
- (6) If a registrant is unable to comply with the deadlines in subsections (4) or (5), he or she must provide the information required to make the correction to the college as soon as possible thereafter.
- (7) At the request of the patient, a registrant must establish, delete or change the patient keyword.

- (8) Where a patient or patient's representative requests an alteration to be made to the PharmaNet information, the registrant must
 - (a) correct the information, or
 - (b) if the registrant refuses to alter the information, he or she must inform the person requesting the change of his or her right to request correction under the *Personal Information Protection Act*.

Confidentiality

36. A registrant must take reasonable steps to confirm the identity of a patient, patient's representative, registrant or practitioner before providing any pharmacy service, including but not limited to
- (a) establishing a patient record,
 - (b) updating a patient's clinical information,
 - (c) providing a printout of an in-pharmacy or requesting a PharmaNet patient record,
 - (d) establishing, deleting, or changing a patient keyword,
 - (e) viewing a patient record,
 - (f) answering questions regarding the existence and content of a patient record,
 - (g) correcting information, and
 - (h) disclosing relevant patient record information to another registrant for the purpose of dispensing a drug or device, and/or for the purpose of monitoring drug use.

PART VII – College

Forms

37. The Registrar may establish forms for the purposes of the *Act*.

Use, Disclosure and Retention of Criminal Record History Information

38. (1) The College may disclose criminal record history information only for the purpose of licensing pharmacies or for the purpose of regulating registrants (including for the discipline of registrants).
- (2) The College must retain criminal record history information only for so long as is permitted by the applicable College records retention and disposal provisions established by the College.