

PART 11 – PUBLIC PROTECTION

Definitions for Part

- 132** In this Part:
TBD

Division 1 – Discipline for Administrative Matters

Definitions for Division

- 133** In this Division:
- “application”** means an application under section 110(2) of the Act;
- “review”** means a review for which a respondent may make an application.

Registrar’s authority

- 134** (1) When disposing of an administrative matter under section 109 of the Act, the registrar is authorized to make
- (a) disciplinary orders described in section 270(1)(a) or (b) and (2) of the Act, and
 - (b) a disciplinary order described in section 271(1)(a) of the Act for an amount that does not exceed the lesser of the following:
 - (i) \$100,000.00 CAD;
 - (ii) the amount, if any, prescribed in the regulations under the Act for the purpose of section 109(1)(d)(ii) of the Act.
- (2) Before disposing of an administrative matter under section 109(b), (c) or (d) of the Act, the registrar must give the respondent
- (a) notice of the proposed disciplinary order, and
 - (b) an opportunity to be heard, which may be limited to written submissions only.

Information to respondent

- 135** Notice required under section 110(1) of the Act must
- (a) be given to the respondent as soon as practicable,
 - (b) inform the respondent of the right to a review, and
 - (c) include
 - (i) copies of records used to make the order under section 109 of the Act, and
 - (ii) copies of any other records which, in the opinion of the registrar, the respondent would require to exercise the right to a review.

Information to investigation committee

- 136** (1) Relevant information and records required under section 111(1) of the Act must be given to the investigation committee as soon as practicable.
- (2) Notice required under section 111(2) of the Act must be given to the investigation committee as soon as practicable.

Review of disciplinary order

- 137** (1) An application must
- (a) be submitted in the form and manner required by the registrar,
 - (b) include the respondent's name and personal contact information or business contact information,
 - (c) specify the grounds on which the application is made,
 - (d) state the outcome requested;
 - (e) include a list of all records, with a brief description of each listed record, that the respondent wants the investigation committee to consider in conducting the review, and

- (f) include copies of the records listed under paragraph (e), except any records that were given to the respondent under section 110(1) of the Act.
- (2) A respondent who submits an application must pay the applicable fees, if any, specified in Schedule D [Fees].
- (3) Despite subsection (2), the registrar may waive a respondent's obligation to pay a fee under that subsection if the respondent
- (a) applies for a waiver in the form and manner required by the registrar, and
 - (b) satisfies the registrar that the respondent is not able to pay or would otherwise suffer undue hardship.
- (4) The registrar may extend the period for submitting an application, even if the 30-day period specified in section 381(2) of the Act has expired,
- (a) to allow a respondent to correct a deficient application, or
 - (b) if a respondent
 - (i) applies for an extension in the form and manner required by the registrar, and
 - (ii) satisfies the registrar that the application could not have been submitted within the 30-day period due to special circumstances.
- (5) The registrar must give an application to the investigation committee as soon as practicable after receiving the application.
- (6) Subject to section 382(6)(b) of the Act, a review is a review on the record.
- (7) Before acting under section 383(1)(a) or (b) of the Act, the investigation committee must give the respondent an opportunity to be heard, which may be limited to written submissions only.
- (8) Notice required under section 383(2) of the Act, and any refund required under section 383(3) of the Act, must be given to the respondent by the registrar as soon as practicable after receiving direction under section 383(4) of the Act.

Division 2 – Monitoring Licensee Compliance

Licensee monitoring program

- 138** (1) The registrar must establish and implement a program to monitor, generally, for contraventions by licensees of the Act, the regulations under the Act, or the bylaws.
- (2) Without limitation, the monitoring program required under subsection (1) may include one or more of the following activities:
- (a) recommending materials for College publication, including materials to educate licensees about requirements for licensees under the Act, the regulations under the Act, and these bylaws, including ethics standards and practice standards;
 - (b) collaborating with other regulatory colleges, government agencies, public bodies, professional associations, and other organizations to share information and coordinate efforts to monitor licensees for contraventions;
 - (c) periodically and selectively monitoring online platforms, social media, websites, and other public media or resources to identify potential contraventions by selected licensees or licensees generally;
 - (d) periodically requiring that all or some licensees provide self-assessment reports to confirm their continuing awareness of and compliance with requirements under the Act, the regulations under the Act, and these bylaws, including ethics standards and practice standards;
 - (e) determining criteria to select licensees for compliance audits of aspects of their practices;
 - (f) determining criteria to defer or exempt selected licensees from compliance audits of aspects of their practices;
 - (g) determining the scope of, and performing, compliance audits;
 - (h) hiring or retaining one or more College employees as assessors to conduct or participate in compliance audits;

- (i) seeking information from any source to determine if any licensee's practice has been contravening the Act, the regulations under the Act, or these bylaws;
- (j) identifying potential contraventions by licensees, and providing such licensees an opportunity to respond;
- (k) providing compliance and contravention reports to the registrar who may refer such matters to the quality assurance program or initiate regulatory complaints under section 119 of the Act.

Duty to participate in compliance audits

- 139** A licensee who is subject to a compliance audit referred to in subsection **138(2)** [*Licensee monitoring program*] must participate in, and cooperate with, the compliance audit process.

Compliance audit process

- 140** (1) For the purposes of a compliance audit referred to in subsection **138(2)** [*Licensee monitoring program*], the requirements for a licensee's participation in the compliance audit process may without limitation include one or more of the following:
- (a) completing and submitting a compliance audit questionnaire;
 - (b) responding to requests and answering all questions in a prompt and complete manner;
 - (c) providing access to all requested information, files, and records in the licensee's possession or control, including but not limited to information, files, or records related to the licensee's compliance with the applicable requirements for licensing, quality assurance requirements, and ethics standards and practice standards;
 - (d) attending one or more interviews with the assessor, either in person or by electronic means as directed by the assessor, which may be recorded by the assessor by audio or video;
 - (e) facilitating site visits, in person or by electronic means, by the assessor or any person designated by the assessor, including taking reasonable steps to arrange for site access.

- (2) For the purposes of subsection (1), an assessor or the registrar may specify time periods within which the licensee must comply with requirements of the compliance audit process.

Division 3 – Reports, Complaints, and Initiating Investigations

Requirements for regulatory reports

- 141** (1) In this section:

“reporter” means a person who

- (a) has a duty to make a regulatory report, and
- (b) makes a regulatory report;

“subject licensee” mean the licensee who is the subject of a regulatory report.

- (2) A regulatory report under Division 6 of Part 3 of the Act must be submitted in the form and manner required by the registrar and must include all of the following:

(a) the reporter’s name and personal contact information or business contact information;

(b) the subject licensee’s name, if known to the reporter, or any other information that is lawfully and reasonably available to the reporter and could assist the registrar in identifying the subject licensee;

(c) a description of the reporter’s grounds for holding a belief described in section 84, 85 or 86 of the Act, as applicable, with respect to the subject licensee;

(d) copies of any documents that are lawfully and reasonably available to the reporter and relevant to the reporter’s grounds for holding a belief referred to in paragraph (c);

(e) an indication of whether the reporter has already made, or has reasonable grounds to believe that another person has already made,

- (i) a regulatory report to another regulatory college,
- (ii) a report to a law enforcement agency, or
- (iii) a report to an employer of the subject licensee

with respect to the same matter and if so must include, as applicable, the particulars of that other report or a description of the reporter's grounds for holding that belief, as applicable;

(f) an indication of whether the reporter is applying for an identity protection order.

Requirements for regulatory complaints by registrar

142 A regulatory complaint under section 119 of the Act must be made in writing and must include all of the following:

- (a) the respondent's name, if known to the registrar, or any other information that is lawfully and reasonably available to the registrar and could assist the registrar in identifying the respondent;
- (b) a description of the allegations against the respondent.

Requirements for regulatory complaints by others

143 (1) A regulatory complaint under section 120(1) of the Act must be made in writing and must include all of the following:

- (a) the complainant's name and personal contact information, business contact information or organization contact information;
- (b) the information required under subsection (2), (4) or (5), if applicable;
- (c) the respondent's name, if known to the complainant, or any other information that is lawfully and reasonably available to the complainant and could assist the registrar in identifying the respondent;
- (d) a description of the allegations against the respondent;
- (e) an indication of whether the complainant has already made, or has reasonable grounds to believe that another person has already made,
 - (i) a regulatory report or regulatory complaint to another regulatory college,
 - (ii) a report to a law enforcement agency, or
 - (iii) a report to an employer of the respondent

with respect to the same matter and if so must include, as applicable, the particulars of that other report or complaint or a description of the complainant's grounds for holding that belief;

(f) an indication of whether the complainant is applying for an identity protection order.

(2) A complainant that is not an individual

(a) must authorize an individual, who without limitation may be an employee of the complainant, to act on behalf of the complainant in respect of the regulatory complaint,

(b) must give to the registrar

(i) proof satisfactory to the registrar that the individual is authorized to act on the complainant's behalf, and

(ii) the name and personal contact information or business contact information of the authorized individual, and

(c) may authorize an individual under this subsection from time to time.

(3) An individual may authorize another person to make a regulatory complaint on behalf of the individual, in which case either the individual or the authorized person may be the complainant for the purposes of the regulatory complaint.

(4) An individual who authorizes another person under subsection (3)

(a) must give to the registrar

(i) proof satisfactory to the registrar that the person is authorized to act on the individual's behalf, and

(ii) the name and personal contact information or business contact information of the authorized person, and

(b) may authorize another person under subsection (3) from time to time.

(5) Despite subsection (3), a client's representative may make a regulatory complaint on behalf of the client without further authorization under that subsection if the client's representative gives to the registrar proof satisfactory to the registrar that the client's representative is authorized to act on the client's behalf.

- (6) The registrar may vary the procedures by which a person may submit regulatory complaints under section 120(1) if the registrar is satisfied that doing so
- (a) is appropriate to accommodate individual circumstances of the complainant or the person on whose behalf the complainant made the regulatory complaint, and
 - (b) will not create procedural unfairness to the respondent.
- (7) The registrar must offer reasonable assistance to a person who wishes to make a regulatory complaint but is not reasonably able to do so in writing, and if a College employee assists a person to record a complaint or particulars in written form, the College employee must give a copy of the proposed written complaint to the person, and the person may provide revisions to the proposed written complaint.

Registrar assessment

- 144** Upon making or receiving a regulatory complaint, or receiving written notice that the investigation committee has commenced an investigation without a regulatory complaint, the registrar must, after reviewing the respondent's disciplinary record and capacity summary, if any,
- (a) assess whether the regulatory complaint should be transferred to another regulatory college and, if so, seek the consent of the complainant to the transfer,
 - (b) consider whether additional information or records are required or would assist in clarifying the complaint or subject matter of the investigation and, if so, request the additional information or records or make an order under section 121(2) of the Act,
 - (c) assess whether the available information and records indicate that a summary protection order may be warranted under section 122(1) of the Act and, if appropriate, seek direction from the investigation committee,
 - (d) assess whether the available information and records support a summary dismissal order or other order under section 122(3) of the Act and, if appropriate, make such an order, and

(e) provide a written assessment of the regulatory complaint with any recommendations to the investigation committee unless the registrar makes a summary dismissal order or other order under section 122(3) of the Act.

Division 4 – Identity Protection

Definitions for Division

145 In this Division:

“applicant” means a person who makes an application;

“application” means an application under section 240(5) of the Act;

“reconsideration” means a reconsideration for which a person may make an application.

Reconsideration of notice of intent or termination order

146 (1) An application must

(a) be submitted in the form and manner required by the registrar,

(b) include the applicant’s name and personal contact information or business contact information,

(c) specify the grounds on which the application is made,

(d) state the outcome requested;

(e) include a list of all records, with a brief description of each listed record, that the applicant wants the decision maker to consider in conducting the reconsideration, and

(f) include copies of the records listed under paragraph (e), except any records that were given to the applicant under section 238 of the Act.

(2) An applicant must pay the applicable fees, if any, specified in Schedule **D** [Fees].

(3) Despite subsection (2), the registrar may waive an applicant’s obligation to pay a fee under that subsection if the applicant

- (a) applies for a waiver in the form and manner required by the registrar, and
 - (b) satisfies the registrar that the respondent is not able to pay or would otherwise suffer undue hardship.
- (4) The registrar may extend the period for submitting an application, even if the 30-day period specified in section 381(2) of the Act has expired,
 - (a) to allow an applicant to correct a deficient application, or
 - (b) if a person
 - (i) applies for an extension in the form and manner required by the registrar, and
 - (ii) satisfies the registrar that the application could not have been submitted within the 30-day period due to special circumstances.
- (5) If the registrar is not the decision maker in respect of the matter, the registrar must give an application to the investigation committee as soon as practicable after receiving the application.
- (6) Subject to section 382(6)(b) of the Act, a review is a review on the record.
- (7) Before acting under section 383(1)(a) or (b) of the Act, the investigation committee must give the applicant an opportunity to be heard, which may be limited to written submissions only.
- (8) Notice required under section 383(2) of the Act, and any refund required under section 383(3) of the Act, must be given to the applicant by the registrar as soon as practicable after receiving direction under section 383(4) of the Act.
- (9) Notice required under section 383(2) of the Act must be given before or with notice required under section 241 of the Act.

Division 5 – Investigations of Fitness and Misconduct

Not used

147 *Not used*

Competence assessments

- 148** (1) An investigator must give the registrar prior written notice of an intention to order a respondent to undergo a competence assessment under section 132(1) of the Act.
- (2) An investigator may order a competence assessment to evaluate one or more of the following:
- (a) the respondent's clinical performance of the designated health profession of pharmacy,
 - (b) the respondent's knowledge and understanding of the regulatory requirements applicable to the practice of the designated health profession of pharmacy, including practice standards, ethics standards, and anti-discrimination measures, and
 - (c) any other aspect of the respondent's practice which will assist in assessing whether the respondent is competent to practice the designated health profession of pharmacy.

Final investigation reports

- 149** (1) An investigator must give to the registrar a copy of a final investigation report that the investigator gives to the investigation committee under section 134(1) of the Act.
- (2) A final investigation report referred to in subsection (1) must include
- (a) a summary of the allegations investigated,
 - (b) a description of the respondent's practice context and the context in which the alleged conduct occurred,
 - (c) a description of the investigative steps taken,
 - (d) a summary of the information obtained from interviews and other sources,
 - (e) copies of relevant records obtained during the investigation,
 - (f) the findings of a client record audit performed, if any, and copies of relevant records reviewed, if any, and

- (g) a competence assessment and capacity evaluation report, if any.
- (3) The registrar may give a copy of all or part of a final investigation report to the complainant, if any, and must give the final investigation report to the respondent for response before the investigation committee determines whether there are reasonable grounds to believe that the respondent lacks competence or has committed an act of misconduct.
- (4) The registrar must set a reasonable period in which any responses must be received from the complainant, if any, and the respondent under subsection (3), and which in any event must be no more than 30 days after the final investigation report is given to the complainant, if any, and the respondent.
- (5) The responses of the complainant, if any, and the respondent under subsection (3) must be limited to written submissions only.
- (6) The registrar must give to the investigation committee as soon as a practicable any submissions received by the registrar from the complainant, if any, or the respondent in response to the investigation report referred to in subsection (3).
- (7) The investigation committee must not make its determination whether there are reasonable grounds to believe that the respondent lacks competence or has committed an act of misconduct until after
- (a) the period specified by the registrar under subsection (4) has elapsed, and
- (b) the investigation committee has considered the submissions received, if any, from the complainant, if any, and the respondent.

Division 6 – Capacity Evaluations

Definitions for Division

150

In this Division:

“application” means an application under section 148(1) of the Act;

“assessor” means a licensee appointed under section 140(1)(b) of the Act to conduct an assessment for the purposes of a capacity evaluation;

“reconsideration” means a reconsideration for which a person may make an application.

Registrar as capacity officer

- 151** The registrar is authorized to exercise the powers and perform the duties of a capacity officer.

Identification of capacity officer and appointment of assessors

- 152** (1) If the registrar makes an order under section 140(1)(a) of the Act,
- (a) the registrar must, at the time of making the order, identify a capacity officer to be responsible for conducting the respondent’s capacity evaluation and exercising all the powers and performing all the duties of a capacity officer in relation to the capacity evaluation, and
 - (b) the registrar must, as soon as practicable after making the order, make appointments as required under section 140(1)(b) of the Act.
- (2) The registrar may, from time to time, identify another capacity officer to assume responsibility for conducting a respondent’s capacity evaluation.
- (3) An assessor may give directions to the respondent as the assessor considers necessary or appropriate in regard to the respondent’s participation or cooperation in the assessment conducted by the assessor.
- (4) A respondent must not refuse to comply with a direction given by an assessor under subsection (3).

Notice of capacity evaluation order to respondent

- 153** If the registrar makes an order under section 140(1)(a) of the Act, the capacity officer identified by the registrar as responsible for conducting the capacity evaluation must, as soon as practicable, give the respondent a copy of the order in accordance with section 150(1) of the Act.

Assessor’s report to capacity officer on failure to cooperate

- 154** A report under section 141(1)(a) of the Act must be in writing and must include

- (a) a summary of the requests made to the respondent to participate or otherwise cooperate with all or part of the assessment conducted by the assessor,
- (b) a chronology of the requests made to the respondent to participate or otherwise cooperate and the respondent's responses, if any, and
- (c) copies of any relevant records relating to the requests to, and responses from, the respondent.

Capacity officer's report to registrar on failure to cooperate

155 Notice required under section 142(1) of the Act must

- (a) set out the grounds on which the capacity officer has formed the opinion that the respondent is interfering with the conduct of the respondent's capacity evaluation, and
- (b) include copies of relevant information and records, including without limitation records and information that may be disclosed to the registrar under section 142(2) of the Act.

Capacity officer's report to investigation committee on risk to public

156 Notice required under section 143(1) of the Act must

- (a) set out the grounds on which the capacity officer has formed the opinion that giving the notice is necessary to protect the public from harm, and
- (b) include copies of relevant information and records, including without limitation records and information that may be disclosed to the investigation committee under section 143(2) of the Act.

Assessor's final report to capacity officer

157 A report under section 141(1)(b) of the Act

- (a) must be in writing,
- (b) must be submitted to the capacity officer as soon as practicable after the assessment is completed, and

(c) must include

- (i) a summary of the concerns that formed the basis for the assessment,
- (ii) a description of the respondent's practice context and the context in which the concerns arose,
- (iii) a description of the assessment process followed,
- (iv) a summary of the information obtained from interviews and other sources,
- (v) the assessor's professional opinion respecting
 - (A) whether the respondent's capacity is impaired by a health condition and,
 - (B) if so, whether the nature or extent of the impairment is such that the respondent's continued practice of a designated health profession may present a significant risk of harm,
- (vi) the grounds on which the assessor has formed the opinion referred to in subparagraph (v), and
- (vii) if the assessor's professional opinion is that the respondent's continued practice of a designated health profession may present a significant risk of harm,
 - (A) any recommendations to mitigate the risk, and
 - (B) any other information or records prepared or obtained by the assessor for the purposes of the assessment, if the information or records are such that a reasonable assessor would disclose them to the registrar in the circumstances.

Notice of capacity officer's assessment to respondent

- 158** (1) Notice required under section 145(1) or (3) of the Act, as applicable, must be given as soon as practicable after completing an assessment under section 144(1)(b) of the Act.
- (2) Notice required under section 145(1) of the Act must include
- (a) a summary of the professional opinions and recommendations contained in the assessor reports,

- (b) the reasons for considering making a continuing practice order or a revocation order, if applicable,
- (c) the period in which the respondent may submit additional information and records and request changes to the order being considered, and
- (d) notice that the continuing practice order or revocation order, as applicable, may be made without further notice if the respondent does not, within the specified period, submit additional information or records and does not request any changes to the order being considered.

Notice of continuing practice order or revocation order to respondent

- 159** If a capacity officer makes an order under section 146 or 147 of the Act, the capacity officer must, as soon as practicable, give the respondent a copy of the order in accordance with section 150(1) of the Act.

Reconsideration of continuing practice order or revocation order

- 160** (1) An application must
- (a) be submitted in the form and manner required by the registrar,
 - (b) include the respondent's name and personal contact information or business contact information,
 - (c) specify the grounds on which the application is made,
 - (d) state the outcome requested;
 - (e) include a list of all records, with a brief description of each listed record, that the respondent wants the decision maker to consider in conducting the reconsideration, and
 - (f) include copies of the records listed under paragraph (e), except any records that were given to the respondent under section 145 of the Act.
- (2) A respondent who submits an application must pay the applicable fees, if any, specified in Schedule **D** [Fees].

- (3) Despite subsection (2), the registrar may waive a respondent's obligation to pay a fee under that subsection if the respondent
- (a) applies for a waiver in the form and manner required by the registrar, and
 - (b) satisfies the registrar that the respondent is not able to pay or would otherwise suffer undue hardship.
- (4) Subject to section 148(2) of the Act, the registrar may extend the period for submitting an application, even if the 30-day period specified in section 381(2) of the Act has expired,
- (a) to allow a respondent to correct a deficient application, or
 - (b) if a respondent
 - (i) applies for an extension in the form and manner required by the registrar, and
 - (ii) satisfies the registrar that the application could not have been submitted within the 30-day period due to special circumstances.
- (5) If the registrar is not the decision maker in respect of the matter, the registrar must give an application to the responsible capacity officer as soon as practicable after receiving the application.
- (6) Subject to section 382(6)(b) of the Act, a review is a review on the record.
- (7) Before acting under sections 149 and 383(1)(a) of the Act, the capacity officer must give the respondent an opportunity to be heard, which may be limited to written submissions only.
- (8) Notice required under section 383(2) of the Act, and any refund required under section 383(3) of the Act, must be given to the respondent by the capacity officer as soon as practicable.
- (9) Notice required under section 383(2) of the Act must be given before or with any notice required under section 150(1) of the Act.

Division 7 – Summary Action or Disposition During Investigation

Summary protection orders

- 161** (1) When considering whether to make a direction for a summary protection order based on a significant risk of harm, the investigation committee must consider the following:
- (a) whether there is a *prima facie* case for incompetence or misconduct based on the facts asserted by a complainant or disclosed by an investigation, if proven true, except to the extent the asserted facts conflict with objective and undisputed evidence, are manifestly unreliable or exaggerated;
 - (b) whether there is a significant and immediate risk of harm to any person, having regard to
 - (i) the nature and seriousness of the alleged lack of competence or act of misconduct,
 - (ii) any measures currently in place to protect the public, and
 - (iii) the probability of harm;
 - (c) what measures are necessary to protect the public, and
 - (d) how specific measures may impact the respondent, and the proportionality of such impacts to risks of harm to the public.
- (2) When considering whether to make a direction for a summary protection order based on a concern regarding the dissemination of false or misleading information to clients or the public, the investigation committee may also consider any scientific or other facts it has reasonable grounds to believe are reliable.
- (3) The investigation committee may direct that the summary protection order imposes one or more of the following limits or conditions on a respondent's practice:
- (a) a requirement that the respondent practice under supervision or under the direction of a full pharmacist approved by the College;
 - (b) a requirement that the respondent practice only in the presence of a chaperone approved by the college;

- (c) a restriction on how the respondent practises an aspect of the designated health profession of pharmacy, including but not limited to a condition that a respondent practise only after disclosing specified information to clients and posting signage that the registrar specifies;
 - (d) a restriction limiting the classes of clients to whom the respondent may provide health services;
 - (e) a restriction limiting the scope of health services the respondent may provide;
 - (f) a requirement to comply with periodic or random practice audits on terms specified by the registrar;
 - (g) such other limits or conditions the registrar considers necessary or appropriate to protect the public from a significant risk of harm.
- (4) The registrar must give a copy of the summary protection order with reasons to the respondent as soon as practicable.

Reconsideration of summary protection orders

162 (1) In this section:

“application” means an application under section 261(1) of the Act;

“reconsideration” means a reconsideration for which a respondent may make an application.

(2) An application must

- (a) be submitted in the form and manner required by the registrar,
- (b) include the respondent’s name and personal contact information or business contact information,
- (c) specify the grounds on which the application is made,
- (d) state the outcome requested;
- (e) include a list of all records, with a brief description of each listed record, that the respondent wants the decision maker to consider in conducting the reconsideration, and
- (f) include copies of the records listed under paragraph (e).

- (3) A respondent who submits an application must pay the applicable fees, if any, specified in Schedule D [Fees].
- (4) Despite subsection (3), the registrar may waive a respondent's obligation to pay a fee under that subsection if the respondent
 - (a) applies for a waiver in the form and manner required by the registrar, and
 - (b) satisfies the registrar that the respondent is not able to pay or would otherwise suffer undue hardship.
- (5) Subject to section 261(2) of the Act, the registrar may extend the period for submitting an application, even if the 30-day period specified in section 381(2) of the Act has expired,
 - (a) to allow a respondent to correct a deficient application, or
 - (b) if the respondent
 - (i) applies for an extension in the form and manner required by the registrar, and
 - (ii) satisfies the registrar that the application could not have been submitted within the 30-day period due to special circumstances.
- (6) The registrar must give an application to the investigation committee as soon as practicable after receiving the application.
- (7) Subject to section 382(6)(b) of the Act, a review is a review on the record.
- (8) Before acting under sections 262 and 383(1)(a) of the Act, the investigation committee must give the respondent an opportunity to be heard, which may be limited to written submissions only.
- (9) Notice required under section 383(2) of the Act, and any refund required under section 383(3) of the Act, must be given to the respondent by the registrar as soon as practicable after receiving direction under section 383(4) of the Act.

Summary dismissal or summary disposition order processes

- 163** (1) Subject to subsections (2) and (3), if the registrar makes
- (a) a summary dismissal order under section 258(1) of the Act, or

(b) an order disposing of all or part of a regulatory complaint with a respondent's consent under section 158(2) of the Act,

the registrar must give to the investigation committee a summary of the regulatory complaint, all information received or obtained with respect to the complaint, and a copy of the order with reasons within 30 days of making the order.

- (2) If a complaint falls within the registrar's jurisdiction to make a summary dismissal order under section 258(1) of the Act, the registrar may give to the investigation committee a copy of the complaint, all information received or obtained with respect to the complaint, the registrar's assessment of the complaint and recommendations, if any, and a proposed summary dismissal order with reasons for consideration.
- (3) If the registrar recommends a summary dismissal order to the investigation committee under subsection (2), the investigation committee may
 - (a) approve the registrar making a summary dismissal order with reasons, with or without directions,
 - (b) dismiss the complaint under section 158 of the Act, with or without a written warning or advice, or
 - (c) exercise jurisdiction over or relating to the investigation of the complaint.

Dispositions with or without consent

- 164** (1) The investigation committee, in exercising discretion under section 136 of the Act, may consider
- (a) the regulatory goals of
 - (i) denouncing misconduct, and harms caused by misconduct,
 - (ii) preventing future misconduct or incompetence by rehabilitating the respondent through corrective measures,
 - (iii) preventing and discouraging future misconduct by the respondent,
 - (iv) preventing and discouraging future misconduct by other licensees,
 - (v) educating respondents, licensees, and the public about standards and other requirements of licensees, and

- (vi) maintaining public confidence in the designated health profession of pharmacy,
 - (b) the extent to which restorative processes may serve the public interest more effectively than, or in conjunction with, alternative measures in the circumstances, and
 - (c) any likely disproportionate effect, or lack of effect, of different remedial or punitive measures on a specific licensee in the circumstances.
- (2) If the investigation committee acts under section 136(2)(a) of the Act by making one or more orders under section 157 of the Act but subsequently has reasonable grounds to conclude that the respondent failed to comply in good faith with the order, the investigation committee may direct the registrar to make further orders under section 136(2) of the Act.
- (3) If the investigation committee acts under section 136(2)(a) of the Act by proposing one or more orders under section 158 of the Act to which the respondent fails to consent in whole or in part, the investigation committee may direct the registrar to make one or more orders under section 136(2) of the Act.

Licence under suspension

- 165** If the investigation committee orders suspension of a respondent's licence, subject to the terms of any disciplinary order, the respondent must
- (a) not engage in the practice of pharmacy,
 - (b) not hold themselves out as a licensee,
 - (c) not hold office in the College,
 - (d) not be a pharmacy's manager,
 - (e) not make appointments for clients or prospective clients,
 - (f) remove the licensee's name and any sign relating to the licensee's practice from any premises where the licensee practiced and any building in which any such premises are located,

(g) not contact or communicate with clients or prospective clients, except

(i) to advise a client or a prospective client of the fact and duration of the suspension,

(ii) to advise a client or prospective client that another licensee will continue to act or provide services in the suspended licensee's place,

or (iii) to refer a client or prospective client to another licensee who is in good standing, and.

(h) pay any fee required by the college when due in order to remain a licensee and any other outstanding fine, fee, debt or levy owed to the college.

- (2) No licensee or former licensee is entitled to any refund of any fine, fee, debt or levy paid to the College solely on the basis that it was paid during or in relation to a period of suspension.

Investigation expenses

- 166** Subject to section 273 of the Act and the regulations under the Act, an order for investigation expenses must be determined in accordance with Schedule X [Tariff of Costs].

Division 8 – Request for Citation

Considerations for requesting citation

- 167** (1) When determining whether to request the director of discipline to issue a citation, the investigation committee may consider the following:
- (a) the public interest in recommending a discipline hearing, including
- (i) the nature and seriousness of the respondent's lack of competence or act of misconduct,
- (ii) the need to protect the public from harm and discrimination, including actual or potential harm to a complainant or others,

- (iii) the nature, extent, findings, or outcomes of other criminal, regulatory, or other proceedings,
 - (iv) the respondent's disciplinary record and capacity summary, if any, and
 - (v) the availability, nature and adequacy of alternative means of disposing of the matter, with or without the respondent's consent, including steps taken or offered by a respondent to correct or address a lack of competence or act of misconduct;
- (b) whether there is a reasonable likelihood the College will discharge the burden of proof at a hearing, including
 - (i) the willingness of the complainant or other witnesses to participate in a hearing,
 - (ii) a provisional assessment of the strength of the evidence available to the College based on information gathered during the investigation, including a provisional assessment of the credibility and reliability of potential witnesses,
 - (iii) the respondent's anticipated defences,
 - (iv) an assessment of the applicable jurisprudence, and
 - (v) the strengths and weaknesses of the College's case based on all the information available.
- (2) The investigation committee may request a citation based on the public interest in disposing of a matter with a hearing despite a provisional assessment that the college might not discharge the burden of proof.
- (3) No provision in this section may be construed as waiving any legal advice privilege that applies to communications between a legal professional and the registrar or the investigation committee.
- (4) The registrar is responsible for preparing the proposed content of a citation in consultation with the investigation committee.

Division 9 – Review and Enforcement of Discipline Tribunal Orders

Administrative and judicial reviews

- 168** The registrar is responsible for
- (a) determining whether to apply to the director of discipline for a review of an order made by a discipline panel,
 - (b) responding to an application from a respondent or complainant for a review of an order made by a discipline panel,
 - (c) determining whether to make an application for judicial review following a review by the director of discipline, or any related proceeding, and
 - (d) responding to an application for judicial review.

Enforcement of disciplinary orders

- 169** The registrar must establish policies and procedures for the enforcement of disciplinary orders, including but not limited to enforcement of disciplinary orders made by a discipline panel.

Not used

- 170** *Not used*

Division 10 – Unauthorized Practice and Title Use

Definitions for Division

- 171** In this Division:
- “aspects of practice”** means aspects of practice that are part of providing a health service that is within the scope of practice of the designated health profession of pharmacy, and that are identified for the purposes of section 29 of the Act in a regulation of the minister;
- “restricted activities”** means restricted activities that may be performed by licensees under the Regulation;

“reserved titles” means titles that, under the Regulation, licensees of the College practising the designated health profession of pharmacy may use exclusively;

“unauthorized practice or title use” means conduct that contravenes section 29 or 30 of the Act.

Unauthorized practice monitoring program

- 172** (1) The registrar must establish and administer an unauthorized practice monitoring program for the College.
- (2) The monitoring program required under subsection (1) must monitor for and receive reports relating to
- (a) the unauthorized performance of aspects of practice,
 - (b) the unauthorized performance of restricted activities, or
 - (c) the unauthorized use of reserved titles.
- (3) The monitoring program under subsection (1) may involve any one or more of the following:
- (a) development of materials for publication by the College, including materials to educate the public on risks arising from unauthorized practice, the purposes of exclusive titles, and how members of the public may report unauthorized practice or title use to the College;
 - (b) collaboration with other regulatory colleges, government agencies, public bodies, professional associations, and other organizations to share information and coordinate efforts to identify unauthorized practice or title use;
 - (c) periodically and selectively monitoring online platforms, social media, websites, and other public media or resources to identify individuals or other entities who may be engaging in unauthorized practice or title use;
 - (d) periodically and selectively monitoring former licensees to ensure they are not engaged in unauthorized practice or title use;
 - (e) performing a preliminary investigation of any matter relating to unauthorized practice or title use reported to, or found by, the

monitoring program, prior to referring the matter to the investigation committee;

(f) such other activities as the registrar may direct or authorize.

- (3) The registrar must keep the identity of individuals who report to the monitoring program confidential unless disclosure is necessary for the College to exercise a power or perform a duty.

Preliminary report and other information to the investigation committee

- 173** (1) If there are reasonable grounds to believe a person has engaged, is engaging, or is about to engage, in unauthorized practice or use of a title, the registrar must, as soon as reasonably practicable, give a preliminary report to the investigation committee together with copies of all information and records received or obtained with respect to the report.
- (2) The registrar may, at any time, provide the investigation committee with an assessment of any matter of unauthorized practice or use of a title, and make recommendations with respect to
- (a) further investigation under sections 373(a) and 374 of the Act,
 - (b) written notice to another regulator under section 373(b) of the Act, or
 - (c) a disposition under sections 376 or 377 of the Act.