

Health Professions Act – BYLAWS

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Definitions

1.

In these bylaws:

“**Act**” means the *Health Professions Act*;

“**appointed board member**” means:

- (a) a person appointed to the board under section 17(3) (b) of the *Act*, or
- (b) prior to the first election referred to in section 17(2)(a) of the *Act*, a person appointed under section 17(2)(a) of the *Act* to represent the public on the first board;

“**board**” means the board of the college;

“**board member**” means an appointed board member or an elected board member;

“**chair**” means the chair of the board elected under section 12;

“**controlled drug substance**” means a drug which includes a controlled substance listed in Schedule I, II, III, IV or V of the *Controlled Drugs and Substances Act* (Canada);

“**Code of Ethics**” means the Code of Ethics established in Schedule “A”;

“**college**” means the College of Pharmacists of British Columbia continued under section 15.1(4) of the *Act*;

“**deliver**” with reference to a notice or other document, includes mail by post or electronically to, or leave with a person, or deposit in a person’s mailbox or receptacle at the person’s residence or place of business;

“**director**” has the same meaning as in section 1 of the *Pharmacy Operations and Drug Scheduling Act*;

“**drug**” has the same meaning as in section 1 of the *Pharmacy Operations and Drug Scheduling Act*;

“**elected board member**” means:

- (a) a person elected to the board under section 17(3)(a) of the *Act* or appointed to the board under section 10, or
- (b) prior to the first election referred to in section 17(2)(a) of the *Act*, a person appointed under section 17(2)(a) of the *Act* to represent the health profession on the first board;

“**examination**” means an examination, given orally or in writing, or a practical examination, or any combination of these, and includes a

supplemental examination;

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

“in good standing” in respect of a pharmacist means:

- (a) the registration of the pharmacist is not suspended under the *Act*,
- (b) the pharmacist is not the subject of an investigation, a pending hearing, a hearing underway or a pending determination or decision relating to the professional conduct of the pharmacist, and
- (c) no limits or conditions are imposed on the registration of the pharmacist under section 20(2.1)(a), (b.1) or (c), 20(3), 32.2, 32.3, 33, 35, 36, 37, 1, 38, 39, or 39.1 of the *Act*;

“owner” has the same meaning as in section 1 of the *Pharmacy Operations and Drug Scheduling Act*;

“personal information” means “personal information” as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;

“pharmacy services” means the services a pharmacist is authorized under the *Act* to provide;

“public representative” means a person who:

- (a) is not a pharmacist or former pharmacist, and
- (b) has no close family or business relationship with a pharmacist or former pharmacist, and
- (c) includes an appointed board member;

“quality assurance assessor” means an assessor appointed under section 26.1(4) of the *Act*;

“record” means a “record” as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;

“Regulation” means the Pharmacists Regulation, B.C. Reg. 417/2008;

“Standards of Practice” means the Standards of Practice established in Schedule “F”;

“vice-chair” means the vice-chair of the board elected under section 12 of the *Act*.

PART I – College Board, Committees and Panels

Composition of Board

2. The board consists of
 - (a) 7 elected board members, and
 - (b) the appointed board members.

Electoral Districts

3. For the purpose of elections under section 17(3)(a) of the *Act*, electoral districts are established as follows:
 - (a) the province of British Columbia is divided into 7 electoral districts, the boundaries of which are set out in Schedule “B”;
 - (b) the number of elected board members from each electoral district is 1;
 - (c) electoral district boundaries may be changed only by special resolution amending Schedule “B”;
 - (d) a full pharmacist who has only 1 place of practice which is not a hospital must be assigned to an electoral district from among Districts 1 to 5, according to the location of the place of practice;
 - (e) a full pharmacist who has only 1 place of practice which is a hospital must be assigned to District 6 or 7, according to the location of the hospital;
 - (f) a full pharmacist who practices in more than 1 electoral district must be assigned to the electoral district in which the pharmacist’s primary place of practice is located;
 - (g) a full pharmacist who does not practice must be assigned to the electoral district within which he or she resides.

Notice of Election

4.
 - (1) An election under section 17(3)(a) of the *Act* must be held in each calendar year, at a date determined by the registrar that is at least 21 days prior to the date of the November board meeting in that year.
 - (2) The registrar must deliver a notice of election in Form 1 to every full pharmacist assigned to the electoral districts which are to elect board members in the election, at least 60 days prior to the election date.
 - (3) The accidental omission to deliver notice of an election to, or the non-receipt of such a notice, by any person entitled to receive notice does not invalidate the election, any proceedings in relation thereto, or the results thereof.

Eligibility for Election to the Board

5. (1) To be eligible for election to the board under section 17(3)(a) of the *Act*, a person must be
 - (a) a full pharmacist in good standing, and
 - (b) assigned to the electoral district in which he or she is nominated.
- (2) A pharmacist is not eligible to be elected to the board if he or she is employed by the college or is engaged in a contract or assignment providing goods or services to the college.
- (3) A nomination must be signed by 3 full pharmacists in good standing who are assigned to the electoral district in which the nominee is standing for election.
- (4) A nomination must be delivered to the registrar at least 45 days prior to the election date.
- (5) A nomination must be accompanied by a consent and a declaration in Form 2 from the nominee.

Election Procedure

6. (1) If there is only 1 nominee for a vacant position at the close of nominations, the nominee for that position is elected by acclamation.
- (2) Only full pharmacists in good standing are eligible to vote in an election under section 17(3)(a) of the *Act*.
- (3) A pharmacist eligible to vote in subsection (2) is eligible to vote in the electoral district to which they are assigned in an election.
- (4) The registrar must deliver to each pharmacist who is eligible to vote an election ballot and a designated envelope, at least 30 days prior to the election date.
- (5) Each pharmacist who is eligible to vote is entitled to 1 ballot and may vote in favour of 1 candidate for the vacant position.
- (6) The registrar must not count a ballot unless it is received in the designated envelope by the registrar by the close of business 2 days before the election date.
- (7) The candidate for a vacant position receiving the most votes on the return of the ballots is elected.
- (8) In the case of a tie vote, the registrar must select the successful candidate by random draw.

- (9) In the event that there are no nominees for a vacant position, the board may fill the vacant position in accordance with section 10.
- (10) The registrar must supervise and administer all elections under section 17(3)(a) of the *Act* and may establish additional procedures consistent with these bylaws for that purpose.
- (11) The registrar may determine any dispute or irregularity with respect to any nomination, ballot or election.
- (12) The registrar must use Form 3 to certify newly elected members of the board under section 17.1(1) of the *Act*.

Terms of Office

- 7. (1) The term of office for an elected board member is 2 years, commencing at the start of the November board meeting following that board member's election.
- (2) An elected board member may serve a maximum of 3 consecutive terms.
- (3) The terms of office of the elected board members from odd-numbered electoral districts must commence and end in odd-numbered years, and the terms of office of elected board members from even-numbered electoral districts must commence and end in even-numbered years.
- (4) Subsections (1) to (3) do not apply prior to the first election referred to in section 17(2)(a) of the *Act*.

Ceasing to Hold Office as a Board Member

- 8. (1) An elected board member ceases to hold office if he or she
 - (a) ceases to be a full pharmacist in good standing,
 - (b) submits a written resignation to the chair,
 - (c) becomes an employee of the college or engaged in a contract or assignment providing goods or services to the college,
 - (d) is removed by a special resolution of the board, if notice of the proposal to remove the elected board member has been included with the notice of the board meeting, or
 - (e) is absent from 3 or more consecutive board meetings for reasons which the board finds unacceptable.
- (2) Subsection (1) does not apply prior to the first election referred to in section 17(2)(a) of the *Act*.

First Election and Terms of Office

9. Despite section 7(1) and (3), the term of office for the first elected board members from even numbered electoral districts is 1 year, commencing at the start of the November 2009 board meeting.

Vacancy

10. (1) In the event of a vacancy in an elected board member position, the board may, by special resolution, appoint a pharmacist eligible under section 5 for election to fill the position until the next election.
- (2) Subsection (1) does not apply prior to the first election referred to in section 17(2)(a) of the *Act*.

Remuneration of Board and Committee Members

11. All board members and committee members are equally entitled to be:
- (a) remunerated for time spent on business of the college in the amount approved by the board from time to time, and
 - (b) reimbursed by the college for reasonable expenses necessarily incurred in connection with the business of the college.

Chair and Vice-Chair

12. (1) The chair must:
- (a) preside at all board meetings,
 - (b) sign certificates, diplomas and other instruments executed on behalf of the college as required, and
 - (c) act in accordance with the requirements of his or her office for the proper carrying out of the duties of the board.
- (2) At the November board meeting in each calendar year, the board members must elect a chair by a majority vote in accordance with the following procedure:
- (a) the acting chair for the meeting must call for nominations;
 - (b) if there is only 1 nominee, he or she is elected by acclamation;
 - (c) if there is more than 1 nominee, an election must be held by secret ballot, and the person with the most votes is elected;
 - (d) if there is a tie vote, there must be a second vote immediately following the first vote;
 - (e) if there is a second tie vote, the new chair must be selected by random draw.

- (3) The chair's term of office as chair is 1 year, commencing at the election of the vice-chair under subsection (4), and ending at the start of the November board meeting in the next calendar year.
- (4) Immediately following the election of the chair under subsection (2), the board members must elect a vice-chair by a majority vote in accordance with the procedure set out in subsection (2).
- (5) The vice-chair's term of office as vice-chair is 1 year, commencing at his or her election under subsection (4), and ending at the start of the November board meeting in the next calendar year.
- (6) The vice-chair must perform the duties of the chair in the chair's absence.
- (7) In the absence of both the chair and the vice-chair, an acting chair for a board meeting must be elected by a majority vote of the board members present.
- (8) Despite subsections (2) to (5), the board members must elect a chair and vice-chair in accordance with the procedure set out in subsection (2), each to serve a term ending at the start of the November 2009 board meeting.

Board Meetings

13. (1) The board must meet at least 4 times in each calendar year, including one meeting in November, and must provide reasonable notice of board meetings to board members, pharmacists and the public.
- (2) The accidental omission to deliver notice of a board meeting to, or the non-receipt of a notice by, any person entitled to receive notice does not invalidate proceedings at that meeting.
- (3) Despite subsection (1), the chair or registrar may call a meeting of the board without providing notice to pharmacists or the public if necessary to conduct urgent business.
- (4) The registrar must call a board meeting at the request of the chair or any 3 board members.
- (5) The registrar must provide the following to members of the public on request:
 - (a) details of the time and place of a board meeting;
 - (b) a copy of the agenda;
 - (c) a copy of the minutes of any preceding board meeting.
- (6) Subject to subsection (7), board meetings must be open to

pharmacists and the public.

- (7) The board may exclude any person from any part of a board meeting if it is satisfied that:
 - (a) financial, personal or other matters may be disclosed of such a nature that the desirability of avoiding public disclosure of them in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that meetings be open to the public,
 - (b) a person involved in a criminal proceeding or civil suit or proceeding may be prejudiced,
 - (c) personnel matters or property acquisitions will be discussed,
 - (d) the contents of examinations will be discussed,
 - (e) communications with the Office of the Ombudsman will be discussed, or
 - (f) instructions will be given to or opinions received from legal counsel for the college, the board, or a committee.
- (8) If the board excludes any person from a part of a board meeting, it must have its reasons for doing so noted in the minutes of the meeting.
- (9) The registrar must ensure that minutes are taken at each board meeting and retained on file, and must publish them on the college website.
- (10) A majority of the total number of board members constitutes a quorum.
- (11) The chair is entitled to vote on all motions, and is also entitled to speak in debate, but not in preference to other board members.
- (12) A written resolution signed by all board members is valid and binding and of the same effect as if such resolution had been duly passed at a board meeting.
- (13) In case of an equality of votes the chair does not have a casting or second vote in addition to the vote to which he or she is entitled as a board member and the proposed resolution does not pass.
- (14) The board may meet and conduct business using video-conferencing or tele-conference connections or by other electronic means when some or all of the board members are unable to meet in person.
- (15) Except as otherwise provided in the *Act*, the regulations, or these bylaws, the most recent edition of Robert's Rules of Order governs the

procedures at meetings of the board.

Registration Committee

14. (1) The registration committee is established consisting of at least 6 persons appointed by the board.
- (2) At least 1/3 of the registration committee must consist of public representatives, at least one of whom must be an appointed board member.

Inquiry Committee

15. (1) The inquiry committee is established consisting of at least 6 persons appointed by the board.
- (2) At least 1/3 of the inquiry committee must consist of public representatives, at least one of whom must be an appointed board member.

Discipline Committee

16. (1) The discipline committee is established consisting of at least 6 persons appointed by the board.
- (2) At least 1/3 of the discipline committee must consist of public representatives, at least one of whom must be an appointed board member.

Quality Assurance Committee

17. (1) The quality assurance committee is established consisting of at least 6 persons appointed by the board.
- (2) At least 1/3 of the quality assurance committee must consist of public representatives, at least one of whom must be an appointed board member.

Injection Drug Administration Committee

18. (1) The injection drug administration committee is established consisting of at least 4 and no more than 7 persons appointed by the board.
- (2) The committee must include
 - (a) one registrant,
 - (b) one medical practitioner confirmed by the College of Physicians and Surgeons of British Columbia as suitable for membership on the committee,
 - (c) one registered nurse confirmed by the College of Registered Nurses of British Columbia as suitable for membership on the

committee, and

(d) one person nominated by the Ministry of Health Services.

(3) The injection drug administration committee

(a) must review, develop and recommend to the board standards, limits and conditions respecting the performance by full pharmacists of restricted activities under section 4(1) (c.1) of the Regulation for the purposes of preventing diseases, disorders and conditions, and

(b) may

(i) review the role of full pharmacists in regard to the performance of restricted activities under section 4(1) (c.1) of the Regulation, and

(ii) make recommendations to the board, for submission to the Ministry of Health Services, respecting the standards, limits and conditions for practice and any other requirements it considers necessary or appropriate to support the performance by full pharmacists of restricted activities under section 4(1) (c.1) of the Regulation for the purposes of treating diseases, disorders and conditions.

(4) The committee may consult, as it considers necessary or appropriate, with registrants or other individuals who have expertise relevant to drug administration by injection or on any other matter considered by the committee.

Committees

19. (1) A person appointed to a committee established under these bylaws:

(a) serves for a term determined by the board not exceeding 2 years, and

(b) is eligible for reappointment but may not serve more than 3 consecutive terms.

(2) A committee member may be removed by a majority vote of the board.

(3) The board must appoint a committee chair and a committee vice-chair from among the members of the committee.

(4) Each committee must submit a report of its activities to the board annually or as required by the board.

(5) The register is an ex officio non-voting member of the committees established under these bylaws.

- (6) The chair is a non-voting ex-officio member of all committees, except in respect of a committee to which he or she has been appointed under these bylaws, in which case he or she has the right to vote.

Committee Panels

20. (1) The registration committee, the inquiry committee, the discipline committee and the quality assurance committee may meet in panels of 3 persons which must include at least 1 public representative.
- (2) The chair of a committee referred to in subsection (1) must appoint the members of a panel and must designate a chair of the panel.
- (3) A panel of a committee referred to in subsection (1) may exercise any power or perform any duty of that committee.

Meetings of a Committee or Panel

21. (1) A majority of a committee constitutes a quorum.
- (2) All members of a panel constitute a quorum.

PART II – College Administration

Deputy Registrar

22. If a deputy registrar is appointed by the board:
- (a) the deputy registrar is authorized to perform all duties and exercise all powers of the registrar, subject to the direction of the registrar, and
- (b) if the registrar is absent or unable to act for any reason, the deputy registrar is authorized to perform all duties and exercise all powers of the registrar.

Seal

23. (1) The board must approve a seal for the college.
- (2) The seal of the college must be affixed, by those persons designated by the board, to the documents determined by the board.

Fiscal Year

24. The fiscal year of the college commences on March 1st and ends on the last day of February of the following year.

Banking

25. The board must establish and maintain such accounts with a chartered bank, trust company or credit union as the board

determines to be necessary from time to time.

Payments and Commitments

26. The board must approve an operating and capital budget for each fiscal year, and may amend the approved budget from time to time.

Investments

27. The board may invest funds of the college in accordance with the board's investment policy which must be consistent with sections 15.1 and 15.2 of the *Trustee Act*.

Auditor

28. (1) The board must appoint a chartered accountant or a certified general accountant to be the auditor.
- (2) The registrar must submit the financial statement to the auditor within 60 days of the end of the fiscal year.
- (3) A copy of the auditor's report must be included in the annual report.

Legal Counsel

29. The board or, with the approval of the registrar, a committee or panel, may retain legal counsel for the purpose of assisting the board, a committee or a panel in exercising any power or performing any duty under the *Act*, the regulations or these bylaws.

General Meetings

30. (1) General meetings of the college must be held in British Columbia at a time and place determined by the board.
- (2) The first annual general meeting must be held not more than 12 months after these bylaws come into force, and after that an annual general meeting must be held once in every fiscal year and not more than 15 months after the holding of the last preceding annual general meeting.
- (3) The following matters must be considered at an annual general meeting:
- (a) the financial statements of the college;
 - (b) the annual report of the board;
 - (c) the report of the auditor.
- (4) Every general meeting, other than an annual general meeting, is an extraordinary general meeting.

- (5) The board:
 - (a) may convene an extraordinary general meeting by resolution of the board, and
 - (b) must convene an extraordinary general meeting within 60 days after receipt by the registrar of a request for such a meeting signed by at least ten percent of all full pharmacists in good standing.

Notice of General Meetings

- 31. (1) The registrar must deliver notice of an annual or extraordinary general meeting to every board member and pharmacist at least 21 days prior to the meeting.
- (2) Notice of a general meeting must include:
 - (a) the place, day and time of the meeting,
 - (b) the general nature of the business to be considered at the meeting,
 - (c) any resolutions proposed by the board, and
 - (d) any resolutions proposed by the pharmacists under section 32 and delivered to the registrar prior to the mailing of the notice.
- (3) The accidental omission to deliver notice of a general meeting to, or the non-receipt of a notice by, any person entitled to receive notice does not invalidate proceedings at that meeting.
- (4) General meetings must be open to the public.
- (5) The registrar must:
 - (a) provide reasonable notice of each general meeting to the public, and
 - (b) provide to members of the public on request a copy of the notice given under subsection (1) in respect of the meeting.

Resolutions

- 32. Any 3 full pharmacists in good standing may deliver a written notice to the registrar at least 60 days prior to the date of an annual or an extraordinary general meeting requesting the introduction of a resolution.

Voting at a General Meeting

- 33. (1) A pharmacist present at a general meeting is entitled to 1 vote at the meeting.

- (2) In case of an equality of votes the chair of the general meeting does not have a casting or second vote in addition to the vote to which he or she is entitled as a pharmacist, if any, and the proposed resolution does not pass.
- (3) Except as these bylaws otherwise provide, the most recent edition of Robert's Rules of Order governs the procedures at an annual or extraordinary general meeting.
- (4) A resolution passed at an annual or extraordinary general meeting is not binding on the board.

Proceedings at General Meetings

- 34. (1) Quorum is 25 registrants consisting of full pharmacists.
- (2) No business, other than the adjournment or termination of the meeting, may be conducted at a general meeting at a time when a quorum is not present.
- (3) If at any time during a general meeting there ceases to be a quorum present, business then in progress must be suspended until there is a quorum present.
- (4) In the case of a general meeting other than an extraordinary general meeting under section 30(5)(b):
 - (c) if there is no quorum within 30 minutes from the time appointed for the start of the meeting, or
 - (d) if there is no quorum within 30 minutes from any time when there is no quorum during the meeting,

the meeting must be adjourned to one month later, at the same time and place, and those registrants who attend that later meeting will be deemed to be a quorum for that meeting.
- (5) In the case of an extraordinary general meeting under section 30(5)(b),
 - (a) if there is no quorum within 30 minutes from the time appointed for the start of the meeting, or
 - (b) if there is no quorum within 30 minutes from any time when there is no quorum during the meeting,

the meeting must be adjourned and cancelled and no further action may be taken in respect of the request under section 30(5)(b) for that meeting.
- (6) In the absence of both the chair and the vice-chair of the board, an acting chair for a general meeting must be elected by a majority vote

of the pharmacists present.

- (7) A general meeting may be adjourned from time to time and from place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (8) When a meeting is adjourned in accordance with subsection (4) or by resolution, notice of the rescheduled meeting must be delivered in accordance with section 31.

Notice to Public Representatives

- 35. Every notice or mailing to pharmacists must also be provided to public representatives serving on the board or a committee.

PART III – College Records

Body Responsible for Administering the Freedom of Information and Protection of Privacy Act

- 36. (1) The registrar is the “head” of the College for the purposes of the *Freedom of Information and Protection of Privacy Act*.
- (2) The registrar may authorize the deputy registrar, a person employed by the college or a person who has contracted to perform services for the college to perform any duty or exercise any function of the registrar that arises under the *Freedom of Information and Protection of Privacy Act*.

Fees for Information Requests

- 37. Subject to section 75 of the *Freedom of Information and Protection of Privacy Act*, an applicant who requests access to a college record under section 5 of the *Freedom of Information and Protection of Privacy Act* must pay the fees set out in the Schedule of Maximum Fees in BC Reg. 323/93 for services required to comply with the information request.

Disclosure of Annual Report

- 38. The registrar must make each annual report under section 18(2) of the Act available electronically and free of charge on the college website, must notify pharmacists that the report is available, and must provide a paper copy of the report to any person on request upon payment of the fee set out in Schedule “D”.

Disclosure of Registration Status

- 39. (1) If an inquiry about the registration status of a person is received by the board or the registrar, the registrar must disclose, in addition to the matters required by section 22 of the Act.

- (a) whether the discipline committee has ever made an order relating to the person under section 39 of the *Act* and the details of that order,
 - (b) whether the person has ever consented to an order under section 37.1 of the *Act* and the details of that order, and
 - (c) whether the person has ever given an undertaking or consented to a reprimand under section 36 of the *Act* and the details of that undertaking or reprimand.
- (2) When acting under subsection (1), the registrar must not release the name of, or information which might enable a person to identify:
- (a) a patient, or
 - (b) another person, other than the registrant, affected by the matter,
- except with the consent of the patient or the other person.

Manner of Disposal of College Records Containing Personal Information

40. (1) The board must ensure that a college record containing personal information is disposed of only by:
- (a) effectively destroying a physical record by utilizing a shredder or by complete burning,
 - (b) erasing information recorded or stored by electronic methods on tapes, disks or cassettes in a manner that ensures that the information cannot be reconstructed,
 - (c) returning the record to the person the information pertains to, or
 - (d) returning the record to the pharmacist who compiled the information.

PART IV – Registration

Classes of Registrants

41. (1) The following classes of registrants are established:
- (a) full pharmacist;
 - (b) limited pharmacist;
 - (c) temporary pharmacist;
 - (d) student pharmacist;
 - (e) non-practising pharmacist.

Full Pharmacist Registration

42. (1) For the purposes of section 20(2) of the *Act*, the requirements for full pharmacist registration are:
- (a) graduation with a degree or equivalent qualification from a pharmacy education program recognized by the board for the purpose of full pharmacist registration and specified in Schedule “C”,
 - (b) successful completion of the jurisprudence examination required by the registration committee,
 - (c) successful completion of an English language proficiency examination acceptable to the registration committee, if the person has not graduated from a pharmacy education program in Canada or the United States accredited by the Canadian Council for the Accreditation of Pharmacy Programs or the Accreditation Council for Pharmacy Education,
 - (d) successful completion of the structured practical training required by the registration committee, if any
 - (e) successful completion of the Pharmacy Examining Board of Canada Evaluating Examination, if the person has not graduated from a pharmacy education program in Canada or the United States accredited by the Canadian Council for Accreditation of Pharmacy Programs or the Accreditation Council for Pharmacy Education,
 - (f) successful completion of the Pharmacy Examining Board of Canada Qualifying Examination - Part I and Part II,
 - (g) evidence satisfactory to the registration committee that the person is of good character and fit to engage in the practice of pharmacy, and
 - (h) receipt by the registrar of
 - (i) a signed application for full pharmacist registration in Form 4,
 - (ii) the application fee specified in Schedule “D”,
 - (iii) a notarized copy, or other evidence satisfactory to the registration committee, of the person’s degree or equivalent qualification, and that he or she is the person named therein,
 - (iv) a statutory declaration in Form 5,
 - (v) if applicable, the fee for the jurisprudence examination specified in Schedule “D”,
 - (vi) a criminal record check authorization in the form required

by the *Criminal Records Review Act*,

- (vii) if the person has engaged in the practice of pharmacy or another health profession in another jurisdiction, an authorization for a criminal record check in that jurisdiction,
 - (viii) a letter or certificate, in a form satisfactory to the registration committee and dated within one month prior to the date of the application, of the person's good standing from each body responsible for the regulation of the practice of pharmacy or another health profession in a Canadian or foreign jurisdiction where the person is, or has been, authorized to engage in the practice of pharmacy or another health profession,
 - (ix) a certified passport size photograph of the person taken within one year prior to the date of application,
 - (x) a notarized copy, or other evidence satisfactory to the registration committee, of the person's Canadian citizenship or right to work in Canada, and
 - (xi) proof of professional liability insurance as required under section 80.
- (2) Despite subsection (1), the person must be granted full pharmacist registration by the registration committee if he or she:
- (a) is registered in another Canadian jurisdiction as the equivalent of a full pharmacist and has provided notarized evidence, or other evidence satisfactory to the registration committee, of such registration and that he or she is the person named therein, and
 - (b) meets the requirements established in subsection (1)(g)(h)(i), (ii), (iii), (iv), and (vi – xi).
- (3) Despite subsection (1), the registration committee has discretion, in satisfying itself under section 20 of the Act that the person meets the conditions or requirements for registration as a member of the college, to consider whether the person's knowledge, skills and abilities are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications established in subsection (1)(a) to (f), and to grant full pharmacist registration on that basis, if the person also meets the requirements established in subsection (1)(g) to (h).
- (4) A full pharmacist may use only the initials "R.Pharm." or "R.Ph.".

Certification of Full Pharmacists for Injection Drug Administration

43. (1) A full pharmacist may apply to the registrar under this section for certification that the full pharmacist is qualified and competent to perform a restricted activity under section 4(1) (c.1) of the Regulation,
- (2) The registrar must grant certification under this section if a full pharmacist has
- (a) provided evidence satisfactory to the registrar that the full pharmacist has
 - (i) successfully completed an education program in drug administration by injection, approved by the board for the purposes of section 4.1(c) of the Regulation and specified in Schedule “C”,
 - (ii) a current certificate in cardiopulmonary resuscitation from a program approved by the board and specified in Schedule “C”, and
 - (iii) a current certificate in first aid from a program approved by the board and specified in Schedule “C”,
 - (b) submitted a signed application for certification in Form 12, and
 - (c) paid the fee specified in Schedule “D”.
- (3) If a full pharmacist is granted certification under this section, the registrar must enter a notation of certification for drug administration by injection in the register in respect of the full pharmacist.
- (4) To maintain certification under this section, a full pharmacist must
- (a) successfully complete a continuing education program in drug administration by injection approved by the board and specified in Schedule “C”, at least once in every 5-year period after certification under this section has first been granted,
 - (b) maintain current certification in cardiopulmonary resuscitation from a program approved by the board and specified in Schedule “C”, and
 - (c) maintain current certification in first aid from a program approved by the board and specified in Schedule “C”.
- (5) The registrar must remove a full pharmacist’s notation of certification from the register if the full pharmacist fails to meet any of the requirements in subsection (4), and the full pharmacist must not again perform a restricted activity under section 4(1) (c.1) of the Regulation until
- (a) the requirements in subsection (4) are met to the satisfaction of the registrar, and
 - (b) the registrar has re-entered a notation of certification for drug administration by injection in the register in respect of the full pharmacist.

Limited Pharmacist Registration

44. (1) An applicant under section 42 or 51 may be granted limited pharmacist registration by the registration committee for a period of up to one year if the applicant:
- (a) does not meet the requirements established in section 42(1)(b)(c)(e)(f) or (3), or section 51(2)(a) and (c), as applicable,
 - (b) meets the requirements established in section 42(1)(d), of section 51(2)(b), as applicable, and
 - (c) is capable, in the opinion of the registration committee, of practising as a limited pharmacist without any risk to public health and safety, or
 - (d) meets the requirements established in section 42(1)(b)(c)(e)(f) or (3), or section 51(2)(a) and (c), as applicable,
 - (e) does not meet the requirements established in section 42(1)(d), or section 51(2)(b), as applicable, and
 - (f) is capable, in the opinion of the registration committee, of practising as a limited pharmacist without any risk to public health and safety.
- (2) Limited pharmacist registration may be renewed by the registration committee twice, but in any case, the total period of registration in this class must not exceed 3 years.
- (3) Full pharmacist registration may be granted by the registration committee to a limited pharmacist who has met all the requirements in section 42(1) or (3), or section 51, as applicable.
- (4) A limited pharmacist may provide pharmacy services as if he or she is a full pharmacist, but only under the supervision of a full pharmacist approved by the registration committee for that purpose.
- (5) A limited pharmacist must not
- (c) delegate any aspect of practice, or
 - (d) perform a restricted activity under section 4(1) (c.1) of the Regulation.
- (6) A limited pharmacist may use only the title “pharmacist (limited)” and must not use any abbreviations.

Temporary Pharmacist Registration

45. (1) The registration committee may grant temporary pharmacist registration to a person for a period of up to 90 days, if:
- (a) an emergency has been declared by the registrar in accordance with criteria established by the board, and
 - (b) the person is registered in another jurisdiction in Canada or the United States as the equivalent of a full pharmacist and has provided notarized evidence, or other evidence satisfactory to the registration committee, of such registration and that the person is the person named therein.
- (2) Temporary pharmacist registration may be renewed by the registration committee once for an additional period of up to 90 days.
- (3) A temporary pharmacist may provide services as if he or she is a full pharmacist, and may apply for certification, and be certified, under section 43.
- (4) A temporary pharmacist may only use the title “pharmacist (temporary)” and must not use any abbreviations.

Student Pharmacist Registration

46. (1) A person may be granted student pharmacist registration by the registration committee if the person:
- (a) is enrolled as a student in a pharmacy education program recognized by the board for the purpose of full pharmacist registration and specified in Schedule “C”,
 - (b) provides evidence satisfactory to the registration committee that the person is of good character and fit to engage in the practice of pharmacy, and
 - (c) has delivered to the registrar:
 - (i) a signed application for registration in Form 6,
 - (ii) the application fee specified in Schedule “D”,
 - (iii) a notarized copy, or other evidence satisfactory to the registration committee of the person’s enrolment and educational standing, and that he or she is the person named therein,
 - (iv) a statutory declaration in Form 5,
 - (v) a criminal record check authorization in the form required under the *Criminal Records Review Act*,
 - (vi) if the person has engaged in the practice of pharmacy or

another health profession in another jurisdiction, an authorization for a criminal record check in that jurisdiction,

- (vii) a letter or certificate, in a form satisfactory to the registration committee and dated within one month prior to the date of the application, of the person's good standing from each body responsible for the regulation of the practice of pharmacy or another health profession in a Canadian or foreign jurisdiction where the person is, or has been, authorized to engage in the practice of pharmacy or another health profession,
- (viii) a certified passport size photograph of the person taken within one year prior to the date of application, and
- (ix) a notarized copy, or other evidence satisfactory to the registration committee, of the person's Canadian citizenship or right to work in Canada.

(2) A person described in subsection (1)(a) must be registered under this section:

- (a) within 6 months of their enrolment as a student in the pharmacy education program, and
- (b) before undertaking a period of structured practical training or providing pharmacy services.

(3) A person who is enrolled as a student in a pharmacy education program that is not recognized by the board for the purpose of registration may be granted student registration by the registration committee if the applicant meets all requirements established in subsection (1)(b) and (c).

(4) A person described in subsection (3) must be registered under this section before undertaking a period of structured practical training, or providing pharmacy services.

(5) A student pharmacist may only provide pharmacy services under the supervision of a full pharmacist approved by the registration committee for that purpose.

(6) The registration committee may renew the registration of a student pharmacist who:

- (a) remains enrolled in a pharmacy education program described in subsection 1(a),
- (b) applies in writing in a form acceptable to the registration committee,
- (c) pays any outstanding fine, fee, debt or levy owed to the

college, and

(d) pays the fee specified in Schedule “D”.

(7) A student pharmacist must not

(a) delegate any aspect of practice, or

(b) perform a restricted activity under section 4(1) (c.1) of the Regulation.

(8) A student registrant may use only the title “pharmacist (student)” and must not use any abbreviations.

Non-Practising Pharmacist Registration

47. (1) A full pharmacist may be granted non-practising registration by the registration committee if the registrar has received:

(a) a signed application for non-practising registration in Form 7,

(b) the registration fee specified in Schedule “D”,

(c) a statutory declaration in Form 5, and

(d) a criminal record check authorization in the form required under the Criminal Records Review Act.

(2) A non-practising pharmacist must not provide pharmacy services in British Columbia.

(3) A non-practising pharmacist may use only the title “pharmacist (non-practising)” and must not use any abbreviations.

Certificate of Registration and Registration Card

48. (1) The registrar must issue a certificate in Form 8 to a person who is granted full pharmacist registration.

(2) A Registration Card must be issued to a person who is granted registration, and is valid from the date issued until the date shown on the card.

Examinations

49. (1) An applicant who fails a required examination under this Part, may write the examination again to a maximum of 4 times except where the Pharmacy Examining Board of Canada for its examinations, determines otherwise.

(2) If an invigilator has reason to believe that an applicant has engaged in improper conduct during the course of an examination, the invigilator must make a report to the registration committee, and may recommend that the registration committee take one or more of the

following courses of action:

- (a) fail the applicant;
 - (b) pass the applicant;
 - (c) require the applicant to rewrite the examination;
 - (d) disqualify the applicant from participating in any examination for a period of time.
- (3) After considering a report made under subsection (2), the registration committee may take one or more of the courses of action specified in subsection (2).
- (4) An applicant disqualified under subsection 2(d) must be provided with written reasons for disqualification.

Registration Renewal

50. (1) To be eligible for a renewal of registration, a pharmacist must:
- (a) provide the registrar with a completed Form 9,
 - (b) pay the registration renewal fee specified in Schedule "D",
 - (c) pay any other outstanding fine, fee, debt or levy owed to the College,
 - (d) attest that he or she is in compliance with the *Act*, the regulations, and these bylaws, and is in compliance with any limits or conditions imposed on his or her practice under the *Act*,
 - (e) meet all applicable requirements of the quality assurance program under Part V,
 - (f) if certified under section 43, meet all applicable requirements of section 43(4),
 - (g) provide proof of professional liability insurance as required under section 80, and
 - (h) provide a authorization for a criminal record check in the form required under the *Criminal Records Review Act*, if the college does not have a valid authorization on file.
- (2) Form 9 must be delivered to each pharmacist no later than 30 days before the registration renewal date and must describe the consequences of late payment and non-payment of fees.
- (3) All pharmacists must submit the monies required under subsection (1) and a completed Form 9 to the College on or before the registration expiry date.

- (4) On receipt of the monies required under subsection (1) and a completed Form 9, the registrar must issue a receipt stating that the pharmacist is, subject to his or her compliance with the *Act*, the regulations, and the bylaws, entitled to practice the profession of pharmacy in the Province of British Columbia as a member of the College.
- (5) If a pharmacist fails to submit the monies required under subsection (1) and a completed Form 9 on or before the registration expiry date, he or she ceases to be registered.
- (6) In this section, “pharmacist” does not include a student pharmacist.

Reinstatement

51. (1) The registration of a former pharmacist or a non-practising pharmacist, whose registration is not suspended or cancelled under the *Act* and who has been out of practice for more than 90 days but less than 6 years must, subject to sections 20 and 39 of the *Act*, be reinstated by the registration committee if the former pharmacist or non-practising pharmacist:
- (a) successfully completes the quality assurance program approved by the board, and
 - (b) has delivered to the registrar:
 - (i) a signed application for reinstatement in Form 10,
 - (ii) a statutory declaration in Form 5,
 - (iii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*, and
 - (iv) the registration reinstatement fee and transfer fee, if applicable, specified in Schedule D.
- (2) The registration of a former pharmacist or a non-practising pharmacist whose registration is not suspended or cancelled under the *Act* and who has been out of the practice for 6 years or more must, subject to sections 20 and 39 of the *Act*, be reinstated by the registration committee if the former pharmacist or non-practising pharmacist:
- (a) successfully completes the jurisprudence examination required by the registration committee,
 - (b) successfully completes the structured practical training required by the registration committee,
 - (c) successfully completes the Pharmacy Examining Board of Canada Qualifying Examination - Part II, and

- (d) has delivered to the registrar:
 - (i) a signed application for reinstatement in Form 10,
 - (ii) a statutory declaration in Form 5
 - (iii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*, and
 - (iv) the registration reinstatement and transfer fee, if applicable specified in Schedule “D”.

Reinstatement Following Late Registration Renewal

52. The registration of a former pharmacist who ceased to be registered under section 50 (5) must, subject to sections 20 and 39 of the *Act*, be reinstated by the registration committee if the former pharmacist
- (a) applies for reinstatement in Form 10 not later than 90 days following the expiry of his or her registration,
 - (b) meets the requirements of section 50(1),
 - (c) is not in contravention of the *Act*, the regulations, or these bylaws, and
 - (d) pays the registration reinstatement and late registration renewal fees specified in Schedule “D”.

Notification of Change of Registration Information

53. A pharmacist must notify the registrar immediately of any change of address, name, names and addresses of the pharmacies where the pharmacist practices, or any other registration information previously provided to the registrar.

PART V – Quality Assurance

Quality Assurance Program

54. (1) In this Part, “**program**” means the quality assurance program established by the board in accordance with this section.
- (2) The program consists of the following 2 components and applies to all full pharmacists and applicants for reinstatement and registration renewal:
- (a) a continuing education component;
 - (b) an assessment component, as described in subsections (3) to (9).
- (3) The assessment component referred to in subsection (2)(b) consists of 3 phases:

- (a) a Phase 1 assessment of professional performance;
 - (b) a Phase 2 reassessment of professional performance;
 - (c) a Phase 3 individualized remediation plan and reassessment of professional performance.
- (4) The quality assurance committee must select a group of full pharmacists, according to the process and timelines set out in the program documents published by the board from time-to-time, to complete a Phase 1 assessment.
 - (5) A pharmacist selected under subsection (4), or an applicant for return to practice, must choose a Phase 1 assessment option from a list described in the program documents.
 - (6) Pharmacists or applicants for return to practice who do not successfully complete the Phase 1 assessment must complete a Phase 2 reassessment option from a list of options described in the program documents.
 - (7) Pharmacists or applicants for return to practice who do not successfully complete the Phase 2 reassessment, must complete a Phase 3 individualized remediation plan and must complete a Phase 3 reassessment approved by the quality assurance committee, and pay the fee set out in Schedule “D” and costs associated with the remediation plan and the reassessment.
 - (8) Pharmacists who have been selected for the program under subsection (4), may apply to the quality assurance committee for a deferral of participation for not more than 1 year following the date of notification of selection, if the pharmacist has a medical condition that prevents him or her from practising pharmacy and provides proof of that condition in a form required by the quality assurance committee.
 - (9) Pharmacists must satisfactorily complete Phases 1 and 2, if the Phase 2 reassessment applies, within the timelines set out in the program documents published by the board from time-to-time, and the Phase 3 remediation plan and reassessment within the time allotted by the quality assurance committee.

Assessment of Professional Performance

- 55. (1) The quality assurance committee or a quality assurance assessor may assess the professional performance of a pharmacist.
- (2) A quality assurance assessor must not observe a pharmacist while the pharmacist is providing a service to a patient unless:
 - (a) the consent of the patient has been obtained in advance, or
 - (b) the service is being provided in a public setting.

PART VI – Inquiries and Discipline

Consent Orders

56. The record of an undertaking or consent given under section 36 of the *Act*, a consent order under section 37.1 of the *Act*, or an agreement under section 32.2(4)(b) or 32.3(3)(b) of the *Act*, must:
- (a) include any consent to a reprimand or to any other action made by the pharmacist under section 32.2(4)(b), 32.3(3)(b), 36 or 37.1 of the *Act*,
 - (b) include any undertaking made by the pharmacist under section 36 of the *Act*,
 - (c) specify the length of time that an undertaking specified in paragraph (b) is binding on the pharmacist,
 - (d) specify the procedure that the pharmacist may follow to be released from an undertaking specified in paragraph (b), and
 - (e) subject to sections 22 and 39.3 of the *Act* and sections 38(1) and 57(1), specify which limits or conditions of the undertaking, consent order or agreement may be published, disclosed to the public, or both.

Citation for Disciplinary Hearing

57. (1) On the direction of a panel of the discipline committee, the registrar may join one or more complaints or other matters which are to be the subject of a discipline hearing in one citation as appropriate in the circumstances.
- (2) On the direction of a panel of the discipline committee, the registrar may sever one or more complaints or other matters which are to be the subject of a discipline hearing as appropriate in the circumstances.
- (3) On the direction of a panel of the discipline committee, the registrar may amend a citation issued under section 37 of the *Act*.
- (4) If a citation is amended under subsection (3) prior to a discipline hearing, the amended citation must be delivered to the respondent by personal service or sent by registered mail to the respondent at the last address for the respondent recorded in the register not fewer than 14 days before the date of the hearing.
- (5) If a citation is amended under subsection (3) prior to a discipline hearing, and the amended citation changes the date, time or place of the hearing, the registrar must notify any complainant of the amendment not fewer than 14 days before the date of the hearing.

Hearings of Discipline Committee

58. (1) No person may sit on the discipline committee while he or she is a member of the inquiry committee.
- (2) No member of the discipline committee may sit on the panel hearing a matter in which he or she:
- (a) was involved as a member of the inquiry committee, or
 - (b) has had any prior involvement.
- (3) Information about the date, time and subject matter of the hearing must be provided to any person on request.
- (4) The discipline committee must provide notice by registered mail or by personal service to a person who is required to attend a hearing under section 38(6) of the *Act* in Form 11.
- (5) All discipline hearings must be recorded and any person may obtain, at his or her expense, a transcript of any part of the hearing which he or she was entitled to attend.

Notice of Disciplinary Decision

59. (1) In addition to any notification required under section 39.3 of the *Act* with respect to any of the actions referred to in section 39.3(1)(a) to (e) of the *Act*, the registrar:
- (a) must notify all pharmacists,
 - (b) must notify
 - (i) the regulatory bodies governing the practice of pharmacy in every other Canadian jurisdiction, and
 - (ii) if the action is taken in respect of a pharmacist, the regulatory bodies governing the provision of the services of pharmacists in every other Canadian jurisdiction, and
 - (c) may notify any other governing body of a health profession inside or outside of Canada.
- (2) Notification provided to all pharmacists under subsection (1)(a):
- (c) must include all information included in the public notification under section 39.3 of the *Act*, and
 - (d) unless otherwise directed by the inquiry committee or the discipline committee, as the case may be, must exclude any information withheld from the public notification under section

39.3(3) or (4) of the Act.

- (3) Unless otherwise directed by the inquiry committee or the discipline committee, as the case may be, notification provided to other regulatory or governing bodies under subsection (1)(b) or (c) may include information that has been withheld from the public notification under section 39.3(3) or (4) of the Act.

Retention of Discipline Committee and Inquiry Committee Records

60. Records of the inquiry committee and discipline committee must be retained permanently.

Pharmacist Under Suspension

61. (1) If the registration of a pharmacist is suspended, the pharmacist must
- (a) not engage in the practice of pharmacy,
 - (b) hold himself or herself out as a pharmacist,
 - (c) not hold office in the college,
 - (d) not be a manager,
 - (e) not make appointments for patients or prospective patients,
 - (f) remove the pharmacist's name and any sign relating to the pharmacist's practice from any premises where the pharmacist practiced pharmacy and any building in which any such premises are located,
 - (g) not contact or communicate with patients or prospective patients, except for the following purposes:
 - (i) to advise a patient or a prospective patient of the fact and duration of the suspension, and
 - (ii) to advise a patient or prospective patient that another pharmacist will continue to act or provide services in the suspended pharmacist's place, or
 - (iii) to refer a patient or prospective patient to another pharmacist in good standing.
 - (h) pay any fee required by the college when due in order to remain a pharmacist and any other outstanding fine, fee, debt or levy owed to the college, and
 - (i) immediately surrender his or her registration card to the registrar.
- (2) No current or former pharmacist 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 from practice.

- (3) During the period of suspension, a suspended pharmacist may permit another pharmacist in good standing to practice pharmacy in the premises where the pharmacist formerly practiced pharmacy.

Fines

62. The maximum amount of a fine that may be ordered by the discipline committee under section 39(2)(f) of the *Act* is \$100,000.

PART VII – Pharmacist Records

Definitions

63. In this Part, “**patient’s representative**” means:

- (a) a “committee of the patient” under the *Patient’s Property Act*,
- (b) the parent or guardian of a patient who is under 19 years of age,
- (c) a representative authorized by a representation agreement under the *Representation Agreement Act* to make or help in making decisions on behalf of a patient,
- (d) a decision maker or guardian appointed under section 10 of the *Adult Guardianship Act*, or
- (e) a temporary substitute decision maker chosen under section 16 of the *Health Care (Consent) and Care Facility (Admission) Act*.

Purpose for which Personal Information may be Collected

64. No pharmacist may collect personal information regarding a patient without the patient’s consent unless:

- (a) the information relates directly to and is necessary for providing health care services to the patient or for related administrative purposes, or
- (b) the collection of that information is expressly authorized by or under an enactment.

Source of Personal Information

65. (1) A pharmacist must collect personal information about a patient directly from the patient, unless the patient otherwise consents.
- (2) Despite subsection (1), a pharmacist may collect personal information about a patient from another person if he or she has reasonable grounds to believe:
- (a) that the patient has been made aware of the matters set out in

section 66(1) and has authorized collection of the personal information from another person,

- (b) that the patient is unable to give his or her authority and the pharmacist, having made the patient's representative aware of the matters set out in section 66(1), collects the information from the representative or the representative authorizes collection from another person,
- (c) that compliance with subsection (1) would:
 - (i) prejudice the best interests of the patient,
 - (ii) defeat the purpose or prejudice the use for which the information is collected, or
 - (iii) prejudice the safety of any person,
- (d) that compliance with subsection (1) is not reasonably practicable in the circumstances of the particular case,
- (e) that the collection is for the purpose of assembling a family or genetic history of a person and is collected directly from that person,
- (f) that the information is publicly available,
- (g) that the information:
 - (i) will not be used in a form in which the patient concerned is identified, or
 - (ii) will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the patient.
- (h) that non-compliance with subsection (1) is necessary if the information is about law enforcement or anything referred to in sections 15(1) or (2) of the *Freedom of Information and Protection of Privacy Act*.

Collection of Personal Information

66. (1) If a pharmacist collects personal information directly from a patient, or from a patient's representative, the pharmacist must take such steps as are, in the circumstances, reasonable to ensure that the patient or patient's representative is aware of:
- (a) the fact that the personal information is being collected,
 - (b) the purpose for which the personal information is being collected,
 - (c) the intended recipients of the personal information,
 - (d) whether or not the supply of the personal information is voluntary or mandatory and, if mandatory, the legal authority for collecting the

- personal information,
 - (e) the consequences, if any, for that patient if all or any part of the requested personal information is not provided, and
 - (f) the rights of access to personal information provided in section 79.
- (2) The steps referred to in subsection (1) must be taken before the personal information is collected or, if that is not practicable, as soon as practicable after the personal information is collected.
- (3) A pharmacist is not required to take the steps referred to in subsection (1) in relation to the collection of personal information from a patient, or the patient's representative, if the pharmacist has taken those steps in relation to the collection, from the patient or patient's representative, of the same information or information of the same kind for the same or a related purpose, on a recent previous occasion.
- (4) Despite subsection (1), a pharmacist is not required to comply with subsection (1) if the pharmacist believes on reasonable grounds
- (a) that non-compliance is authorized by the patient concerned,
 - (b) that compliance would:
 - (i) prejudice the interests of the patient concerned, or
 - (ii) defeat the purpose or prejudice the use for which the information is collected,
 - (c) that compliance is not reasonably practicable in the circumstances of the particular case, or
 - (d) that the information is about law enforcement or anything referred to in sections 15(1) or (2) of the *Freedom of Information and Protection of Privacy Act*.

Manner of Collection of Personal Information

67. Personal information must not be collected by a pharmacist:
- (a) by unlawful means, or
 - (b) by means that in the circumstances intrude to an unreasonable extent upon the personal affairs of the patient concerned.

Accuracy of Personal Information

68. The pharmacist must make every reasonable effort to ensure that personal information collected about patients is current and is legibly, accurately and completely recorded.

Right to Request Correction of Personal Information

69. (1) A person who believes there is an error or omission in a record containing his or her personal information may request that the pharmacist having the record in his or her custody or control correct the information.
- (2) If, after receiving a request for correction under subsection (1), the pharmacist disagrees that there is an error or omission in the record, the pharmacist must note the request in the record with particulars of the correction that was sought.

Use of Personal Information by a Pharmacist

70. A pharmacist may use personal information about a patient only:
- (a) for the purpose of providing health care services to, or performing health, care services for, the patient, or for a related administrative purpose,
 - (b) for a use or disclosure consistent with a purpose specified in paragraph (a):
 - (i) if the patient has consented to the use, or
 - (ii) for a purpose for which that information may be disclosed by the pharmacist under section 71 or otherwise under the *Act*, the regulation, or these bylaws.

Disclosure of Personal Information by a Pharmacist

71. A pharmacist must maintain confidentiality of personal information about a patient, and may disclose personal information about a patient only:
- (a) if the patient concerned has consented to the disclosure,
 - (b) for the purpose of providing health care services to, or performing health care services for, the patient, or for a related administrative purpose, or for a disclosure consistent with either purpose,
 - (c) for the purpose of complying with an enactment of, or an arrangement or agreement made under an enactment of, British Columbia or Canada,
 - (d) for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body with jurisdiction to compel the production of information,
 - (e) to an employee of, or contractor providing services to, the pharmacist, if the information is necessary for the performance of the duties of, or for the protection of the health or safety of, the employee or contractor,
 - (f) to a lawyer acting for the pharmacist, for use in civil or criminal proceedings involving the pharmacist,

- (g) if necessary to comply with the *Coroners Act*,
- (h) if necessary to comply with the *Ombudsman Act*,
- (i) for the purposes of:
 - (i) collecting a debt or fine owing by a patient to the pharmacist, or
 - (ii) making a payment owing by the patient to a pharmacist,
- (j) to an auditor, the college or any other person or body authorized by law, for audit purposes,
- (k) if the pharmacist believes on reasonable grounds that there is a risk of significant harm to the health or safety of any person and that the use or disclosure of the information would reduce that risk,
- (l) so that the next of kin or a friend of an injured, ill or deceased individual may be contacted,
- (m) in accordance with the *Act*, the regulation, or these bylaws, or
- (n) as otherwise required by law.

Definition of Consistent Purpose

72. A use or disclosure of personal information is consistent with the purposes of providing health care services to a patient or related administrative purposes under sections 70 and 71 if the use or disclosure has a reasonable and direct connection to either purpose.

Storage of Personal Information

73. A pharmacist must ensure that all records pertaining to his or her practice, and containing personal information about patients are safely and securely stored:
- (a) at the pharmacy, or
 - (b) off site.

Manner of Disposal of Records

74. A pharmacist must ensure that records referred to in section 73 are disposed of only by:
- (a) transferring the record to another pharmacist, or
 - (b) effectively destroying a physical record by utilizing a shredder or by complete burning, or
 - (c) erasing information recorded or stored by electronic methods on tapes, disks or cassettes in a manner that ensures that the information cannot be reconstructed.

Pharmacist Ceasing to Practice

75. (1) Except where records must be retained for the purpose of Part 3 of the *Health Professions Act* and Part 3 of the *Pharmacy Operations and Drug Scheduling Act*, in any case where a pharmacy is closed or a pharmacist ceases to practise, for any reason, the records referred to in section 73 must be transferred in accordance with this Part, and the college must be notified and provided with a written summary of the steps taken to transfer those records.
- (2) A pharmacist must make appropriate arrangements to ensure that, in the event that the pharmacist dies or becomes unable to practise for any reason and is unable to dispose of records referred to in section 73 those records will be safely and securely transferred to another pharmacist.
- (3) A pharmacist who transfers records containing personal information about a patient transferred in accordance with subsection (1) or (2) must notify the patient.

Protection of Personal Information

76. (1) A pharmacist must protect personal information about patients by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.
- (2) A pharmacist must take reasonable measures to ensure that a third party, including a volunteer, employee or contractor of the pharmacist, or a limited pharmacist does not access, collect, use, disclose, store or dispose of personal information about patients except in accordance with this Part.

Contracts for Handling Personal Information

77. A pharmacist must ensure that, if personal information about patients is transferred to any person or service organization for processing, storage or disposal, a contract is made with that person which includes an undertaking by the recipient that confidentiality and physical security will be maintained.

Remedying a Breach of Security

78. A pharmacist must take appropriate measures to remedy any unauthorized access, use, disclosure or disposal of personal information about patients under this Part as soon as possible after the breach is discovered, including:
- (a) taking steps to recover the personal information or to ensure its disposal if it cannot be recovered,
 - (b) taking steps to ensure that any remaining personal information is secured,
 - (c) notifying:

- (i) anyone affected by the unauthorized access including patients and other health care providers,
 - (ii) the college, and
 - (iii) law enforcement officials, if criminal action may have contributed to the unauthorized action, and
- (d) modifying existing security arrangements to prevent a re-occurrence of the unauthorized access.

Patient Access to Personal Information

79. (1) For the purposes of this section, “access to” means the opportunity to examine or make copies of the original record containing personal information about a patient.
- (2) If a patient or a patient’s representative makes a request for access to personal information about the patient, the pharmacist must comply as soon as practical but not more than 45 days following the request by:
- (a) providing access to the patient or patient’s representative,
 - (b) providing access to the remainder of the personal information if that information excepted from disclosure under subsection (3) can reasonably be severed, or
 - (c) providing written reasons for the refusal of access to the personal information or to any portion thereof.
- (3) The pharmacist may refuse to disclose personal information to a patient or a patient’s representative:
- (a) if there is a significant likelihood of a substantial adverse effect on the physical, mental or emotional health of the patient,
 - (b) if there is a significant likelihood of harm to a third party, or
 - (c) if the disclosure could reasonably be expected to disclose personal information regarding another individual.
- (4) If a patient or a patient’s representative requests a copy of an original record containing personal information about the patient to which a pharmacist has given the patient or patient’s representative access, a copy must be provided if it can reasonably be reproduced.
- (5) A pharmacist may charge a reasonable fee for the reproduction of personal information which does not exceed the fee specified in Schedule H.
- (6) Subject to subsection (3), a patient under 19 years of age may have access to a record if, in the opinion of the pharmacist, the patient is capable of understanding the subject matter of the record.

- (7) Except if authorized by the patient, a pharmacist must not provide access to the records of a patient who is under 19 years of age to the guardian or parent of the patient if the subject matter of the record is health care which was provided without the consent of a parent or guardian in accordance with the requirements of section 17 of the *Infants Act*.

Part VIII – General

Liability Insurance

80. (1) Each full, limited, or temporary pharmacist must obtain and at all times maintain professional liability insurance coverage with a limit of liability not less than \$2,000,000 insuring against liability arising from an error, omission or negligent act of the registrant.
- (2) Each full and temporary pharmacist must obtain and at all times maintain professional liability insurance coverage with a limit of liability not less than \$2,000,000 insuring against liability arising from an error, omission or negligent act of an employee of the registrant.

Part IX – Marketing and Advertising

Definitions

81. (1) In this part:
- "advertisement"** means the use of space or time in a public medium, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public, or a segment thereof, for the purpose of promoting professional services or enhancing the image of the advertiser,
- "marketing"** includes:
- (a) an advertisement,
 - (b) any publication or communication in any medium with any patient, prospective patient or the public generally in the nature of an advertisement, promotional activity or material, a listing in a directory, a public appearance or any other means by which professional services are promoted, and
 - (c) contact with a prospective client initiated by or under the direction of a pharmacist.
- (2) When advertising pharmacy services that are required by legislation, the statement, "Required in all British Columbia Pharmacies", must accompany the advertising and must be of the same size and prominence as all other print in the advertising.
- (3) Schedule I drug price advertising must include the following:

- (a) the proprietary (brand) name, if any, for the drug and/or the device,
 - (b) the drug product's generic name and the manufacturer's name,
 - (c) the dosage form and strength,
 - (d) total price for a specific number of dosage units or quantity of the drug product, and
 - (e) the phrase "only available by prescription".
- (4) Where Schedule I drug price advertising includes direct or indirect reference to a professional fee charged, the total prescription price must also be incorporated into the advertisement, and both figures must be featured equally.
- (5) Schedule I drug price advertising must not include any reference to the safety, effectiveness or indications for use of the advertised prescription drug products or compare the fees charged by the pharmacist with those charged by another pharmacist.
- (6) Any marketing undertaken or authorized by a pharmacist in respect of his or her professional services must not be:
- (a) false,
 - (b) inaccurate,
 - (c) reasonably expected to mislead the public, or
 - (d) unverifiable.
- (7) Marketing violates subsection (6) if it is calculated or likely to take advantage of the weakened state, either physical, mental or emotional, of the recipient or intended recipient:
- (a) is likely to create in the mind of the recipient or intended recipient an unjustified expectation about the results which the pharmacist can achieve,
 - (b) implies that the pharmacist can obtain results:
 - (i) not achievable by other pharmacists,
 - (ii) by improperly influencing a public body or official, or any corporation, agency or person having any interest in the welfare of the recipient,
 - (iii) by any other improper means, or
 - (c) compares the quality of services provided with those provided by another pharmacist, or a person authorized to provide health care services under another enactment, or another health profession.

- (8) The home page of any pharmacy that advertises on a website must clearly show:
- (a) that the pharmacy is licensed in British Columbia,
 - (b) the contact information for the college,
 - (c) a notice to patients that pharmacy practice issues may be reported to the college,
 - (d) the physical location of the pharmacy operation,
 - (e) the 10 digit pharmacy telephone number, and
 - (f) the name of the pharmacy's manager.

Part X – Patient Relations

Patient Relations Program

82. (1) The board must establish a patient relations program to seek to prevent professional misconduct, including professional misconduct of a sexual nature.
- (2) For the purposes of the patient relations program, the board must:
- (a) establish and maintain procedures by which the college deals with complaints of professional misconduct of a sexual nature,
 - (b) monitor and periodically evaluate the operation of procedures established under subsection (a), and
 - (c) develop guidelines for the conduct of pharmacists with their patients.
- (3) The registrar must provide information to the public regarding the college's complaint, investigation, and discipline processes.
- (4) In this section:
- “professional misconduct of a sexual nature”** means:
- (a) sexual intercourse or other forms of physical sexual relations between the pharmacist and the patient,
 - (b) touching of a sexual nature, of the patient by the pharmacist, or
 - (c) behavior or remarks of a sexual nature by the pharmacist towards the patient,
- but does not include touching, behavior and remarks by the pharmacist towards the patient that are of a clinical nature appropriate to the service being provided.

Part XI – Standards of Practice

Community Pharmacy, Hospital Pharmacy and Residential Care Facilities and Homes

83. Standards, limits, and conditions for the practice of the health profession of pharmacy referred to in section 19(1)(k) of the *Act* is established in Parts 1 to 3 of Schedule “F”.

Injection Drug Administration

84. Standards, limits and conditions respecting full pharmacists and drug administration by injection, referred to in section 19(1)(k) of the *Act*, are established in Part 4 of Schedule “F”.

Part XII – Standards of Professional Ethics

Code of Ethics

85. Standards of professional ethics for pharmacists, including standards for the avoidance of conflicts of interests referred to in section 19(1)(l) of the *Act* is established by the board in Schedule A.