



The Manitoba Pharmaceutical Association

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Regulations Discussion Document: Recommendation from the Complaints Committee

The Complaints Committee of the Manitoba Pharmaceutical Association met on March 7th, 2007 to discuss the draft Regulations Discussion Documents as referred by Council.

Present:

Sheila Holden

Scott McGibney

Penny Murray, Chair

Ronald Guse, staff

The following recommendations were made:

- Generally supportive for a two part licensing register for pharmacists.
- Supportive of section 39 that describes qualifications for pharmacy managers. However consideration should be given to the fact the number of hours does not provide an indication of competence and quality assurance and a jurisprudence exam for managers be considered.
- Under part 7, there needs to be a clear understanding of accountability should a technician make a medication error that is released to the public. **Reason:** Although the Complaints Committee is understanding of the “no blame” concept, many members of the complainants want to know who did the error and what has occurred as a result. The Committee clearly advises the patient of this information that will, at times, result in the issuing of a written caution to the pharmacist responsible and corresponding changes to ensure quality assurance. However under the new act, the technician could be responsible, but not accountable.
- The Committee suggested changes to the current by-laws as attached.

COMPLAINTS COMMITTEE

6.11 In addition to those members named to the complaints committee in accordance with section 17 of the Act, the council ~~may shall~~ name alternates for each of the members who will

serve in the absence of a member or the inability of a member to participate in a hearing or any other activity of the committee.

6.12 The term of office for a member of the complaints committee shall be 2 years **with** ~~but~~ each member is eligible for re-appointment to a **total** maximum of **an additional** three consecutive terms.

6.13 Council shall appoint a chair and vice-chair of the committee.

6.14 A quorum for conducting the business of the complaints committee shall be a majority of the members but must include a lay person appointed under section 6(2) of the Act.

6.15 The time at which and the place where meetings of the complaints committee will be held shall be determined by the chair of the complaints committee.

6.16 Any member of the complaints committee may be removed or replaced at any time by the council. If and whenever a vacancy shall exist on the complaints committee, the remaining members may exercise all its powers so long as a quorum can be established.

6.17 In the event that a member of the complaints committee is personally interested in the outcome or activity of any inquiry, the member shall be disqualified from participation in such inquiry and his or her alternate ~~may shall~~ substitute for that inquiry.

6.18 In the event that neither the member nor the alternate can serve, the president shall appoint a substitute. **{REMOVE}**

APPEALS COMMITTEE

6.19 Within 30 days of the receipt of an appeal by a complainant, council shall name an appeals committee in accordance with section 23of the Act none of whom participated on the complaints committee hearing the same matter. **{REMOVE}**

6.20 Council shall appoint a chair and a vice-chair of the committee. **{REMOVE}**

6.21 The time and place where meetings of the appeals committee will be held shall be determined by the chair but shall be held within 30 days of formation of the committee.

6.22 A quorum for conducting the business of the appeals committee shall be a majority of the members but must include a lay person appointed under section **7(4)** ~~26(4)~~ of the Act.

DISCIPLINE COMMITTEE

6.23 The Council shall appoint from among the members of the association, a discipline

committee consisting of not less than five(5) and not more than twelve(12) pharmacist members, not less than three(3) of whom shall be members of council, and the lay persons appointed under section ~~7(4) 26(4)~~ of the Act.

6.24 Any five (5) members of the discipline committee shall constitute a quorum at any time and must include a lay person appointed under section 26(4) of the Act.

6.25 The term of office for a member of the discipline committee shall be 2 years but each member shall be eligible for re-appointment to a 2 year term to a maximum of 3 consecutive terms. ~~At the first appointment of members to the discipline committee, after the coming into force of these by laws, half the members (4) shall be appointed for 1 year.~~

6.26 The time at which and the place where meetings of the discipline committee shall be held shall be determined by the chair of the discipline committee and **hearings convened** in accordance with section ~~46(3) 28(2)~~ of the Act.

6.27 The discipline committee shall keep a record of its proceedings in which there shall be recorded its findings of fact and conclusions, resolutions and decisions there from and which **may** ~~shall~~ be reported to the council following the expiration of the appeal period.

6.28 Any member of the discipline committee may be removed or replaced at any time by the council. If and whenever a vacancy shall exist on the discipline committee, the remaining members may exercise all its powers so long as a quorum can be established.

6.29 The procedure of the discipline committee shall not be governed by legal rules of evidence. It shall be the purpose of the discipline committee to get at the truth or falsity of the complaint but it shall be governed by fairness, justice, and equity in all cases. **{REMOVE}**

6.30 Notice of a hearing shall be served on the investigated persons or license holder in accordance with section 66 of the Act. **{REMOVE}**

6.31 The counsel of the association may attend discipline hearings and advise the committee of points of law but shall not take part in the decisions. **{REMOVE see section 47(1)of Act}**

6.32 ~~No member of the discipline committee not present at the meeting of the discipline committee at the time it commences to hold a hearing shall be entitled to be present at a meeting or any adjournment thereof during the conduct of the hearing.~~ **A member of a Discipline Committee cannot join a hearing panel that has been already started and cannot continue should they miss a meeting of the hearing panel.**