



# The Manitoba Pharmaceutical Association

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## **Notice to All Pharmacists Re: Regulated Health Professions Act**

Dear Pharmacists:

On April 16<sup>th</sup>, 2009, the *Regulated Health Professions Act* (Bill 18) was introduced in the Manitoba Legislature. Since that time, MPhA Council Members and staff have been involved in considerable discussion and work towards passage of this new legislation. In early June, the Legislature's Standing Committee of Human Resources was held at which time approximately 30 individuals from the pharmacy community presented to the Committee on the RHPA. An issue of major importance discussed at the Committee presentations concerned the pharmacists' authority to approve regulations, standards of practice, the continuing competency program and The Code of Ethics, as described in the RHPA, prior to consideration and subsequent approval by government. The Manitoba Government supported pharmacists in retaining this authority of approval and Bill 18, the *Regulated Health Professions Act*, was passed as originally drafted with respect to this issue.

Throughout this time, it has become increasingly evident there may be some misconceptions present among members and other pharmacy stakeholders concerning this issue. In keeping with the desire and need of Council to keep members fully informed and to provide clarity on the issue, a fact sheet on the course of events surrounding the passage of the RHPA has been developed and is enclosed.

Should you have questions regarding the information included in this fact sheet, please contact the Registrar or me directly.

Yours truly,

Randall Stephanchew, President

RS/slf

## Regulated Health Professions Act

There has been much activity recently regarding the *Regulated Health Professions Act* (RHPA) recently presented in the Manitoba Legislature for approval. Although the most recent activity has been around the Standing Committee of the Legislature and presentations made by various groups and individuals, the MPhA has kept pharmacists knowledgeable about the coming of the RHPA for several years and openly advised of any decision in this regard.

The major issue discussed at the Committee presentations was regarding the pharmacists' authority to approve the regulations, standards of practice and the continuing competency program before they are forwarded to the government for consideration. Also included was the additional issue of the pharmacists' authority over the final approval of the Code of Ethics. With all of the other health professions in the province and the 8 other provincial pharmacy colleges in Canada, the governing Council is required to consult and consider comments from pharmacists and other stakeholders before Council makes the final approval of these documents.

As many will know by now, the Manitoba Government supported pharmacists in retaining the authority of approval and Bill 18, the *Regulated Health Professions Act*, was passed as originally drafted with respect to this matter.

In the course of the last couple months, there have been some misunderstanding of process and historical events and there is need for clarification. Please be advised:

- The MPhA did not approach government at anytime through the development of December 2006 *Pharmaceutical Act* (Bill 41) to remove the pharmacists right to approve regulations.
- The first occasion where Council requested a legislative change of government, in order for the regulations approval process to be under the jurisdiction of Council, occurred in a letter to the Assistant Deputy Minister of Health in April 2009 with respect to the *Regulated Health Professions Act*.
- In 2001, the issue of member voting rights was directly brought to the members for their consideration. At that time, two motions were made to provide Council the final approval of regulations and other matters, with consultation of the members. These motions were defeated.
- When the *Pharmaceutical Act* of December 2006 (Bill 41) was being drafted, representatives of government informed the MPhA that the government's policy was to give Council the final approval of regulations and other matters. MPhA was referred to the *Nurses Act* for suggested wording to include in our drafting of the *Pharmaceutical Act* (Bill 41).
- As per the government's suggestion, the MPhA prepared a draft of the *Pharmaceutical Act* (Bill 41) with Council having final approval of regulations and other matters, and submitted the draft to government for their review
- Members were advised of this change in the approval process at District Meetings and Special General Meetings.
- Staff of the MPhA reviewed an August 2005 MPhA drafted version of the *Pharmaceutical Act* with MSP. This document left the approval of the regulations and other matters to the Council, consistent with government policy. Both MPhA and MSP supported this and went on record during the 2006 Legislative Committee meetings (Hansard recorded) as supportive of this process.

- The final version of the December 2006 *Pharmaceutical Act* was not shared with the MPhA. The MPhA saw the final version of the *Act* when it received first reading in the Legislature.
- The current authority for pharmacists voting on regulations instead of Council, was first introduced in 1992. Before this time, pharmacists had the authority to amend or repeal regulation changes.
- Leading up to the passage of the *Pharmaceutical Act* (Bill 41) in December of 2006, representatives of government advised at a multi-stakeholder meeting that the *Act* could not be changed once the Committee did not recommend further changes.
- The MPhA and other stakeholders were subsequently advised that the two liberal MLA's could propose amendments to the legislation, but they would not stand unless supported by all parties.
- During the November 2006 Special General Meeting, neither the MPhA office staff nor Council arranged for a motion to be presented at the meeting that confirmed support for Bill 41 as circulated. However, a majority of members present at the meeting approved the motion that supported Bill 41 (with Council approving regulations) as presented and then approved to adjourn. Roberts Rules governed the meeting and the motions were in order.
- On December 4, 2006, the *Pharmaceutical Act* (Bill 41) was amended to reinstate the voting rights of the MPhA pharmacist members. These amendments were introduced by Dr. Jon Gerrard, leader of the Manitoba Liberal Party, and were supported by all three political parties.
- On April 16<sup>th</sup>, 2009, the RHPA (Bill 18) was introduced in the Manitoba Legislature and was referred to Committee for public input.
- At the April 17<sup>th</sup>, 2009 Council meeting, the issue of pharmacists' approval in the *Regulated Health Professions Act* (RHPA) (Bill 18) was discussed. Council was aware of the decision of the pharmacists in 2001, but was also aware of the motion at the Special General Meeting in November 2006. After lengthy discussion regarding the responsibility placed on Council in the RHPA (Bill 18) to ensure the College fulfills its mandate (now described in the legislation) and the (newly proposed) Oath of Office, and in consideration of how the other professions are governed in Manitoba and throughout the country, Council passed a motion to not support the legislation and asked that the section be amended.
- Council wanted to advise all members of its decision by way of a letter from the President on April 28<sup>th</sup>, 2009 and that is the reason why the matter was not raised at the Annual General Meeting of the MPhA.
- On June 1<sup>st</sup> and 2<sup>nd</sup>, 2009, the Legislature's Standing Committee of Human Resources was held. Approximately thirty individuals presented to the Committee on the RHPA (Bill 18). Many of these spoke on the voting rights issue around pharmacy.
- After hearing these presentations, the Committee approved the Bill as written, with members having final approval of changes to pharmacy regulations and other matters.

Most importantly, Council was committed and remains committed to work with the MSP and other stakeholders, under the direction of the consultant PriceWaterhouseCoopers, and thereafter, to craft regulations that the majority of the members will approve.