

HIGHLIGHTS* updated December 7, 2006

Bill 41 – The Pharmaceutical Act

Administrative Highlights

- Change of name to “College of Pharmacists of Manitoba”
- Increased public representation on Council and most committees
- Letters of standing or registrar’s certificates made available upon request
- Special general meetings may be called at the request of 5% of the membership

Registration & Licencing of Pharmacists

- Streamlining pharmacist registration and licencing to meet temporary or long-term shortages, emergencies, and pandemic situations
- Internship requirement recognized by statute
- Regulations may create different categories of pharmacist licence

Interns & Students

- Interns and students will be recognized by statute
- Provision for regulations regarding the delegation of tasks to interns and students

Expanded Scope of Practice

- Pharmacists meeting the requirements of the regulations may have the ability to:
 - Prescribe certain drugs
 - Administer certain drugs
 - Interpret certain tests
 - Order certain tests
- Pharmacists recognized as specialists in areas if they meet the qualifications set in the regulations

Licencing of Pharmacies

- Pharmacy owners may be individuals, corporations, or partnerships
- Regulations may create different categories of pharmacy licence

Complaint Process

- Interns and students become subject to complaint and discipline process
- All complaints to be reviewed and investigated by the Complaints Committee, providing protection for pharmacy owners
- Investigators may require the investigated person to respond to a complaint, in person or in writing
- More options for informal resolution of complaints
- Censure can only be used if the investigated person agrees
- Clarification of limited procedural protections during complaint process

Discipline Process

- Increased procedural protections at hearings of the Discipline Committee, with procedures set in the by-laws
- Increased maximum fine levels
- Elimination of the time and cost of appealing to Council, with all appeals going directly to the highest court in the province

Public Protections

- Pharmacist profiles made available to the public
- Court may appoint a custodian to operate a pharmacy when there has been a suspension or cancellation of the pharmacy licence
- Registrar may issue interim suspension of pharmacist or pharmacy licence where public safety is at risk, until the Complaints Committee is able to convene or it is lifted by the Courts
- Increased fine levels for offenses, such as committed by unlicensed pharmacists or pharmacies
- Greater restriction on terms or other designations used by unlicensed pharmacists or pharmacies
- Duty imposed to report other pharmacists who are unable to practice safely
- Patients may give “no substitution” directions

Investigations & Inspections

- Authority of inspectors during an investigation of a complaint or a general inspection or audit are enhanced and clarified
- Inspectors and investigators may take advantage of new technologies
- Streamlining of process to follow-up on issues of concern discovered during an investigation or inspection, whether relating to the same or different matters or persons

Regulations

- Regulations must be approved by the members and government before coming into effect
- Regulations may provide for use of new technologies in practice and record keeping
- Regulations may require liability insurance
- Some regulations created by Minister of Health
- Minister may designate by regulation “practitioners” whose prescriptions may be filled at a pharmacy
- Set out qualifications and delegation of duties of technicians

Standards of Practice

- Standards apply to pharmacists, pharmacy owners, students, and interns
- General statements of standards included in the regulations
- Council able to issue practice directions, interpreting how standards and other rules should be applied

By-Laws

- Members retain ultimate authority over by-laws, and may require that they be amended or repealed
- Most fees and forms to be set though by-laws

Code of Ethics

- Code of Ethics must be approved by the members at an Annual General Meeting and can be amended or repealed at a general meeting

Confidentiality

- Information and documents may be obtained at the request of the regulator of another Manitoba profession or any governing authority for pharmacists
- Increased ability to provide information to provincial and federal government agencies for the protection of the public, concerns for proper practice and the analysis of health care policy needs (cannot disclose personal health information)

Protections for Profession

- Limitation of two years for commencing an action against a pharmacist
- Immunity from prosecution for reporting pharmacists, in good faith, who are unable to practice safely
- Employers are jointly responsible for authorizing or directing the commission of an offense
- Pharmacists can dispense and charge for the next lowest price under the formulary when the lowest priced product is not available

* **NOTE:** Although Bill 41 has been passed and received Royal Assent, it does not come into effect until it is proclaimed by the government. Proclamation will not occur until regulations, bylaws, and Code of Ethics are prepared and approved. This document does not purport to be an exhaustive list of all the provisions of the proposed legislation. Emphasis has been given to areas where the proposed statute may differ from the current legislation. For more detail, please see Bill 41 itself, which can be found on the Legislative Assembly of Manitoba website: <http://web2.gov.mb.ca/bills/sess/b041e.php>