

**MINUTES**  
**Council Meeting**  
**ALBERTA COLLEGE OF PHARMACISTS**  
**Thursday, May 24, 2012**  
**Rimrock Hotel, Banff, Alberta**

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**1. Introduction**

**1.1 Call to Order**

President Acharya called the meeting to order at 8:00 a.m.

**1.2 Roll Call**

Registrar Eberhart called the roll and identified the following individuals in attendance:

- District 1 - Wilson Gemmill
- District 2 - Clayton Braun
- District 3 - Ahmed Metwally
- District 3 - Krystal Wynnyk
- District 4 - Kelly Olstad (Vice-President)
- District 5 - Anjali Acharya (President)
- District 5 - Kaye Moran (President-Elect)
- Vi Becker - Public Member
- Pat Matusko - Public Member
- Bob Krutchen - Public Member

**Non-Voting**

- Donna Galvin (Past President)
- Jim Kehrer (Dean, Faculty of Pharmacy & Pharmaceutical Sciences)
- Ken Soong (APSA Student Representative)
- Robin Burns (Pharmacy Technician) - Observer
- Teresa Hennessey (Pharmacy Technician) - Observer

**Regrets:**

- District 3 – Chelsey Cabaj

**Also in attendance:**

- Greg Eberhart - Registrar
- Dale Cooney - Deputy Registrar
- Lynn Paulitsch - Operations and Finance Director
- Karen Mills - Communications Leader
- Leslie Ainslie - Executive Assistant
- Kelly Boparai (Pharmacy Technician Councilor-Elect) - Observer
- Brad Willsey (Councilor-Elect District 1) - Observer
- Heather Baker - Registration and Competence Director (8:00 a.m. - 12:30 p.m.)
- Bill Shores, Shores Jardine LLP (8:00 - 10:30 a.m.)

### **1.3 Invocation**

Ahmed Metwally read the invocation.

### **1.4 Adoption of the Agenda**

#### **1.4.1 Additions to the Agenda**

There were no additions to the agenda.

**MOTION:** that the agenda be adopted as circulated.

Moved by **Vi Becker**/Seconded by **Kelly Olstad**/CARRIED

**MOTION:** that agenda item 2.1.1 and 5.2.1 be tabled until the September 2012 council meeting.

Moved by **Kaye Moran**/Seconded by **Pat Matusko**/CARRIED

### **1.5 Minutes from Previous Meetings**

#### **1.5.1 Council Meeting Minutes April 5, 2012**

**MOTION:** that the minutes of the April 5, 2012 council meeting be adopted as circulated.

Moved by **Vi Becker**/Seconded by **Krystal Wynnyk**/CARRIED

### **1.6 Disposition of Directives**

The disposition of directives was provided for information. President Acharya invited questions; however none arose.

### **1.7 In Camera – Policy CR-5 Monitoring Registrar’s Performance**

**MOTION:** that council move into an “In Camera” meeting at 1:05 p.m.

Moved by **Krystal Wynnyk**/Seconded by **Pat Matusko**/CARRIED

**MOTION:** that council move out of the “In Camera” meeting at 1:19 p.m.

Moved by **Kaye Moran**/Seconded by **Pat Matusko**/CARRIED

## **2. Governance**

### **2.1 ENDS Policies and Reports**

#### **2.1.1 Policy E (Mega-End) – Priorities for 2012-13**

This agenda item was tabled until the September 2012 council meeting. (See omnibus motion under agenda item 1.4)

### **2.2 Executive Limitations Policies and Reports**

Reports from the Registrar were provided for each of the following executive limitation policies.

#### **2.2.1 EL-4 Financial Condition**

Council received internal financial statements and a statement of variances for the month ending March 31, 2012.

**MOTION:** that the Registrar’s compliance report on EL-4 Financial Condition of the College be approved.

Moved by **Krystal Wynnyk**/Seconded by **Ahmed Metwally**/CARRIED

**2.3 Review and Amendment of Governance (GP) Policies – NIL**

**2.4 Review of Compliance with Council-Registrar Relationship (CR) Policies - NIL**

**2.5 Ownership Linkage**

**2.5.1 Engagement with Albertans Since Last Meeting**

Limited insight was provided with respect to Council Members' engagement with Albertans. Greater emphasis was placed on engagement with registrants about the competence program. This is reflected in context with the discussion under agenda 3.1.3.2.

**3. Legislated Responsibilities**

**3.1 Committee Reports**

**3.1.1 Hearing Tribunal Reports – NIL**

**3.1.2 Appeal of Hearing Tribunal Decision**

**3.1.2.1 Mohammad Farooq**

Council must establish a date to consider the appeal of Mohammad Farooq in the decision of the Hearing Tribunal that ruled on his professional conduct.

**MOTION:** that a panel of Council be appointed by the Executive Committee to consider the appeal of Mohammad Farooq.

Moved by **Bob Krutchen**/Seconded by **Kelly Olstad**/CARRIED

**3.1.3 Competence Committee**

**3.1.3.1 Committee Report**

With the exception of new registrants, all pharmacists on the clinical register may be selected for competence assessment. Pharmacists on medical or maternity/parental leave who are not practicing may have their assessment deferred. Other exemptions are pharmacists who have completed CPBC or OCP competence assessment in the past 5 years. To date, over 92% of pharmacists completing competence review have been successful.

Below are results of competence assessment to date:

- Have completed the competence assessment 829
- Non-compliant 2
- Yet to comply 26
- Granted Deferral 9
- Registration tagged due to non-compliance 17  
(possible non-renewal or retiring)
- Practicing but non-compliant 10-12  
(must comply prior to registration)

**MOTION:** to accept the Competence Committee report.

Moved by **Kaye Moran**/Seconded by **Ahmed Metwally**/CARRIED

### **3.1.3.2 Reflecting on the Competence Program**

Council Members and ACP administration have received questions and some calls from registrants concerning ACP's competence program. Council and ACP are committed to continued quality improvement and sought to clarify facts about the program and to gain further understanding about the concerns received from registrants. Being clear about these concerns is important in order to anticipate quality improvement initiatives for the program. This may include improved communication, evaluation about the rules and processes for the program, and consideration of the tools used for assessment.

Heather Baker, ACP's Director of Registration and Competence, and Bill Shores, legal counsel to ACP, provided Council with a presentation of the legal framework and structure of the competence program. The presentation reviewed the legislation, regulations, program rules, role of council, role of the competence committee, role of administration and the authority to prescribe conditions and/or issue a complaint.

The *Health Professions Act* states that the College "must establish, maintain, and enforce standards for registration and of continuing competence and standards of practice of the regulated profession". Compliance with the continuing competence program is an essential element of the granting of a practice permit as outlined in Section 32 of the *Pharmacists and Pharmacy Technicians Profession Regulation* that states that all:

- Regulated members applying for renewal of their practice permit must
- (a) provide any of the information specified in sections 11 to 14 at the request of the Registrar, and
- (b) meet the requirements of the continuing competence program.

Competent pharmacists and pharmacy technicians are integral to ACP fulfilling its mission "to support and protect the public's health and well-being" and "to set and enforce high standards of competence and ethical conduct". ACP's RxCEL Competence Program supports regulated members in their efforts to maintain and enhance their competence. The program has two competence assessment options. The pharmacist chooses the option they prefer and that may best suit their practice. It is recognized that there is no single tool that can determine the overall competence of any professional. The tools approved for use by ACP provide two significantly different approaches for registrant consideration. Candidates selecting to complete a practice portfolio are able to self-select opportunities for improvement, engage in learning and practice enhancement, and document how they have incorporated these enhancements into their practices. The knowledge evaluation assumes knowledge as a significant foundation to competent practice. It provides registrants an opportunity to demonstrate their knowledge base in relation to peers based on a sample of questions determined by peers. Results from this evaluation simply provide a relative score in relation to peers, and identifies areas of knowledge that might warrant further study.

ACP's authority to prescribe conditions and/or issue a complaint when a member's competence or ethical conduct is of concern is limited to Section 51.1 of the *Health Professions Act*. The Act states that:

51.1(1) The competence committee, registration committee or registrar must make a referral to the complaints director if, on the basis of information obtained from a practice visit or continuing competence program, the competence committee, registration committee or registrar is of the opinion that a regulated member has intentionally provided false or misleading information under this Part.

(2) The competence committee must make a referral to the complaints director if, on the basis of information obtained from a practice visit, it is of the opinion that

(a) the regulated member displays a lack of competence in the provision of professional services that has not been remedied by participating in the continuing competence program,

(b) the regulated member may be incapacitated, or

(c) the conduct of the regulated member constitutes unprofessional conduct that cannot be readily remedied by means of the continuing competence program.

Council reflected on the development and evolution of the program since its inception and deliberated the value pharmacists and the public receive from the competence process. It was agreed that at its core, the program is not about trying to find pharmacists that are not competent; it is about providing standardized tools through which pharmacists can demonstrate elements of their competence to themselves and the College; and, from which opportunities for improvement are pursued.

Council will continue its review of the philosophy and principles that guide the competence program and has committed to further improvements of the program in 2012-13.

### **3.1.4 Nominating Committee**

On behalf of the Nominating Committee, President Acharya submitted nominations for the positions of president, president-elect and vice-president. Kaye Moran was nominated for the position of president, Kelly Olstad for president-elect and Krystal Wynnyk for the position of vice-president.

In keeping with the council election cycle for regulated pharmacy technicians to be duly elected as voting members, Council was asked to re-appoint Robin Burns as a Pharmacy Technician observer to Council for the term 2012-2014.

#### **3.1.4.1 President 2012-13**

President Acharya called for nominations from the floor three times. None were received.

**MOTION:** that nominations cease and that Kaye Moran be elected president for the 2012-13 council term.

Moved by **Wilson Gemmill**/Seconded by **Krystal Wynnyk**/CARRIED

**Abstained:** Kaye Moran

**3.1.4.2 President-Elect 2012-13**

President Acharya called for nominations from the floor three times. None were received.

**MOTION:** that nominations cease and that Kelly Olstad be appointed president-elect for the 2012-13 council term.

Moved by **Kaye Moran**/Seconded by **Vi Becker**/CARRIED

**Abstained:** Kelly Olstad

**3.1.4.3 Vice-President 2012-13**

President Acharya called for nominations from the floor three times. None were received.

**MOTION:** that nominations cease and that Krystal Wynnyk be appointed vice-president for the 2012-13 council term.

Moved by **Wilson Gemmill**/Seconded by **Kelly Olstad**/CARRIED

**Abstained:** Krystal Wynnyk

Council must reflect on succession planning for executive positions to council. President Acharya introduced for consideration, the concept of renaming the vice president position to that of “Executive Member at Large”. The new position would be more purposeful and provide more opportunity for learning and exposure, allowing the council member in that position, an opportunity to grow into the role of president. During their term, council members should follow a path of orientation, mentorship, succession planning, and executive leadership.

**MOTION:** to pursue amendments to the bylaws to change the position of vice-president to executive member at large.

Moved by **Pat Matusko**/Seconded by **Clayton Braun**/CARRIED

**3.1.4.4 Pharmacy Technician Observer 2012-2014**

**MOTION:** to appoint Robin Burns as Pharmacy Technician observer for 2012-2014.

Moved by **Ahmed Metwally**/Seconded by **Kaye Moran**/CARRIED

**3.2 Committee Appointments**

Council appointed members to the Competence Committee, Hearing Tribunal Pool, Section 65 Committee, Resolution Committee, Nomination Committee, Admissions Committee and ACP’s CCCEP Board Appointment through the following omnibus motion. Additionally the omnibus motion included corporate appointments for legal counsel to Hearing Tribunals, and ACP signing authority.

**Omnibus Motion to Approve Appointments Recommended under Agenda Item 3.2, 3.3, and 3.6**

**MOTION:** that the following appointments be approved.

Moved by **Kelly Olstad**/Seconded by **Kaye Moran**/CARRIED

**(Agenda 3.2)**

**3.2.1 Competence Committee**

- That Teresa Hennessey be appointed to the Competence Committee for a three year term effective July 1, 2012 - June 30, 2015.

**3.2.2 Hearing Tribunal Pool**

- That Catherine McCann, Sherilyn Houle and Carin Jensen, be appointed to the Hearing Tribunal Pool for a three year term effective July 1, 2012 - June 30, 2015.

**3.3.3 Section 65 Committee established as per the Health Professions Act**

- That Judy Baker be appointed to the Section 65 Committee established as per the Health Professions Act, for a three year term effective July 1, 2012 - June 30, 2015.

**3.2.4 Resolutions Committee**

- That Council appoints Kelly Olstad (Chair), Clayton Braun and Vi Becker as ACP's Resolutions Committee for the 2012-13 council term.

**3.2.5 Nomination Committee**

- That Council appoints Kaye Moran (President), Anjli Acharya (Past-President) and Pat Matusko (Public Member) as the Nominating Committee for the 2012-13 council term.

**3.2.6 Faculty of Pharmacy and Pharmaceutical Sciences Admissions Committee**

- That Krystal Wynnyk be appointed to the U of A Faculty of Pharmacy and Pharmaceutical Sciences undergraduate admissions committee for a one year term effective July 1, 2012 - June 30, 2013.

**(Agenda 3.3)**

**3.3 CCCEP Board Appointment**

- That Debbie Lee, ACP's Practice Development Director be appointed for a three year term to the Board of CCCEP effective July 1, 2012 – June 30, 2015.

**(Agenda 3.6)**

**3.6.1 Legal Advisor to Hearing Tribunals**

- That the firms of Field Law, and Reynolds, Mirth, Richards, and Farmer be appointed to provide independent legal counsel to tribunals, appeals, and review panels appointed by ACP.

**3.6.2 Signing Authority**

- That Greg Eberhart, Lynn Paulitsch, Dale Cooney, Kelly Olstad and Kaye Moran be granted signing authority on behalf of the College for the 2012-2013 council term, and that all cheques require two signatures and for cheques issued over \$15,000, one of the two signatures must be that of the Registrar, Greg Eberhart, or the Deputy Registrar, Dale Cooney.

**3.3 CCCEP Board Appointment**

This appointment was made through an omnibus motion under agenda 3.2.

### **3.4 E-Rxing Pilot Project**

NETCARE is preparing to pilot e-rxing in Alberta. The authority to transmit e-prescriptions requires the support of both the Alberta College of Pharmacists and the College of Physicians and Surgeons of Alberta. NETCARE is seeking ACP's approval of the policy that all electronic prescriptions must only be transmitted through NETCARE; and, support to proceed with the pilot.

**MOTION:** that ACP support NETCARE as the central repository for e-prescribing.  
Moved by **Kaye Moran**/Seconded by **Ahmed Metwally**/CARRIED

**MOTION:** that ACP does not support a pilot project that facilitates e-prescribing to pharmacies not having a system to system interface with NETCARE due to safety concerns.

Moved by **Wilson Gemmill**/Seconded by **Kaye Moran**/CARRIED

### **3.5 Proposed Amendments to ACP Bylaws**

**MOTION:** to lift the agenda item from table.

Moved by **Kaye Moran**/Seconded by **Pat Matusko**/CARRIED

#### **3.5.1 Annual General Meetings**

Attendance at the Annual General Meetings (AGM) continues to decline. Council has had preliminary discussion about the purpose of Annual General Meetings and the future of them. ACP's communications plan emphasizes a commitment to engagement with registrants and stakeholders. A survey of other regulatory bodies identifies that most of these regulatory bodies still hold annual meetings for the purpose of presenting their annual report and providing opportunity for discussion with members. Most continue to use traditional forums for these meetings, and few have used alternate means than traditional forums to facilitate engagement and participation in AGMs.

Council agreed that further discussion is warranted prior to considering amendments to the bylaws and will defer this agenda item to the December council meeting.

#### **3.5.2 Registers of Non-Regulated Members**

Council was asked to consider amendments to Bylaw 50 (Registers of Non-Regulated Members). On December 31, 2011 the "voluntary pharmacy technician register" was rescinded effectively rescinding s50(b) effective January 1, 2012. Council deliberated whether to continue the voluntary registration category for associate members. While council chose not to pursue amendment to rescind this category, it was identified that bylaw amendments were required to accommodate pharmacy technicians on the retired, associate and honorary life registers.

**MOTION:** that bylaws be drafted to accommodate pharmacy technicians on the retired, associate and honorary life membership registers.

Moved by **Kaye Moran**/Seconded by **Ahmed Metwally**/CARRIED

### **3.5.3 Automatic Changes to Fees, Charges, Levies**

Council was asked to consider amendments to Bylaw 59 Automatic Changes to Fees, Charges and Levies, to restrict automatic change to fees, charges and levies to registration, annual permit and pharmacy license fees. Council agreed to support amendments pending a review by legal counsel. Council will consider this matter in September.

**MOTION:** to support amendments to Bylaw 59 further to review by legal counsel.

Moved by **Kaye Moran**/Seconded by **Clayton Braun**/CARRIED

### **3.6 Corporate Appointments**

The following corporate appointments were approved in an omnibus motion under agenda item 3.2:

- Legal Advisor to Hearing Tribunals
- Signing Authority

### **3.7 Pharmacy Inducements (NOTE: Whitepaper and legal scan are “PRIVILEGED” documents of Council, not for circulation)**

Pharmacists continue to express concern about inducements and “loyalty programs” offered in return for professional goods and pharmacy services. Recent information suggests that some recently offered inducements may negatively impact vulnerable populations, bringing a renewed urgency to put forth once again to the Minister, and the Department of Health, the concerns raised about inducements and loyalty programs by registrants.

ACP commissioned research to develop a whitepaper on inducements and loyalty programs; and, a legal and legislative scan. The draft whitepaper is an engagement document that explores why inducements are offered and the impact on pharmacists and the public. Council Members reviewed these draft documents with Bill Shores, legal counsel to ACP.

ACP has authority under the *Pharmacy and Drug Act* and the *Health Professions Act*, to implement a prohibition on inducements and/or loyalty programs; however, this alternative has limitations and some risk. Council requested that:

- Registrar Eberhart prepare a draft standard for consideration at the September council meeting. Council acknowledges there will be benefits, risks, and current and potential costs associated with the implementation of any prohibition.
- Registrar Eberhart contract external expertise to engage registrants, select stakeholders, and members of the public for their insights about inducements and loyalty programs. Upon Council’s approval of a DRAFT standard, further consultation will be necessary.

**MOTION:** that ACP continues to pursue policies that prohibit inducements and loyalty programs through its standards of practice.

Moved by **Kaye Moran**/Seconded by **Wilson Gemmill**/CARRIED

#### **4. Consent Agenda**

##### **4.1 Report from the Registrar**

**MOTION:** to approve the consent agenda as presented by Registrar Eberhart.  
Moved by **Kaye Moran**/Seconded by **Pat Matusko**/CARRIED

#### **5. Miscellaneous Business for Council's Consideration**

##### **5.1 ACP Communication and Engagement Strategy**

ACP's communication and engagement strategy is an administrative plan to support ACP's strategic direction. Council reviewed a draft plan that introduces a new commitment to "engagement" with registrants, Albertans, and stakeholders. The need to find new and better ways of communicating with and engaging registrants is a cornerstone to the plan; this being important to the experiences and expectations of Albertans, both with respect to pharmacy practice and ACP. Council was asked to provide input as implementation of the plan will include new ways of doing things, and will have resource implications depending on the prioritization of initiatives. Council was pleased with the plan, reminding ACP to be conscious of the need to include pharmacy technicians in the plan.

**MOTION:** to accept ACP's communication and engagement plan as presented.  
Moved by **Vi Becker**/Seconded by **Krystal Wynnyk**/CARRIED

##### **5.2 Report from NAPRA**

###### **5.2.1 National Competencies for Administering Drugs by Injection**

This agenda item was tabled until the September 2012 council meeting under agenda item 1.4.

###### **Omnibus Motion for Agenda Item 5.2.2 and 5.3**

**MOTION:** that Council accept the reports from NAPRA and PEBC.  
Moved by **Kaye Moran**/Seconded by **Pat Matusko**/CARRIED

###### **5.2.2 Pharmacy Practice Management Systems**

The Council of Pharmacy Registrars of Canada (CPRC) has developed regulatory statements with respect to requirements for Pharmacy Practice Management Systems (PPMS) used in Canada based on NAPRA's "Model Standards of Practice" and CeRx Standard developed by Canada Health Infoway. The success of e-prescribing depends upon the ability to authenticate e-prescriptions; securing transmissions from prescriber to the pharmacists; and in the interest of public safety, prevent prescription fraud using e-prescriptions. CPRC has released 36 regulatory statements to address technical, functional, and administrative requirements of PPMS for a 60 day consultation.

Council received a copy of the draft report. Registrar Eberhart asked Council to review the report and forward any comments prior to July 1, 2012.

##### **5.3 Report from PEBC – Motion from Greg**

Received for information through omnibus motion under agenda item 5.2.

## **6. Evaluation of Meeting**

### **6.1 GP-8 Code of Conduct – Assessment of Council’s Compliance with the Code**

Council reflected on policy GP-8, taking into consideration its compliance with the policy during the meeting.

### **6.2 Self-Evaluation of Council Performance at this Meeting**

President Acharya requested that all Council Members complete their meeting evaluation forms and submit them to Leslie Ainslie for collation.

### **6.3 Summary of Results for the 2011-12 Council Year**

A summary of the results for the 2011-2012 council year was circulated as information.

## **7. Adjournment**

### **7.1 Next Meeting Dates**

**7.1.1 Friday, June 22, 2012** – Orientation for New Council Members

**7.1.2 Wednesday, Sept. 26 - Friday Sept. 28, 2012** – Board Development and Council Meeting

**7.1.3 Thursday, December 6, 2012** – Council meeting

**7.1.4 Thursday, April 4, 2013** – Council meeting

**7.1.5 Friday, June 14, 2013** – Council meeting

**7.1.6 June 15, 2013** - AGM/Symposium (tentative)

### **7.2 Adjournment**

**MOTION:** that this meeting of Council be adjourned.

Moved by **Krystal Wynnyk**/Seconded by **Kelly Olstad**

Meeting was adjourned at 2:00 p.m.