

MINUTES
Videoconference Meeting of Council
ALBERTA COLLEGE OF PHARMACY
May 5, 2022
Facilitated by Zoom

1. Introduction

1.1 Call to Order

President Macek called the meeting of council to order at 8:05 a.m. He recognized the territorial and ancestral lands of indigenous people in Alberta. He welcomed Council Members and ACP administration. He advised Council that Susan Lessard-Friesen, Registrar, and Rani Chatterjee-Mehta, Deputy Registrar of the Manitoba College of Pharmacists, would join the meeting at 8:30 a.m. to discuss virtual and internet-based pharmacies. President Macek asked Council Members to reflect on governance policy “GP-8 Code of Conduct” and consider any potential conflicts of interest they may need to disclose. No potential conflicts were disclosed. President Macek advised Council that he would be leaving the meeting at approximately 12:00 p.m. prior to the discussion under Agenda Item 4.5.1. At that time, he would turn the chairing over to President-elect Irene Pfeiffer, to preside over the remainder of the council meeting.

1.2 Roll Call

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

- District 1 - Peter Macek (President)(8:05am – 11:56pm)
- District 2 - Patrick Zachar
- District 3 - Fayaz Rajabali
- District 4 - Stan Dyjur
- District 5 - Shereen Elsayad
- District A - Laura Miskimins
- District B - Dana Lyons (Past-President)
- Public Member - Irene Pfeiffer (President-Elect)
- Public Member - Carmen Wyton (Executive-Member-at-Large)
- Public Member - Aquaeno Ekanem
- Public Member - Jane Wachowich

Absent

- Public Member - Christine Maligec
- Public Member - Deb Manz
- Public Member - Jason West

Also in attendance

- Greg Eberhart - Registrar
- Kaye Moran - Deputy Registrar
- Jeff Whissell - Deputy Registrar
- Rob Vandervelde - Senior Operations and Finance Director
- Leslie Ainslie - Executive Assistant
- Barry Strader - Communications Director
- Susan Lessard-Friesen - Registrar, Manitoba College of Pharmacists (8:30-9:51am)
- Rani Chatterjee-Mehta - Deputy Registrar, Manitoba College of Pharmacists (8:30-9:51am)

1.3 Invocation

Councillor Stan Dyjur read the invocation.

1.4 Adoption of the Agenda

1.4.1 Consent Agenda

Council reviewed the Consent Agenda material submitted by the Registrar under Agenda Item 1.4.1.1 and 1.4.1.2.

1.4.1.1 Policy Update

MOTION: to approve the Consent Agenda Policy Update provided by the Registrar.
Moved by **Stan Dyjur**/Seconded by **Fayaz Rajabali**/CARRIED

1.4.1.2 Update Report

MOTION: to lift the report on the ACP Connect meetings and Time-Delayed Safes.
Moved by **Fayaz Rajabali**/Seconded by **Stan Dyjur**/CARRIED

ACP Connect Meetings and Pharmacy Visits

- President Macek and Registrar Eberhart provided a further update about the ACP Connect meetings in southern Alberta and pharmacy visits made between Edmonton and Medicine Hat. The attendance at the Calgary and Medicine Hat ACP meetings was lower than expected however engagement and feedback about the DRAFT Standards of Practice for Virtual Care was insightful. There was general agreement that virtual care should be a complementary service to the existing community-based services and used as a tool to support and/or enhance patient care, and not as a replacement or alternative to them.
- Arbitrarily, membership awareness and reflection on the DRAFT standards can be divided into three groups: a group that don't believe this applies to them so have not really engaged in a discussion or review of the standards, a second group that are not doing this in their current practice however may do it in the future, so have only considered the virtual care standards of practice superficially; and those looking at the standards more thoroughly and systematically. Some of the latter group may view the standards from an operational rather than practice perspective.
 - Many registrants may not understand the significant impact of virtual care on the future of pharmacy practice.
- There appears to be confusion about the difference between virtual pharmacy care versus pharmacy care provided by telephone. The DRAFT standards address telephones as “enabling technology” and its relevance to the standards depends on what the telephone is used for.
- The virtual care standards were brought up in every pharmacy visit except one. The availability of pharmacists was the largest issue at pharmacies visited. All in all, there was a lot of positivity amongst these teams, and it was inspiring to see how these teams have bonded together to provide the best care for their patients.
- Council will remain focused on the context of pharmacy practice in Alberta and will be committed to the concept of “pharmacy” as a practice that is person-centered and engaged in primary care, self-care, and population health, not just on drugs and medication management.

Time-Delayed Safes

- A request was received from a community pharmacy to obtain an exemption to install a safe due to the small volume of opioid and controlled substances kept on the premises. After a brief discussion, the pharmacy understood the reason and value of this requirement and committed to complying with the new standard.
- Installation of safes is moving forward. Most pharmacies visited had their safes installed and signs up, however those that did not have signs up were reminded that signage was a requirement of the standards.
- Our recent engagement with the policing agencies has been very positive and encouraging.

MOTION: to accept the Information Update Report provided by Registrar Eberhart.
Moved by **Patrick Zachar**/Seconded by **Dana Lyons**/CARRIED

1.4.2 Additions to the Agenda

MOTION: to adopt the agenda as circulated.

Moved by **Irene Pfeiffer**/Seconded by **Dana Lyons**/CARRIED

1.5 Minutes from Previous Meetings

1.5.1 Minutes – March 15, 2022 Meeting

MOTION: to approve minutes of the March 15, 2022 council meeting.

Moved by **Patrick Zachar**/Seconded by **Stan Dyjur**/CARRIED

1.6 Disposition of Directives

The Disposition of Directives was provided for information. President Macek invited questions from Council; however, none arose.

MOTION: to accept the Disposition of Directives as information.

Moved by **Dana Lyons**/Seconded by **Carmen Wyton**/CARRIED

1.7 In Camera - NIL

2. Generative

2.1 NIL

3. Strategic

3.1 Virtual Pharmacies - Engagement with Susan Lessard-Friesen, Registrar and Rani Chatterjee-Mehta, Deputy Registrar of The Manitoba College of Pharmacists

Registrar Susan Lessard-Friesen and Deputy Registrar Rani Chatterjee-Mehta of the College met with Council to share their extensive experience in trying to regulate drugs and pharmacy services offered over the internet. They shared the different schemes and scenarios they have experienced of members and unregulated entities who actively work to circumvent regulatory and legislative requirements. These jeopardize the integrity of the drug distribution system, the practice of pharmacy, and create potential risks to patients, communities and the health system as a whole (Appendix).

One example are the risks associated with businesses selling drugs online illegally that have morphed into “Prescription Referral Service Businesses/Prescription Brokers (PRSBs). These entities align with internet pharmacies in an attempt to legitimize their business practices in the eyes of the public. The PRSBs refer a patient’s prescription, either to a Canadian licensed pharmacy, an international pharmacy or to multiple pharmacies depending upon the patient’s choice. The PRSBs that refer prescriptions are in reality selling drugs even though they are not licensed to do so. Some pharmacies that align with PRSBs are selling drugs that are not approved by Health Canada. Patients using these services are at risk as they often do not know if they are connecting with a licensed Canadian pharmacy.

The presentation provided a greater understanding about policy considerations important to Council that have potential to mitigate the risks identified by the Manitoba College of Pharmacists. It also underscored the importance of a thoughtfully implemented regulatory and legislative framework supported by the government.

Significant points for Council’s reflection include:

- Not all colleges of physicians and surgeons in Canada prohibit the co-signing of prescriptions.
- Individuals are often attracted to the low cost of drugs offered over the internet, without considering the legitimacy of the site.
- Individuals often provide consent to internet providers, as a precursor to over-riding export laws.
- Many unlicensed internet entities source drugs, or facilitate access to drugs, in multiple countries around the world. In some instances, a single individual may receive their prescriptions, sourced from different countries.
- The Biden administration is entering policy discussions to accommodate importation of low-cost drugs from Canada.
- Manitoba now licenses “internet pharmacies”; however, charges a differential licensing fee of \$14,000 annually.
 - This fee was contested, by successfully defended
- The Manitoba College of Pharmacists has concluded that internet pharmacy services are simply drug distribution, not the practice of pharmacy:
 - They have proposed that internet services be regulated federally, through a drug establishment license.
- NAPRA is engaged nationally and internationally with partner organizations to create public awareness about the risks of internet pharmacy. This includes the .pharmacy domain for verified pharmacy websites, the purpose of which is to inform the public about “safe sites” should they choose to use the internet for their pharmacy services.
 - NAPRA is also an affiliate of the “Alliance for Safe Online Pharmacies” (ASOP) <https://buysaferx.pharmacy/canada/asop-canada-mission-strategy-and-goals/>
- A significant number of pharmacies that are selling to US intermediaries are located in British Columbia.

4. Fiduciary

4.1 Governance Policy Review for Compliance

4.1.1 Executive Limitations Policies (EL)

Reports from the Registrar were provided for the following Executive Limitation policies.

4.1.1.1 Policy E (Mega-End) – 2021-22 Annual Report

ACP's Annual Report reflects the business undertaken by the College in 2021-22 and summarizes achievements including the reporting required through the *Health Professions Act* and Governance Policy E Mega-End. The Annual Report is Council's report to the public, its morale owners; and to registrants, stakeholders, partners, and government. The report recognizes pharmacy's contributions to serve and protect the health and wellbeing of Albertans. Council reviewed the Annual Report and observed that the content was excellent. It was suggested that next year's report include a story about pharmacy technicians, possibly in their role as compounding supervisors, Council also noted a minor formatting error.

MOTION: to approve the 2021-22 Annual Report as presented subject to minor formatting amendments.

Moved by **Irene Pfeiffer**/Seconded by **Jane Wachowich**/CARRIED

4.1.1.2 EL-11 Emergency Executive

MOTION: that the Registrar's compliance Report EL-11 Emergency Executive be approved.

Moved by **Irene Pfeiffer**/Seconded by **Aquaeno Ekanem**/CARRIED

4.1.2 Governance Policies (GP)

Governance policies (GP policies) define how Council conducts itself. Council reviewed the following GP policies, reflecting on its compliance with each policy.

4.1.2.1 GP-8 Code of Conduct

Council is in compliance with governance policy GP-8 Code of Conduct.

4.1.2.2 GP-9 Investment in Governance

Council is in compliance with governance policy GP-9 Investment in Governance.

4.1.2.3 GP-10 Council Linkage with Other Organizations

Council is in compliance with governance policy GP-10 Council Linkage with Other Organizations.

4.1.2.4 GP-11 Council Planning Cycle and Agenda Control

Council is in compliance with governance policy GP-11 Council Planning Cycle and Agenda Control.

4.1.2.5 GP-12 Handling of Operational Complaints

Council is in compliance with governance policy GP-12 Handling of Operational Complaints.

Council directed the Executive Committee to begin a review of the governance policies in the 2022-2023 council term.

MOTION: to review the Governance (GP) and the Council-Registrar Relationship (CR) policies in the 2022-2023 council term.

Moved by **Carmen Wyton**/Seconded by **Laura Miskimins**/CARRIED

OMNIBUS MOTION: that Council is in compliance with governance policies GP-8 Code of Conduct, GP-9 Investment in Governance, GP-10 Council Linkage with Other Organizations, GP-11 Council Planning Cycle and Agenda Control, and GP-12 Handling of Operational Complaints.

Moved by **Irene Pfeiffer**/Seconded by **Fayaz Rajabali**/CARRIED

4.2 Review and Approval of Standards arising from Bill 65

With the introduction of Bill 65, the *Health Statutes Amendment Act*, the *Pharmacy and Drug Act* and, subsequently the Pharmacy and Drug Regulations, were amended. The *Pharmacy and Drug Act* was amended by shifting some regulation-making authority to standard-making authority.

These legislative amendments required amendments to ACP's Standards for the Operation of Licensed Pharmacies. At its December meeting, Council approved DRAFT amendments to the Standards for the purpose of consultation. The proposed amendments include:

- incorporating some specific requirements that have been reallocated from the regulations, to be included in the standards;
- providing further clarity by incorporating elements of the Foundational Requirements previously approved by Council;
- a requirement that all pharmacies holding a community license have a private counselling area; and
- a requirement that all pharmacies have a sink with hot and cold running water, that is readily accessible for hand hygiene at all times and, that is located outside of segregated compounding rooms.

It was recommended that the requirements for a private counselling area and a sink located outside of compounding areas come into effect:

- upon the amendments coming into effect for new pharmacy applications; and
- three years from the date of the approved amendments coming into effect for existing pharmacies.

Council reviewed the feedback from the consultation and approved the Standards for the Operation of Licensed Pharmacies subject to the following amendments:

- Standard 8.11 - Backup of information stored electronically
 - bring more context to defining the frequency of backing up the pharmacy's record keeping system.
- Standard 13.1 - Application of Standard 13
 - change standard 13.1(b) from five business days to fifteen business days.
- Incorporate a broad statement about IT security.
- Clarify the requirement for a heat source in some, but not all pharmacies.

MOTION: to approve the Standards for the Operation of Licensed Pharmacies upon further amendments as directed by Council.

Moved by **Patrick Zachar**/Seconded by **Dana Lyons**/CARRIED

4.3 Compounding and Repackaging Agreements Update

Section 19 of the Pharmacy and Drug Regulation states that "*A licensee of a compounding and repackaging pharmacy must*

- (a) *ensure that the compounding and repackaging pharmacy only provides compounding and repackaging services to other pharmacies under the terms of written contracts that*

- (i) include the terms required by the council, and
- (ii) are in the form required by the registrar...”

Council approved amendments to separate compounding and repackaging agreements for community and institutional pharmacies as defined in Section 4 of the *Pharmacy and Drug Act*. Compounding and repackaging agreements are required between compounding and repackaging pharmacies and the pharmacies (community or institutional) that they provide services to. The amended agreements do not include any changes in policy however, the amendments include a new definition of repackaging derived from Health Canada’s policy on compounding. The amendments enhance clarity, provide consistency with current legislation, and a high degree of commonality between agreements. The new agreements come into effect immediately, therefore current compounding and repackaging pharmacies and those receiving their services will need to enter into new agreements.

MOTION: to approve the amended compounding and repackaging agreements as presented.
Moved by **Dana Lyons**/Seconded by **Laura Miskimins**/CARRIED

Registrar Eberhart advised Council that a third agreement exists for services that are provided to licensed pharmacies in Saskatchewan, and review of this agreement has been deferred pending outcome of national discussions on cross-jurisdictional services.

4.4 Cross-Jurisdictional Agreement

The provision of pharmacy services has evolved such that the following interjurisdictional pharmacy services are routinely provided to Albertans from pharmacy professionals and pharmacies not regulated by ACP:

- pharmacies and regional health authorities contract extensively with out-of-province compounding facilities;
- the provision of virtual care has been increasingly enabled by new technologies used during the Covid-19 pandemic;
- mail order pharmacies located in other jurisdictions provide pharmacy services into Alberta; and
- large corporate pharmacy owners have expressed an interest in setting up central processing and repackaging facilities that may or may not be located in Alberta.

While services may cross provincial/territorial borders, the governance and regulation of professional practices are unique and specific to each jurisdiction. Therefore, pharmacy regulators can benefit from an agreement that clarifies how they will cooperate in fulfilling their responsibilities when services span multiple jurisdictions.

In 2013, ACP first introduced the need for a cross-jurisdictional agreement to support cross-jurisdictional services that have progressively grown over the years. As a member of the National Association of Pharmacy Regulatory Authorities (NAPRA), the college has advocated for the adoption of interjurisdictional agreements to enforce reciprocal legislative requirements and standards of practice and enable regulation of pharmacy services provided between Canadian jurisdictions. In June 2021, NAPRA members unanimously agreed that to continue to protect the public, each NAPRA member should be legislatively enabled to enter into agreements with other members to establish clear regulatory accountability and authority over interjurisdictional pharmacy services.

In Alberta, Section 27 of the *Pharmacy and Drug Act* already anticipates the creation of reciprocal agreements under section 27.2(2) stating that the Minister may:

... “enter into agreements with any government, government agency or body referred to in section 27.1(3) or any other person or group of persons that regulates pharmacists or pharmacies

(a) respecting any matter relating to the administration or enforcement of this Act, or

(b) respecting the reciprocal enforcement of this Act and legislation in another jurisdiction.

(2) The Minister may make regulations respecting reciprocal enforcement agreements that may be entered into by the college with a body that regulates pharmacies or pharmacists in another jurisdiction.

In October 2021, ACP pursued a Ministerial Regulation to support its entering into such an agreement (section 27.2(2)). This has yet to be achieved; however, the Minister expressed support for such an agreement to be approved under his authority (section 27.2(1))

Concurrently, NAPRA has negotiated an agreement amongst provincial and territorial jurisdictions that is proposed for approval. A copy of this agreement was considered Council. This agreement is based on a finite number of general principles:

- Its purpose is to provide a foundation for governing practice, not prohibiting practice;
- It respects the autonomy of each provincial/territorial jurisdiction;
- It requires registration and licensing within the jurisdiction within which a pharmacy exists, and from which a registrant practices;
- It requires compliance with standards and legislative requirements in any jurisdiction into which a service is delivered;
- It commits to cooperation in investigating complaints; and,
- It commits to continuing to pursue a high degree of commonality when possible.

Council approved the “*Pharmacy Regulatory Authorities of Canada DRAFT Cross-Jurisdictional Practice Agreement*” as presented. The Registrar will now pursue the support and signature of the Minister of Health.

MOTION: to approve the “*Pharmacy Regulatory Authorities of Canada DRAFT Cross-Jurisdictional Practice Agreement*” as presented.

Moved by **Fayaz Rajabali**/Seconded by **Stan Dyjur**/CARRIED

4.5 Business of Council

4.5.1 Report from the Nominating Committee - Slate of Candidates for 2022 Council Elections – Closed Meeting

MOTION: to move to a closed meeting for Council’s discussion under “*Agenda Item 4.5.1 Report from the Nominating Committee-Slate of Candidates for the 2022 Council Elections*” and “*Agenda Item 4.5.2 Report from the Nominating Committee - Election of Executive Committee Members*”.

Moved by **Stan Dyjur**/Seconded by **Carmen Wyton**/CARRIED

President Macek abstained from the council discussion and turned the chair over to President-Elect Pfeiffer.

Elections were required for two pharmacist positions on council in 2022. Eligible regulated members were invited to make application to the Nominating Committee, who in turn were responsible for evaluating applicants consistent with processes and criteria approved by Council. A single application was received in District 1 (northern Alberta), that being from incumbent Peter Macek. Two candidates submitted applications for nomination in District 4 (central Alberta).

MOTION: to accept the report of the Nominating Committee.

Moved by **Jane Wachowich**/Seconded by **Patrick Zachar**/CARRIED

MOTION: to approve Peter Macek as elected to District 1 (northern Alberta) by acclamation.

Moved by **Laura Miskimins**/Seconded by **Carmen Wyton**/CARRIED

Peter Macek will commence his second term, to be for a period two years, commencing July 1, 2022 and extending to June 30, 2024.

Council approved the following slate of pharmacist candidates in District 4 (central Alberta).

- James Frobb
- Jillian Jones

MOTION: to approve the slate of pharmacists for the 2022 council elections in District 4 (central Alberta).

Moved by **Carmen Wyton**/Seconded by **Aquaeno Ekanem**/CARRIED

The Registrar will conduct the election process for District 4 (central Alberta). The election will commence at noon on May 20, 2022. Ballots must be received prior to 4:30 p.m. on June 16, 2022. Elections will be facilitated electronically. The successful candidate will commence their term on July 1, 2022 and will serve a three-year term ending on June 30, 2025.

4.5.2 Report from the Nominating Committee - Election of Executive Committee Members – Closed Meeting

The Nominating Committee presented its report for the slate of candidates for election of the President-Elect and the Executive-Member-at-Large positions on the Executive Committee, for the 2022-23 council term. Candidates had the opportunity to address Council, and Council Members were invited to ask questions of candidates nominated for each position. Registrar Eberhart served as returning officer for the election. The election process was facilitated virtually through Zoom's polling platform.

MOTION: to accept the report of the Nominating Committee.

Moved by **Jane Wachowich**/Seconded by **Stan Dyjur**/CARRIED

MOTION: that Council approves the recommendations of the Nominating Committee.

Moved by **Dana Lyons**/Seconded by **Carmen Wyton**/CARRIED

MOTION: that Patrick Zachar be appointed as President-Elect for the 2022-2023 council term; commencing July 1, 2022.

Moved by **Jane Wachowich**/Seconded by **Laura Miskimins**/CARRIED

MOTION: that Jane Wachowich be appointed as Executive-Member-at-Large for the 2022-2023 council term; commencing July 1, 2022.

Moved by **Patrick Zachar**/Seconded by **Aquaeno Ekanem**/CARRIED

MOTION: that Council move out of the closed meeting.

Moved by **Patrick Zachar**/Seconded by **Stan Dyjur**/CARRIED

4.5.3 ACP Leadership Development Award

Council has identified leadership as a critical attribute to the success of pharmacy practice, and the college. In the interest of inspiring and nurturing aspiring pharmacist student leaders, the Leadership Development Award was established. It provides the successful candidate up to \$5,000 to attend a learning experience or international conference of their choice, that will expand their horizons as a leader.

The Executive Committee met with three exceptional applicants for the Leadership Development Award and recommended that Oluwatobiloba Obatusin be the recipient of the 2022 ACP Leadership Development Award. The award will be presented at the Celebration of Leadership reception to be held the evening of June 8, 2022, in Calgary.

MOTION: to approve the recommendation of the Executive Committee that Oluwatobiloba Obatusin receive the 2022 ACP Leadership Development Award.

Moved by **Laura Miskimins**/Seconded by **Patrick Zachar**/CARRIED

4.5.4 Reports from Hearing Tribunals and Council Reviews

4.5.4.1 Hearing Tribunal Decision - Osazuwa Edomwonyi, (Reg. No. 6105)

A copy of the Hearing Tribunal Committee decision was provided to Council for information.

4.5.4.2 Hearing Tribunal Decision - Ravi Chawla (Reg. No. 12047)

A copy of the Hearing Tribunal Committee decision was provided to Council for information.

4.5.4.3 Council Review Decision - Lateef Oladimeji (Reg. No. 9374)

A copy of the Council review decision was provided to Council for information.

4.5.4.4 Council Review Decision - Andrew Uwubanmwun (Reg. No. 7335)

A copy of the Council review decision was provided to Council for information.

4.5.4.5 Council Review Decision - MHD Al-Hallak (Reg. No. 9438)

A copy of the Council review decision was provided to Council for information.

4.5.4.6 Council Review Decision - Chief Pharmacy, (License No. 3942)

A copy of the Council review decision was provided to Council for information.

MOTION: to accept the reports from the Hearing Tribunals and Council reviews as information.

Moved by **Fayaz Rajabali**/Seconded by **Dana Lyons**/CARRIED

Note: Concern was expressed that it may be easy for a member of the public to unknowingly receive a pharmacy service from an unregulated individual. The importance of enforcing supervision requirements and educating the public about pharmacy practices was encouraged.

5. Evaluation of Meeting

5.1 Meeting Evaluation - For Discussion

President Macek asked Council to consider the following questions as they reflected on their personal and collective performance during this meeting:

- Did I have the information required and how prepared was I to contribute to discussion about each agenda item?
- How effective was I in participating in the meeting deliberations? Did I seek to understand others, or did I state and take positions on issues?
- How effective was Council in focusing on governance vs administrative issues?
- How effective was Council in focusing on the impact of pharmacy services on Albertans?
- Relatively speaking, was most of our discussion focused with the future in mind?

Council appreciated the well-balanced meeting agenda and discussions. Council's discussion with the Manitoba College of Pharmacists highlighted the responsibility of Council to protect the public.

6. Adjournment

6.1 Forthcoming Events and Council Meeting Dates

- June 7-8 - Council Meeting, In-person, Calgary
- June 8 - Celebration of Leadership and Installation of President, Calgary
- June 8-10 - ACP Leadership Forum, Calgary
- September 28-30 - Board Development and Council Meeting, Banff

6.2 Adjournment

MOTION: to adjourn the business meeting of council at circa 12:16 p.m. on May 5, 2022.

Moved by **Fayaz Rajabali**