

**Terms of Reference
Alberta College of Pharmacy
HEARING COMMITTEE**

Type of Committee: Statutory

Purpose:

Ensure matters relating to the conduct of regulated members are adjudicated fairly and in accordance with Part 4 of the *Health Professions Act* and the rules of administrative justice.

Objectives:

To hold fair and objective hearings to decide on matters of alleged unprofessional or unethical conduct under the authority of the *Health Professions Act* and/or misconduct under the *Pharmacy and Drug Act*.

To provide diligence in the review of decisions made through an alternate complaints resolution process.

To provide a fair, objective and timely review of a complainant's application for review of the Complaint Director's decision to dismiss a complaint.

Function:

The hearing committee is a resource pool of regulated members dedicated to protecting the public, preserving the integrity of the pharmacist and pharmacy technician professions and the rules of administrative justice. Members may be assigned by the hearings director to:

- a hearing tribunal (HT) that will hear and decide on matters of alleged unprofessional conduct;
- a complaint review committee (CRC) to review the decision to dismiss a complaint; or,
- a ratification committee (ARC) to review a settlement reached during an alternate resolution process.

Committee members must:

1. Demonstrate qualities of being objective, fair, articulate, patient, attentive to detail, respectful of judicial decorum and toward all parties.
2. Have a flexible schedule that allows for their availability to serve when needed and a reasonable tolerance for delay that may arise.
3. Have a strong understanding of the legislative framework that governs pharmacy practice and supporting policies and guidelines.
4. Attend training sessions to advance their knowledge of the complaints resolution processes as required; either on-line or in person.
5. Be reasonably available to caucus outside of a hearing (either in person or via teleconference)

to address preliminary issues that may arise and/or at the close of a hearing to deliberate and draft a reasoned written decision.

6. Enter into a confidentiality undertaking and abide by the Alberta College of Pharmacy privacy policy at all times.
7. Be prepared to chair an HT, CRC, or ARC if asked by the hearings director.

Membership Term:

In accordance with section 15(1) of the *Health Professions Act*, regulated members are appointed by council to a membership list (The Hearing Committee). Members are appointed for a three-year term; after which, at the discretion of council, may be reappointed for a second three-year term.

Committee members who have undertaken additional learning, leadership and responsibility to chair hearings and complaint reviews may be considered for additional single year appointments at conclusion of their second term.

Required training:

Initial training – online adjudicator and hearing essentials training, follow-up teleconference with hearings director and concluded with an opportunity to observe an ACP hearing.

Just-in-time Trauma Informed training – online through Alberta Federation of Regulated Health Professions (AFRHP) required of any hearing committee member assigned to a hearing tribunal that will hear matters relating to allegations of sexual misconduct or sexual abuse of a patient as defined in the HPA.

Periodically, there may be opportunities for advanced training in administrative justice.

Reimbursement:

Committee members appointed by the Hearings Director to conduct a hearing or a review, will be reimbursed in accordance with the policies of council.

Resource: Hearings Director

Original TOR: January 2008

Revised: October 2010

Revised: May 2011

Revised: September 2012

Revised: July 2018 (name change)

Revised: May 2020 (just-in-time trauma training and potential term extensions)