Pharmacy Act, 1991
Loi de 1991 sur les pharmaciens

ONTARIO REGULATION 202/94
GENERAL

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This Regulation is made in English only.

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PART I
INTERPRETATION

DEFINITIONS

1. In this Regulation,

"bridging program" means an educational program approved by the Registration Committee that is designed to ensure that applicants have the knowledge, skill, ability and judgment that are required to meet the standards of practice of the profession.

"direct supervision" means supervision that is provided by a person who is physically present on the premises where the practice that is being supervised is being carried out;

"pharmacy" has the same meaning as in subsection 1 (1) of the *Drug and Pharmacies Regulation Act* and includes a hospital pharmacy and an institutional pharmacy pursuant to subsection 121 (1) (a) of the *Drug and Pharmacies Regulation Act*;

"pharmacy accredited as a community pharmacy" means a pharmacy for which a certificate of accreditation of the community pharmacy class has been issued under O. Reg. 264/16.

"practice assessment of competence" means a practical assessment pursuant to a model approved by the Registration Committee that measures the ability of an applicant to satisfy the standards of practice of the profession.

"remote dispensing location" has the same meaning as in subsection 1 (1) of the *Drug and Pharmacies Regulation Act*.

PART II
GENERAL PROVISIONS RE CERTIFICATES OF REGISTRATION

CLASSES OF CERTIFICATES OF REGISTRATION

2. (1) The following are prescribed as classes of certificates of registration:

1. Pharmacist.
2. Intern.
3. Pharmacy Technician.
4. Intern Technician.

(2) Every certificate of registration as a pharmacist, intern or pharmacy technician that was in existence the day before this Regulation comes into force is continued as the equivalent certificate of registration with the same status under this Regulation until such time as it otherwise ceases to be effective.

(3) Every certificate of registration as a registered pharmacy student that was in existence the day before this Regulation comes into force will be deemed to have expired on the day this Regulation comes into force.

(4) Where an applicant has completed any of the requirements for the issuance of a certificate of registration as they existed the day before this Regulation comes into force, the applicant will be deemed to have satisfied the equivalent requirement or requirements for the issuance of a certificate of registration under this Regulation.

TWO-PART REGISTER

3. The College's register of members shall have a Part A (patient care) and a Part B (no patient care).

4. Every intern and intern technician shall be listed in Part A.

5. (1) Every pharmacist and pharmacy technician shall be listed in either Part A or Part B.

(2) Upon being issued a certificate of registration, a pharmacist or a pharmacy technician shall ask to be listed in Part A or Part B by completing and submitting the form provided by the Registrar.

(3) Every year at the time of paying the annual membership fee, a pharmacist or a pharmacy technician shall ask to renew his or her listing in Part A or Part B or for a transfer to the other Part.

(4) A pharmacist or pharmacy technician who asks to renew a listing in Part A must provide a declaration of competence to provide patient care in the form approved by the Registration Committee.

(5) If a pharmacist or pharmacy technician fails to submit the declaration referred to in subsection (4) the Registrar may,

(a) give the member notice of intention to transfer the member to Part B, and

(b) transfer the member to Part B, if the member fails to provide the declaration within 30 days from the date notice was given.

6. (1) A pharmacist or pharmacy technician may ask for a transfer between Parts at any time by completing and submitting the form provided by the Registrar.

(2) If a pharmacist or pharmacy technician asks for a transfer from Part A to Part B, the Registrar shall transfer the member to Part B.

(3) If a pharmacist or pharmacy technician asks for a transfer from Part B to Part A, the Registrar may transfer the member to Part A if the member successfully completes a practice or peer assessment.

(4) If the Registrar proposes to reject a request for a transfer to Part A, the request shall be referred to a panel of the Registration Committee.

(5) If a panel rejects a request to be listed in Part A, the member may appeal to another panel of the Registration Committee.

(6) No member of a panel that rejects a request to be listed in Part A shall sit on a panel hearing an appeal of that decision.

(7) A member whose request for a transfer is referred to a panel of the Registration Committee under subsection (4) or (5) shall be given a reasonable opportunity to make written submissions to the panel before the panel makes a decision.

APPLICATION FOR CERTIFICATE OF REGISTRATION

7. A person may apply for a certificate of registration by submitting a completed application in the form provided by the Registrar together with any supporting documentation requested by the Registrar and the applicable fees.

REQUIREMENTS FOR ISSUANCE OF CERTIFICATE OF REGISTRATION, ANY CLASS

8. (1) The following are requirements for the issuance of a certificate of registration of any class:

1. The applicant must be able to speak, read, write and comprehend English or French with reasonable fluency to meet the standards of practice of the profession.
2. The applicant must not have been found guilty of any offence in any jurisdiction.
3. The applicant must not be the subject of a current proceeding in respect of any offence in any jurisdiction.
4. The applicant must not have been the subject of a finding of professional misconduct, incompetence or incapacity or any like finding in Ontario or any other jurisdiction in relation to pharmacy or any other profession or occupation and must not be the subject of any current professional misconduct, incompetence, or incapacity proceeding or any like proceeding in Ontario or any other jurisdiction in relation to pharmacy or any other profession or occupation.
5. The applicant must be a Canadian citizen or permanent resident of Canada or must hold the appropriate authorization under the *Immigration and Refugee Protection Act* (Canada) to permit the applicant to engage in the practice of the profession in Ontario.
6. The applicant's past and present conduct must afford reasonable grounds for the belief that the applicant,
   i. will practise the profession with decency, honesty and integrity, and in accordance with the law,
   ii. does not suffer from any physical or mental condition or disorder that could affect his or her ability to practise the profession in a safe manner,
   iii. has sufficient knowledge, skill, ability and judgment to engage competently in the practice of the profession authorized by the certificate of registration, and
   iv. will display an appropriately professional attitude.
7. The applicant must provide evidence satisfactory to the Registrar that the applicant will have professional liability insurance in the amount and in the form as required by the by-laws as of the anticipated date for the issuance of his or her certificate of registration.
8. The applicant must pay any fees required under the by-laws for the issuance of the certificate of registration for which the applicant applied.

(2) The requirements under paragraphs 1, 6 and 8 of subsection (1) are non-exemptible.

(3) An applicant shall be deemed not to have satisfied the requirements for the issuance of a certificate of registration if the applicant makes a false or misleading statement or representation in his or her application or supporting documentation.

TERMS, ETC., OF EVERY CERTIFICATE

9. Every certificate of registration is subject to the following terms, conditions and limitations:

1. The member must continue to satisfy the requirements of subsection 8 (1).
2. The member shall immediately notify the Registrar in writing if the member no longer satisfies any of the requirements of subsection 8 (1).
3. A member who fails to maintain professional liability insurance in the amount and in the form as required by the by-laws shall immediately cease to engage in the practice of the profession until such time as the member obtains professional liability insurance.

PART III
REGISTRATION — PHARMACISTS

ADDITIONAL REQUIREMENTS

10. (1) The following are additional requirements to those in section 8 for the issuance of a certificate of registration as a pharmacist:

1. The applicant must have obtained a minimum of a baccalaureate degree in pharmacy,
   i. from a Canadian program accredited by the Canadian Council for Accreditation of Pharmacy Programs, or a program that is accredited by another accrediting body approved by Council, or
   ii. from a program that does not meet the requirements of subparagraph i, and the applicant passes an evaluation approved by Council, and,
      A. successfully completes a bridging program, or another program approved by Council, or
      B. successfully completes the qualifying examination of the Pharmacy Examining Board of Canada for pharmacists, or another examination approved by Council, on the applicant's first attempt.
2. The applicant must have obtained the degree referred to in paragraph 1 no more than two years prior to submitting an application for the issuance of a certificate of registration as a pharmacist, but this time limit shall not apply if the applicant,
   i. undergoes a review of his or her practice conducted in a manner approved by the Registration Committee, meets any requirements regarding continuing education or remediation set by a panel of the Registration Committee, and pays the required fees; or
   ii. successfully completes the qualifying examination of the Pharmacy Examining Board of Canada for pharmacists, or another examination approved by Council, within two years of submitting an application for the issuance of a certificate of registration as a pharmacist.
3. No more than two years prior to submitting an application for the issuance of a certificate of registration as a pharmacist, the applicant must have successfully completed an assessment in pharmaceutical jurisprudence, ethics and professionalism approved by the Registration Committee.
4. No more than two years prior to submitting an application for the issuance of a certificate of registration as a pharmacist, the applicant must have successfully completed a practice assessment of competence.
5. The applicant must have successfully completed the qualifying examination of the Pharmacy Examining Board of Canada for pharmacists, or another examination approved by Council,
   i. within the first three attempts,
   ii. on the fourth attempt, if the applicant first successfully completes any further education or training required by the examining body responsible for the administration of the examination or by a panel of the Registration Committee, or
   iii. on any subsequent attempt, if the applicant first obtains a new degree that meets the requirements of subparagraph 1(i).

(2) The following are additional requirements to those in section 8 for the issuance of a certificate of registration as a pharmacist to an applicant who previously held a certificate of registration as a pharmacist in Ontario:

1. The applicant must successfully complete the assessment in pharmaceutical jurisprudence, ethics and professionalism referred to in paragraph 3 of subsection (1); and
2. The applicant must undergo a review of his or her practice conducted in a manner approved by the Registration Committee, meet any requirements regarding continuing education or remediation set by a panel of the Registration Committee, and pay the required fees.

(3) The requirements of subsection (1) are non-exemptible.

TERMS, CONDITIONS AND LIMITATIONS, PART B PHARMACISTS

11. (1) Every certificate of registration of a pharmacist listed in Part B is subject to the following terms, conditions and limitations:

1. The member shall not provide any care to a patient, whether direct or indirect.
2. The member shall not perform any controlled act.
3. The member shall not supervise that part of the pharmacy where drugs are kept.
4. The member shall not be the designated manager of a pharmacy.
5. The member shall not supervise the practice of the profession by another person.
6. The member shall, while working in a pharmacy or any other environment where patient care is being provided, clearly identify himself or herself as a non-practising pharmacist.

(2) Despite subsection (1), a pharmacist listed in Part B may perform a controlled act and provide care to a patient with the prior written approval of the Registrar provided that,

(a) the sole purpose of doing so is to assist the member in preparing to meet the requirements specified in subsection 6 (3); and

(b) the member is under the direct supervision of a member who is registered as a pharmacist in Part A.

(3) Subject to subsection (4), an approval provided by the Registrar under subsection (2) must not exceed six months.

(4) Where the Registrar is satisfied that it is appropriate to do so, the Registrar may extend the term of the approval provided under subsection (2), but in no case may the combined term exceed one year, unless a panel of the Registration Committee approves a further extension.

PART IV
REGISTRATION — INTERN

ADDITIONAL REQUIREMENTS

12. (1) An applicant who satisfies the requirements of section 8 and the educational requirements of paragraphs 1 and 2 of subsection 10 (1), but has not successfully completed all of the requirements of paragraphs 3, 4 and 5 of subsection 10 (1), is qualified for the issuance of a certificate of registration as an intern.

TERMS, CONDITIONS AND LIMITATIONS, INTERNS

13. (1) Every certificate of registration as an intern is subject to the following terms, conditions and limitations:

1. When practising in a pharmacy accredited as a community pharmacy, other than a remote dispensing location, the member shall only engage in the practice of the profession while under the direct supervision of a member holding a certificate of registration as a pharmacist listed in Part A.
2. When practicing in any other location, the member shall only engage in the practice of the profession while under the supervision of a member holding a certificate of registration as a pharmacist listed in Part A.
3. The member shall not supervise that part of the pharmacy where drugs are kept.
4. The member shall not delegate a controlled act.

(2) A certificate of registration as an intern automatically expires on the earlier of,

(a) the date on which the member is issued a certificate of registration as a pharmacist; and

(b) one year from the date on which the member's certificate of registration as an intern was issued, unless a panel of the Registration Committee specifies otherwise.

PART V
REGISTRATION — PHARMACY TECHNICIANS

14. (1) The following are additional requirements to those in section 8 for the issuance of a certificate of registration as a pharmacy technician:

1. The applicant must have obtained a pharmacy technician certificate or diploma, or a university degree in pharmacy,
   i. from a Canadian program accredited by the Canadian Council for Accreditation of Pharmacy Programs, or a program that is accredited by another accrediting body approved by Council, or
   ii. from a program that does not meet the requirements of subparagraph i, and the applicant passes an evaluation approved by Council, and,
      A. successfully completes a bridging program, or another program approved by Council, or

B. successfully completes the qualifying examination of the Pharmacy Examining Board of Canada for pharmacy technicians, or another examination approved by Council, on the applicant's first attempt.

2. The applicant must have successfully obtained the certificate, diploma or degree referred to in paragraph 1 no more than two years prior to submitting an application for the issuance of a certificate of registration as a pharmacy technician, but this time limit shall not apply if the applicant,

   i. undergoes a review of his or her practice conducted in a manner approved by the Registration Committee, meets any requirements regarding continuing education or remediation set by a panel of the Registration Committee, and pays the required fees; or

   ii. successfully completes the qualifying examination of the Pharmacy Examining Board of Canada for pharmacy technicians, or another examination approved by Council, within two years of submitting an application for the issuance of a certificate of registration as a pharmacy technician.

3. No more than two years prior to submitting an application for the issuance of a certificate of registration as a pharmacy technician, the applicant must have successfully completed an assessment in pharmaceutical jurisprudence, ethics and professionalism approved by the Registration Committee.

4. No more than two years prior to submitting an application for the issuance of a certificate of registration as a pharmacy technician, the applicant must have successfully completed a practice assessment of competence.

5. The applicant must have successfully completed the qualifying examination of the Pharmacy Examining Board of Canada for pharmacy technicians, or another examination approved by Council,

   i. within the first three attempts,

   ii. on the fourth attempt, if the applicant successfully completes any further education or training required by the examining body responsible for the administration of the examination or by a panel of the Registration Committee, or

   iii. on any subsequent attempt, if the applicant first obtains a new certificate, diploma or degree that meets the requirements of subparagraph 1(i).

(2) The requirements of subsection (1) are non-exemptible.

TERMS, CONDITIONS AND LIMITATIONS, PHARMACY TECHNICIANS

15. Every certificate of registration as a pharmacy technician is subject to the following terms, conditions and limitations:

1. When practising in a pharmacy accredited as a community pharmacy, other than a remote dispensing location, the member shall only engage in the practice of the profession while under the direct supervision of a member holding a certificate of registration as a pharmacist listed in Part A.

2. When practicing in any other location, the member shall only engage in the practice of the profession while under the supervision of a member holding a certificate of registration as a pharmacist listed in Part A.

3. In a pharmacy accredited as a community pharmacy, the member shall not supervise that part of the pharmacy where drugs are kept.

4. The member shall not delegate a controlled act.

5. The member shall not provide information or education relating to drug use, either to or for a patient, where the provision of the information requires therapeutic knowledge, clinical analysis or clinical assessment.

16. (1) Every certificate of registration as a pharmacy technician listed in Part B is subject to the following additional terms, conditions and limitations:

1. The member shall not provide any care to a patient, whether direct or indirect.

2. The member shall not perform any controlled act.

3. The member shall not supervise the practice of the profession by another person.

4. The member shall, while working in a pharmacy or any other environment where patient care is being provided, clearly identify himself or herself as a non-practising pharmacy technician.

(2) Despite paragraphs 1 and 2 of subsection (1), a pharmacy technician listed in Part B may perform a controlled act and provide care to a patient with the prior written approval of the Registrar provided that,

(a) the sole purpose of doing so is to assist the member in preparing to meet the requirements specified in subsection 6 (3); and

(b) the member is under the direct supervision of a member who is registered as a pharmacist in Part A.

(3) Subject to subsection (4), an approval provided by the Registrar under subsection (2) must not exceed six months.

(4) Where the Registrar is satisfied that it is appropriate to do so, the Registrar may extend the term of the approval provided under subsection (2) but in no case may the combined term exceed one year unless a panel of the Registration Committee approves a further extension.

PART VI
REGISTRATION — INTERN TECHNICIANS

17. (1) An applicant who satisfies the requirements of section 8 and the educational requirements of paragraphs 1 and 2 of subsection 14 (1), but has not yet successfully completed all of the requirements of paragraphs 3, 4 and 5 of subsection 14 (1), is qualified for the issuance of a certificate of registration as an intern technician.

TERMS, CONDITIONS AND LIMITATIONS, INTERN TECHNICIANS

18. (1) Every certificate of registration as an intern technician is subject to the following terms, conditions and limitations:

1. The member shall only engage in the practice of the profession while under the direct supervision of a member holding a certificate of registration as a pharmacist listed in Part A or a pharmacy technician listed in Part A.
2. The member shall not supervise that part of a pharmacy where drugs are kept.
3. The member shall not delegate a controlled act.
4. The member shall not provide information or education relating to drug use, either to or for a patient, where the provision of the information requires therapeutic knowledge, clinical analysis or clinical assessment.

(2) A certificate of registration as an intern technician automatically expires on the earlier of,

(a) the date on which the member is issued a certificate of registration as a pharmacy technician; and

(b) one year from the date on which the member's certificate of registration as an intern technician was issued, unless a panel of the Registration Committee specifies otherwise.

PART VII
MOBILITY WITHIN CANADA

19. (1) Subject to subsection 22.18 (3) of the Health Professions Procedural Code, an applicant to whom section 22.18 of the Health Professions Procedural Code applies will be deemed to have satisfied the following requirements if, for each jurisdiction where the applicant holds an out-of-province certificate, the applicant provides a certificate, letter or other evidence satisfactory to the Registrar or a panel of the Registration Committee, confirming that the applicant is in good standing in that jurisdiction:

1. the requirements of paragraphs 1, 2, 4, and 5 of subsection 10 (1), where the applicant applies for a certificate of registration as a pharmacist,
2. the requirement of paragraphs 1 and 2 of subsection 10 (1), where the applicant applies for a certificate of registration as an intern,
3. the requirements of paragraphs 1, 2, 4 and 5 of subsection 14 (1), where the applicant applies for a certificate of registration as a pharmacy technician, or
4. the requirement of paragraphs 1 and 2 of subsection 14 (1), where the applicant applies for a certificate of registration as an intern technician.

(2) Without in any way limiting the generality of subsection (1), "good standing" shall include the fact that,

(a) the applicant is not the subject of any discipline or fitness to practise order or of any proceeding or ongoing investigation or of any interim order or agreement as a result of a complaint, investigation or proceeding; and

(b) the applicant has complied with the continuing competency and quality assurance requirements of the regulatory authority that issued the out-of-province certificate to the applicant.

(3) An applicant referred to in subsection (1) shall be deemed to have met the requirements of paragraph 1 of subsection 8 (1) where the requirements for the issuance of the applicant's out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.

PART VIII
QUALITY ASSURANCE

GENERAL

20. In this Part,

"assessment" means an assessment carried out under section 82 of the Health Professions Procedural Code and includes a practice or peer assessment and reassessment, as applicable;

"assessor" means an assessor appointed by the Committee under section 81 of the Health Professions Procedural Code;

"Committee" means the Quality Assurance Committee.

21. This Part does not apply to,

(a) interns,

(b) intern technicians, or

(c) members who are listed in Part B.

22. The Committee shall administer the quality assurance program.

CONTINUING PROFESSIONAL DEVELOPMENT

23. A member shall,

(a) participate in continuing professional development activities, and maintain a portfolio of such activities, in accordance with the guidelines established by the College, and

(b) submit a copy of the portfolio to the College or to an assessor on request.

SELF-ASSESSMENTS

24. A member shall,

(a) participate in self-assessment activities, and keep records of such activities, in accordance with the guidelines established by the College, and

(b) submit a copy of the records to the College or to an assessor on request.

PRACTICE AND PEER ASSESSMENTS

25. (1) A member shall be required to undergo a practice or peer assessment or both if,

(a) in response to a request made under section 23(b) or 24(b), the member does not provide the requested information, or the portfolio or records provided do not demonstrate that the member has engaged in adequate continuing professional development or self-assessment activities, or

(b) the member is directed to undergo an assessment on the basis of other criteria specified by the Committee and published on the College's website at least three months before the member is directed on the basis of such criteria.

(2) If a member fails to undergo a required assessment, the Committee may direct the Registrar to transfer the member to Part B after giving the member a reasonable opportunity to make written submissions.

PANEL REQUIREMENTS

26. (1) A panel of the Committee may exercise any of the powers of the Committee under this Part or section 80.2 of the Health Professions Procedural Code.

(2) A panel of the Committee shall be composed of at least three members appointed by the chair of the Committee from among the Committee members, at least one of whom shall be a member of the Council who was appointed by the Lieutenant Governor in Council.

(3) Three members of a panel constitute a quorum.

PART IX
SUSPENSIONS, RESIGNATIONS, REINSTATEMENTS, ETC.

ADMINISTRATIVE SUSPENSIONS

27. If a member fails to provide the College with information about the member in the manner and form required by the by-laws the Registrar may,

(a) give the member notice of intention to suspend the member's certificate of registration, and

(b) suspend the member's certificate of registration, if the member fails to provide the information within 30 days from the date notice was given.

28. If a member fails to provide the College with evidence that the member holds professional liability insurance in the amount and form required under the by-laws within 14 days from the date notice was given, the Registrar shall,

(a) immediately give the member notice of intention to suspend the member's certificate of registration, and

(b) suspend the member's certificate of registration, if the member fails to provide the evidence within 14 days after the notice is given.

29. (1) The Registrar shall lift a suspension under section 27 or 28 upon being satisfied that the member,

(a) has filed the required information or evidence, as the case may be, with the College in accordance with the requirements of the by-laws, and

(b) has paid any fees required for lifting the suspension.

(2) If the Registrar suspends a member's certificate of registration under section 24 of the Health Professions Procedural Code for failing to pay a fee, the Registrar shall lift the suspension upon being satisfied that the member,

(a) has paid all amounts owed to the College,

(b) holds professional liability insurance in the amount and in the form required by the by-laws, and

(c) has paid any fees required for lifting the suspension.

DEEMED RESIGNATIONS

30. If a member's certificate of registration is suspended,

(a) for failure to pay a fee required by the regulations or by-laws, and the suspension continues for a period of 120 days, or

(b) under section 27 or 28, and the suspension continues for a period of 60 days,

the member shall be deemed to have resigned on the day immediately following the last day of the suspension period set out in (a) or (b), as applicable.

RETURN OF CERTIFICATE, ETC.

31. A member who resigns, or whose certificate of registration is suspended or revoked shall, if so requested, immediately return to the College his or her certificate of registration.

REINSTATEMENT

32. (1) Subject to subsections (2) and (3), a former member who resigned or was deemed to have resigned may apply to have his or her certificate of registration reinstated by,

(a) submitting a completed application to the Registrar in the form provided by the Registrar,

(b) paying,

(i) the required reinstatement fee,

(ii) the annual fee for the year in which the certificate of registration is to be reinstated, if not previously paid,

(iii) the annual fee for the year in which the former member resigned, if not previously paid, unless the Registrar is satisfied that the former member did not engage in the practice of the profession in Ontario during that year, and

(iv) any other amounts owed by the former member to the College including, but not limited to, any penalty or late fees that were due at the time that he or she ceased to be a member, any costs or expenses ordered to be paid under section 53.1 of the Health Professions Procedural Code, any costs awarded to the College by a court and any amount owing to the College under a by-law or former regulation made under the Act, and

(c) providing evidence satisfactory to the Registrar that the applicant will have professional liability insurance in the amount and in the form as required by the by-laws as of the anticipated date of reinstatement of his or her certificate of registration.

(2) It is a condition of reinstatement that the Registrar be satisfied that,

(a) the applicant is not ineligible for any reason set out in section 33, and

(b) the applicant meets the requirements of section 8.

(3) An application for reinstatement under subsection (1) may not be submitted more than three years after,

(a) the date on which the former member resigned, or

(b) in the case of a former member who was deemed to have resigned under section 30, the date on which the former member was suspended where that suspension resulted in the deemed resignation;

33. (1) A former member is ineligible for reinstatement if the former member,

(a) held a certificate of registration as an intern or intern technician at the time he or she ceased to be a member,

(b) was, at the time he or she ceased to be a member, or at any time since then, the subject of,

(i) a proceeding for professional misconduct, incompetence or incapacity in Ontario or any like proceeding in any other jurisdiction in relation to the practice of the profession or another profession, other than a proceeding that was completed on its merits in which the allegations were found not to have been proven;

(ii) an inquiry or investigation by the Registrar, a committee or a panel of a committee of the College, which resulted in the member's resignation or that was not completed on its merits, other than an inquiry or investigation the result of which was a determination that no further action should be taken against the member, or

(iii) a proceeding in respect of,

(A) any criminal offence in any jurisdiction,

(B) any offence relating to the use, possession or sale of drugs in any jurisdiction,

(C) any offence arising in any jurisdiction relating to the practice of the profession or any other profession or occupation, or

(D) any offence under the *Controlled Drugs and Substances Act* (Canada);

(c) was, at the time he or she ceased to be a member,

(i) the subject of, or in breach of, an outstanding order or requirement of a committee or a panel of a committee of the College;

(ii) in violation of a decision of a panel of the Inquiries, Complaints and Reports Committee or any predecessor committee, including a decision requiring the member to attend to be cautioned; or

(iii) in breach of any written agreement with or undertaking provided to the College; or

(d) had, at the time he or she ceased to be a member, terms, conditions or limitations on his or her certificate of registration, other than those applicable to all members of the class of certificate of registration he or she previously held and those applicable to all members of the Part in which he or she was previously listed.

(2) Nothing in this Part prevents a former member who resigned or was deemed to have resigned from making any number of applications for reinstatement or from making an application for a new certificate of registration.

Reinstatement, two-part register

34. (1) Subject to subsections (2) and (3), a former member who meets the conditions for reinstatement in section 32, may be reinstated in Part A if the former member,

(a) was previously listed in Part A at the time of his or her resignation,

(b) asks to be listed in Part A in his or her application for reinstatement, and

(c) provides to the Registrar a declaration of competence to provide patient care in the form approved by Council.

(2) A former member shall not be reinstated in Part A if, at the time of his or her resignation, the former member had been selected for but had not yet taken part in, or had failed to successfully complete, an assessment under the College's Quality Assurance Program.

(3) A former member who meets the conditions for reinstatement in section 32, may be reinstated in Part B if,

(a) the Registrar determines that the former member does not qualify for reinstatement in Part A pursuant to subsections (1) or (2), or

(b) the former member asks to be listed in Part B in his or her application for reinstatement.

REINSTATEMENT, PURSUANT TO ORDER

35. If a former member's certificate of registration is ordered to be reinstated by a panel of the Discipline Committee or of the Fitness to Practise Committee, the Registrar shall reinstate the certificate of registration upon payment of,

(a) the required reinstatement fee; and

(b) the annual fee for the year in which the certificate of registration is to be reinstated, if not previously paid.

PART X
NOTICES OF MEETINGS AND HEARINGS

NOTICE OF MEETINGS

36. (1) The Registrar shall ensure that notice of every Council meeting that is required to be open to the public under the Act is given in accordance with this section.

(2) The notice must be published at least 14 days before the date of the meeting in a daily newspaper of general circulation throughout Ontario.

(3) The notice must be in English and French.

(4) The notice must contain the following information:

1. The date, time and place of the meeting.

2. A statement of the purpose of the meeting.

(5) The Registrar shall provide the information contained in the notice to every person who requests it by telephone.

NOTICE OF HEARINGS

37. (1) The Registrar shall ensure that the information concerning an impending hearing by a panel of the Discipline Committee to deal with allegations of professional misconduct or incompetence made against a member is given, in accordance with this section, to a person who requests the information.

(2) The information shall be given,

(a) at least 14 days before the date of the hearing, if the request is received 14 days before the date of the hearing; or

(b) as soon as possible after the request is made, if the request is received after that time but before the date of the hearing.

(3) The information given shall be as follows:

1. The name of the member against whom the allegations have been made.
2. The member's principal place of practice.
3. The date, time and place of the hearing.
4. A statement of the purpose of the hearing.

(4) The Registrar shall provide the information in French to a person who requests that the information be provided in French, wherever reasonably possible.

PART XI
ADVERTISING

ADVERTISING

38. (1) In this section,

"advertisement" includes an announcement, directory listing or other form of communication similar to an advertisement;

"drug services" means one or more of the compounding, dispensing or sale by retail of drugs or the provision of information or advice with respect to drugs.

(2) A member shall not, through any medium, publish, display, distribute or use, or permit, directly or indirectly, the publication, display, distribution or use through any medium of, an advertisement relating to drug services that,

(a) is false, misleading or deceptive, whether as a result of the inclusion of information or the omission of information;

(b) is not readily comprehensible to the persons to whom it is directed;

(c) is not dignified and in good taste;

(d) contains anything that cannot be verified;

(e) contains testimonials, comparative statements or endorsements;

(f) contains a reference to a member's area of practice or to a procedure or treatment available from a member practising in the pharmacy, unless the advertisement discloses whether or not the member has an area of expertise and, if the member does have such an area of expertise, the particular expertise;

(g) contains references to a particular brand of equipment used to assist in providing drug services;

(h) contains information that is not relevant to the choice of a pharmacist; or

(i) contains any representations as to the safety or effectiveness or an indication for use of any drug referred to in Schedule I established by the regulations under the *Drug and Pharmacies Regulation Act*.

(3) An advertisement by a member that includes price information relating to drugs referred to in Schedule I established by the regulations under the Drug and Pharmacies Regulation Act shall include the price information for at least 15 different drugs, 10 of which each belong to a different one of the following drug classifications:

1. Anti-infective agents.
2. Antineoplastic agents.
3. Autonomic agents.
4. Blood formation and coagulation drugs.
5. Cardiovascular drugs.
6. Central nervous system drugs.

7. Diagnostic agents.
8. Electrolytic, caloric and water balance drugs.
9. Cough preparations.
10. Eye, ear, nose and throat preparations.
11. Gastrointestinal drugs.
12. Gold compounds.
13. Heavy metal antagonists.
14. Hormones and substitutes.
15. Oxytocics.
16. Skin and mucous membrane preparations.
17. Spasmolytics.
18. Unclassified therapeutic agents.
19. Vitamins.

(4) Where an advertisement by a member includes price information relating to drugs referred to in Schedule I established by the regulations under the *Drug and Pharmacies Regulation Act*, the advertisement shall include at a minimum the following information with respect to each drug:

1. The quantity of the drug being advertised at the advertised price.
2. The total cost for the drug to the purchaser including any dispensing fee.
3. The time period during which the advertised price will be available.

(5) An advertisement by a member that includes price information relating to drugs referred to in Schedule I established by the regulations under the *Drug and Pharmacies Regulation Act* shall include, in addition to the price information referred to in subsection (4), the following information with respect to each advertised drug:

1. The strength of the drug.
2. The brand name of the drug.
3. The dosage form of the drug.

(6) Where an advertisement by a member includes price information relating to drugs referred to in Schedule I established by the regulations under the *Drug and Pharmacies Regulation Act*, equal prominence shall be given to each drug and, for each of those drugs, equal prominence shall be given to all the information required under subsections (4) and (5).

PROFESSIONAL MISCONDUCT RE ADVERTISING

39. It is professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code for a member who advertises price information with respect to a drug referred to in Schedule I established by the regulations under the *Drug and Pharmacies Regulation Act* to charge any purchaser, including the executive officer under the *Ontario Drug Benefit Act* more for the drug than the member has advertised, pursuant to paragraph 2 of subsection 28 (4), as the total cost for the drug to the purchaser including any dispensing fee.

CLARIFICATION RE APPLICATION OF PART

40. Nothing in this Part prohibits a member from publishing, displaying, distributing or using, or permitting directly or indirectly the publication, display, distribution or use of, an advertisement that relates solely to the co-payment or dispensing fee charged by the member for supplying a drug that is a listed drug product under the *Ontario Drug Benefit Act* to an eligible person under that Act.

PART XII
CONTROLLED ACTS

INTERPRETATION

41. In this Part,

"adapt" means to change a patient's prescription respecting,

(a) the dose of the prescribed drug,

(b) the dosage form of the prescribed drug,

(c) the directions for use of the prescribed drug, or

(d) the route of administration for taking the prescribed drug,

but does not include therapeutic substitution;

"Part A pharmacist" means a member who holds a certificate of registration as a pharmacist and who is listed in Part A of the register;

"Part A pharmacy technician" means a member who holds a certificate of registration as a pharmacy technician and who is listed in Part A of the register;

"prescriber" means a person who is authorized under the laws of a province or territory of Canada to give a prescription within the scope of his or her practice of a health profession;

"prescription" means a direction from a prescriber directing the dispensing of a drug or mixture of drugs for a specific patient;

"renew" means to provide a patient with a prescription that repeats a prescription previously provided to that patient;

"therapeutic substitution" means the substitution of a drug that contains chemically different active ingredients that are considered to be therapeutically equivalent.

42. (1) Where the provisions of this Part are inconsistent with a law of Canada respecting prescriptions, including those related to a targeted substance, the law of Canada shall prevail and the provisions of this Part to the extent they are inconsistent with that law shall not apply.

(2) Where the provisions of this Part are inconsistent with the provisions of the *Narcotics Safety and Awareness Act, 2010*, the provisions of that Act shall prevail and the provisions of this Part, to the extent they are inconsistent with that Act, shall not apply.

CONTROLLED ACTS

43. A member shall not perform a controlled act under paragraph 2, 3, 4 or 5 of subsection 4 (1) of the Act except in accordance with this Part.

44. (1) For the purposes of paragraph 2 of subsection 4 (1) of the Act, a member referred to in subsection (2) who meets all the requirements of subsection (3) is authorized to perform the following acts:

1. Administering a substance specified in Table 1 to this Regulation by injection to a patient.
2. Administering a substance specified in Table 2 to this Regulation by inhalation to a patient.

(2) A Part A pharmacist and an intern are authorized to perform an act provided for in subsections (1) and (4), subject to the terms, conditions and limitations imposed on his or her certificate of registration.

(3) A member may only perform an act provided for in subsection (1) if he or she complies with the following:

1. The member may only perform the act for the purpose of patient education and demonstration, and before performing the act,
    i. must explain that purpose to the patient or his or her authorized agent, and
    ii. must receive an informed consent from the patient or his or her authorized agent.
2. The member shall ensure that he or she only performs the act in an environment that is clean, safe, private and comfortable for the patient.
3. The member shall ensure that appropriate infection control procedures are in place.
4. The member must possess sufficient knowledge, skill and judgment respecting the substance to be administered, and sufficient understanding of the condition of the patient, to be able to administer the substance safely.
5. The member must consider whether administering a substance by injection or inhalation to the patient is appropriate, given the known risks and benefits to the patient and the safeguards and resources available to safely manage the outcome after administration and any other relevant circumstances.
6. The member must maintain a patient record that includes,
    i. the name and address of the patient,
    ii. the name and address of the member,
    iii. the date the act was performed,
    iv. the name, strength (where applicable) and quantity of the substance that the member administered to the patient,
    v. the circumstances relating to the administration of the substance to the patient and any adverse reaction experienced by the patient, and
    vi. confirmation that an informed consent was given by the patient or his or her authorized agent.

(4) For the purposes of paragraph 2 of subsection 4 (1) of the Act, a Part A pharmacist and an intern are authorized to administer influenza vaccine by injection to a patient who is five years of age or older, if the Part A pharmacist or intern,

(a) administers the vaccine in accordance with Ontario's Universal Influenza Immunization Program as described on the Ministry's website;

(b) receives an informed consent from the patient or his or her authorized agent; and

(c) meets all the requirements of paragraphs 2 to 6 of subsection (3).

45. (1) For the purposes of paragraph 3 of subsection 4 (1) of the Act, a member referred to in subsection (3) who complies with the other requirements of this section is authorized to prescribe the following specified drugs:

1. Varenicline Tartrate.
2. Bupropion Hydrochloride.

(2) A drug mentioned in subsection (1) may only be prescribed by a member for the sole purpose of smoking cessation.

(3) A Part A pharmacist and an intern are authorized to perform the act provided for in subsection (1), subject to the terms, conditions and limitations imposed on his or her certificate of registration.

(4) A member may only prescribe a drug under this section if he or she,

(a) possesses sufficient knowledge, skill and judgment respecting the drug and the patient's condition to prescribe the drug for the patient;

(b) has considered whether prescribing the drug for the patient is appropriate, given the known risks and benefits of prescribing the drug for the patient and other relevant factors respecting the patient;

(c) gives the prescription to the patient or his or her authorized agent;

(d) advises the patient or his or her authorized agent, at the time of giving the prescription, that he or she may elect to take it to a pharmacy of his or her choosing for dispensing;

(e) notifies the patient's primary care provider (if any) within a reasonable time, that the member prescribed a drug for the patient and provides details respecting the prescription; and

(f) complies with the additional requirements under sections 47 and 48.

46. (1) For the purposes of paragraph 4 of subsection 4 (1) of the Act, a member referred to in subsection (3) who complies with the other provisions of this section is authorized to perform the following acts:

1. Adapting a patient's prescription.
2. Renewing a patient's prescription for the purpose of continuity of care.

(2) Subsection (1) does not authorize a member referred to in subsection (3) to adapt or renew a prescription for a controlled substance as defined in the *Controlled Drugs and Substances Act* (Canada) or a drug designated as a monitored drug by the regulations under the *Narcotics Safety and Awareness Act, 2010*.

(3) A Part A pharmacist and an intern are authorized to perform an act provided for in subsection (1), subject to the terms, conditions and limitations imposed on his or her certificate of registration.

(4) A member may only perform an act provided for in subsection (1) if he or she complies with the following:

1. The member must either possess the patient's prescription to be adapted or renewed or,
   i. receive a copy of the prescription directly from the pharmacy where the prescription was dispensed to the patient,
   ii. be satisfied based on verbal confirmation from a pharmacist at the pharmacy where the prescription was dispensed to the patient as to the existence and details of the prescription, or
   iii. have access to the medical record that contains information about the prescription.
2. If the member is renewing a prescription, he or she must not prescribe a quantity of the drug that exceeds the lesser of,
   i. the quantity that was originally prescribed, including any refills that were authorized by the prescriber, and
   ii. a six months' supply.
3. The member must, within a reasonable time, notify the prescriber identified on the prescription adapted or renewed by the member, as well as the patient's primary care provider if the member knows that the patient has such a care provider other than the prescriber, providing details about the patient's prescription, when the member,
   i. renews a patient's prescription, or
   ii. adapts a patient's prescription, if, in the member's opinion,
      A. adapting the prescription is clinically significant in relation to the patient, or

B. the notification is necessary to support the patient's care.

4. At the time that the member adapts or renews the patient's prescription, the member must advise the patient or his or her authorized agent,
   i. that he or she is entitled to the prescription, and
   ii. that he or she may take the prescription to a pharmacy of his or her choosing for dispensing.
5. The member must comply with the additional requirements under sections 47 and 48.

47. A member who performs an act provided for in section 45 or 46 must ensure that the following information is recorded on the prescription:

1. The name and address of the patient for whom the drug is prescribed.
2. The name, strength (where applicable) and quantity of the prescribed drug.
3. Directions for the use of the drug, including its dose, frequency, route of administration and any special instructions.
4. The name, address, telephone number and College registration number of the member issuing the prescription.
5. The date the prescription was issued by the member.
6. If applicable, reference to the prescription that the member adapted or renewed, including the name and contact details of the original prescriber.
7. The number of refills that the member authorized, if applicable.
8. Any other information required by law.

48. A member who performs an act under section 45 or 46 must maintain a patient record that includes details of the member's rationale for his or her decision to act under section 45 or 46 and the following information, if applicable:

1. Reference to, or a copy of, the patient's prescription that the member renewed or adapted, including the name and contact information of the prescriber.
2. A copy of the prescription that the member gave to the patient or his or her authorized agent under clause 45 (4) (c) or that the member gave to the patient or his or her authorized agent to take to a pharmacy of their choosing under paragraph 4 of subsection 46 (4).
3. A record of the results of laboratory or other tests that the member considered in making the decision to act under section 45 or 46.
4. The date on which the member notified the following persons, as applicable, and the method by which the notification occurred:
   i. The patient's primary care provider notified under clause 45 (4) (e) or paragraph 3 of subsection 46 (4).
   ii. The patient's prescriber notified under paragraph 3 of subsection 46 (4).

49. (1) For the purposes of paragraph 5 of subsection 4 (1) of the Act, a member referred to in subsection (2) who meets all the requirements of subsection (4) is authorized to perform the act of piercing a patient's dermis with a lancet-type device to obtain blood.

(2) A member who is a Part A pharmacist, an intern or a Part A pharmacy technician is authorized to perform the act provided for in subsection (1), subject to the terms, conditions and limitations imposed on his or her certificate of registration.

(3) A Part A pharmacy technician shall not perform the act provided for in subsection (1) unless,

(a) a Part A pharmacist is physically present on the premises at the time when the pharmacy technician performs the act; and

(b) the Part A pharmacy technician is under the direction of a Part A pharmacist at the time when the pharmacy technician performs the act.

(4) A member may only perform the act provided for in subsection (1) if he or she complies with the following:

1. The member may only perform the act for the purpose of demonstrating the appropriate use of lancet-type devices for the patient's self care and education or for the patient's self monitoring of his or her chronic disease, and before performing the act,
   i. shall explain that purpose to the patient or his or her authorized agent, and
   ii. shall receive an informed consent from the patient or his or her authorized agent.
2. The member shall ensure that he or she only performs the act in an environment that is clean, safe, private and comfortable for the patient.
3. The member shall ensure that appropriate infection control procedures are in place.

4. The member must possess the knowledge, skill and judgment respecting the performance of the act and understand the condition of the patient, to perform it safely and effectively.

5. The member must consider whether performing the act on the patient is appropriate, given the known risks and benefits to the patient and the safeguards and resources available to safely manage the outcome and any other relevant circumstances.

6. The member must maintain a patient record that includes,

   i. the name and address of the patient and the member,

   ii. the date the act was performed, and

   iii. confirmation that an informed consent was given by the patient or his or her authorized agent.

PART XIII
INSPECTION OF DRUG PREPARATION PREMISES

INTERPRETATION

50. (1) In this Part,

"designated member" means,

(a) the member designated for a drug preparation premises in accordance with section 55, or

(b) where only one member engages in or supervises drug preparation activities at or in connection with a drug preparation premises, that member;

"drug" means a substance or a preparation containing a substance referred to in clauses (a) to (d) of the definition of "drug" in subsection 1 (1) of the *Drug and Pharmacies Regulation Act*, but does not include,

(a) a substance or preparation referred to in those clauses that is manufactured, sold or represented for use in animals or fowl, or

(b) a substance or preparation referred to in clause (e), (f), (g), (h) or (i) of that definition;

"drug preparation activities" means reconstituting, diluting or otherwise preparing a drug or combining, admixing or mixing together two or more substances, at least one of which is a drug, to create a final product for the purposes of the sale or provision to another person, other than pursuant to or in anticipation of a prescription;

"drug preparation premises" means any place where a member engages in drug preparation activities, or where drug preparation activities take place that a member supervises, but does not include,

(a) a pharmacy in respect of which a valid certificate of accreditation has been issued under the *Drug and Pharmacies Regulation Act*,

(b) a premises in respect of which a valid establishment licence has been issued under the *Food and Drugs Act* (Canada), or

(c) a hospital or a health or custodial institution approved or licensed under any general or special Act;

"inspector" means a person appointed by the College to carry out an inspection on behalf of the College;

"supervise" means to supervise either directly or indirectly.

(2) Anything that may be done by the College under this Part may be done by the Council or by a committee established under clause 94 (1) (i) of the Health Professions Procedural Code.

INSPECTION

51. (1) All drug preparation premises are subject to inspection by the College in accordance with this Part.

(2) In carrying out an inspection of a drug preparation premises under subsection (1), the College may also require any or all of the following:

1. Inspection, examination or testing regarding any equipment, instrument, materials or any other thing that may be used in the drug preparation premises.

2. Examination and copying of books, accounts, reports, records or similar documents that are, in the opinion of the College, relevant to the member's practice with respect to the drug preparation activities at or in connection with the drug preparation premises.

3. Inquiries or questions to be answered by the member that are relevant to the member's practice with respect to the drug preparation activities at or in connection with the drug preparation premises.

4. Direct observation of a member in his or her practice with respect to drug preparation activities at or in connection with the drug preparation premises.

52. An inspector may, on the production of information identifying him or her as an inspector, enter and have access to any drug preparation premises at reasonable times and may inspect the drug preparation premises and do any of the things mentioned in subsection 51 (2) on behalf of the College.

53. (1) It is the duty of every member engaging in or supervising drug preparation activities at or in connection with drug preparation premises that are subject to an inspection to,

(a) submit to an inspection of the drug preparation premises in accordance with this Part;

(b) promptly answer a question or comply with a requirement of the inspector that is relevant to an inspection under this Part; and

(c) co-operate fully with the College and the inspector who is conducting an inspection of a drug preparation premises in accordance with this Part.

(2) A member shall not engage in or supervise drug preparation activities at or in connection with a drug preparation premises where an inspector has been denied entry or access.

54. (1) No member shall commence engaging in or supervising drug preparation activities at or in connection with drug preparation premises unless the member has previously given notice in writing to the College in accordance with subsection (3) of the member's intention to do so.

(2) Where a member has provided notice in writing to the College in accordance with subsection (1) and the drug preparation premises have not passed an inspection or passed an inspection with conditions within the previous five years, the College shall ensure that an inspection of the drug preparation premises is performed within 60 days from the day that the College receives the member's notice.

(3) The notice required in subsection (1) shall include the following information, submitted in the form and manner required by the College:

1. The full name of the member giving the notice and the full name of the individual or corporation who is the owner or occupier of the drug preparation premises, if he or she is not the member who is required to give notice under this section.
2. The full address of the drug preparation premises.
3. The date when the member first began engaging in or supervising drug preparation activities at or in connection with the drug preparation premises or the proposed date when the member intends to begin engaging in or supervising drug preparation activities at or in connection with the drug preparation premises.
4. Any other information the College requires that is relevant to an inspection of the drug preparation premises conducted under this Part.

55. Where two or more members engage in or supervise drug preparation activities at or in connection with a drug preparation premises, the members shall designate a member as the designated member for the drug preparation premises, and shall immediately notify the College of the designated member's identity.

56. All drug preparation premises are subject to an inspection by the College once every five years after the initial inspection of the premises or more often if, in the opinion of the College, it is necessary or advisable to do so.

57. (1) After an inspection of a drug preparation premises, the College shall determine, in accordance with the accepted standards of practice, whether the drug preparation premises pass, pass with conditions or fail.

(2) In determining whether drug preparation premises pass, pass with conditions or fail an inspection, the College may consider,

(a) the inspection results provided to the College by the inspector;

(b) information provided by one or more members engaging in or supervising drug preparation activities at or in connection with the drug preparation premises respecting the inspection, including the answers given by them in response to inquiries or questions asked by the inspector;

(c) the information contained in a notice given by a member under subsection 54 (1) or (3);

(d) any submissions made by the member or members engaging in or supervising drug preparation activities at or in connection with the drug preparation premises that are relevant to the inspection; and

(e) any other information that is directly relevant to the inspection of the drug preparation premises conducted under this Part.

(3) The College shall deliver a report, in writing and in accordance with section 39 of the *Regulated Health Professions Act, 1991*, to the individual or corporation that is the owner or occupier of the drug preparation premises and to the designated member for the drug preparation premises, within a reasonable time after the inspection is completed.

(4) Any report made by the College respecting an inspection of drug preparation premises where a member is engaging in or in respect of which the member is supervising drug preparation activities shall make a finding that the drug preparation

premises passed, passed with conditions or failed the inspection and shall provide reasons where the drug preparation premises passed with conditions or failed the inspection.

(5) Any report made by the College that finds that drug preparation premises failed an inspection or passed with conditions is effective on the day that it is received, in accordance with section 39 of the *Regulated Health Professions Act, 1991*, by the designated member for the drug preparation premises.

(6) The designated member who receives a report made by the College that finds that a drug preparation premises failed an inspection or passed with conditions shall promptly provide copies of the report to all members engaging in or supervising drug preparation activities at or in connection with the drug preparation premises.

(7) A member shall not engage in or supervise drug preparation activities at or in connection with a drug preparation premises that fail an inspection until,

(a) the College delivers a report indicating that the drug preparation premises passed a subsequent inspection, or passed with conditions; or

(b) after considering submissions under subsection (9), the College substitutes a finding that the drug preparation premises pass or pass with conditions.

(8) A member shall not engage in or supervise drug preparation activities at or in connection with drug preparation premises that pass an inspection with conditions except in accordance with the conditions set out in the report until,

(a) the College delivers a report indicating that the drug preparation premises passed a subsequent inspection; or

(b) after considering submissions under subsection (9), the College substitutes a finding that the drug preparation premises pass.

(9) A member may make submissions in writing to the College within 14 days from the date on which a report made by the College that finds that the drug preparation premises passed with conditions or failed the inspection becomes effective in accordance with subsection (5).

(10) The College may or may not elect to reinspect the drug preparation premises after receiving a member's submissions, but no more than 60 days after a member provides his or her submissions, the College shall do one or more of the following:

1. Confirm its finding that the drug preparation premises failed the inspection or passed with conditions.
2. Make a report and find that the drug preparation premises passed with conditions.
3. Make a report and find that the drug preparation premises passed the inspection.

(11) Drug preparation premises that fail an inspection or pass with conditions may be subject to one or more further inspections within a reasonable time after the College delivers its report, at the request of a member, any other person to whom the College gave the report, or at any time at the discretion of the College.

(12) Where, as a result of an inspection carried out under this Part, a report made by the College finds that a member's knowledge, skill or judgment is unsatisfactory, the College may direct the Registrar to refer the report to the Quality Assurance Committee.

(13) Where, as a result of an inspection carried out under this Part, a report made by the College finds that a member may have committed an act of professional misconduct or may be incompetent or incapacitated, the College may direct the Registrar to refer the report to the Inquiries, Complaints and Reports Committee.

PART XIV
FUNDING FOR THERAPY AND COUNSELLING

58. In this Part,

"member" includes a former member.

59. (1) The alternative requirements that must be satisfied in order for a person to be eligible for funding under clause 85.7 (4) (b) of the Health Professions Procedural Code are prescribed in this section.

(2) A person is eligible for funding for therapy or counselling if,

(a) there is an admission made by a member in a statement to the College or in an agreement with the College that he or she sexually abused the person while the person was a patient of the member;

(b) a member has been found guilty under the *Criminal Code* (Canada) of sexually assaulting the person while the person was a patient of the member;

(c) there is a statement, contained in the written reasons of a committee of the College given after a hearing, that the person, while a patient, was sexually abused by a member; or

(d) there is sufficient evidence presented to the Patient Relations Committee to support a reasonable belief that the person, while a patient, was sexually abused by a member.

(3) For the purposes of clause (2) (d), and without limiting the generality of that clause, the following kinds of evidence may support a reasonable belief that a person, while a patient, was sexually abused by a member:

1. Evidence of reports made with respect to the member under subsection 85.1 (1) or 85.2 (1) of the Health Professions Procedural Code.
2. Evidence that corroborates the person's allegations of sexual abuse by the member.

(4) A person is not eligible under subsection (2) unless, at the time the sexual abuse occurred, the person was a patient of the member and the member was practising in Ontario.

(5) Despite subsections (2), (3) and (4), a person is eligible for funding for therapy or counselling under this Part only if,

(a) the person submits an application for funding to the Patient Relations Committee in the form provided by the College and, in the application, the person names the member who is alleged to have sexually abused the person;

(b) the person adheres to the procedures followed by the Patient Relations Committee when determining whether the person has satisfied the requirements for eligibility for funding; and

(c) the person provides such other information as is required by the Patient Relations Committee.

(6) A decision by the Patient Relations Committee that a person is eligible for funding for therapy or counselling does not constitute a finding against the member and shall not be considered by any other committee of the College dealing with the member.