

Clarke
Henning
LLP

10 Bay Street, Suite 801
Toronto, Ontario
Canada M5J 2R8
Tel: (416) 364-4421
Fax: (416) 367-8032
Email: ch@clarkehenning.com

AUDITORS' REPORT ON REGISTRATION PRACTICES

TO THE COUNCIL OF ONTARIO COLLEGE OF PHARMACISTS

and

TO FAIRNESS COMMISSIONER [ONTARIO]

We have audited the registration practices of Ontario College of Pharmacists (the "College") to assess the College's compliance with the standards set out in sections 15-22, 22.2-22.4, 22.6-22.7 and 22.9-22.11 inclusive of Schedule 2 – Health Professions Procedural Code ("Code") of the Regulated Health Professions Act, 1991 during the year ended July 15, 2008. Compliance with the standards set out in the above-noted sections of the Code is the responsibility of the management of the College. Our responsibility is to express an opinion on this compliance based on our audit.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the College complied with the standards set out in the above-noted sections of the Code. Such an audit includes examining, on a test basis, evidence supporting compliance and evaluating the overall compliance with these criteria. The attached appendix outlines the College's procedures and controls together with our tests, results and comments.

In our opinion, during the year ended July 15, 2008 the Ontario College of Pharmacists was in compliance, in all material respects, with the standards set out in the above-noted sections of the Code.

Clarke Henning LLP

CHARTERED ACCOUNTANTS
Licensed Public Accountants

Toronto, Ontario
January 22, 2009, except amended May 27, 2009 to attach the Addendum.

Ontario College of Pharmacists

Addendum to Audit Report on Registration Practices for the year ended July 15, 2008

Overview of College and its Registration Practices

During the period of our audit the College had just over 11,000 members of which 35% obtained their initial pharmacy degree outside Canada (7% in the United States and 29% elsewhere). This is the largest percentage of foreign-trained licensees of any of the regulated professions. Of current applicants, over 40% are foreign-trained, with Egypt, India, the Philippines, China and Nigeria being among the largest contributors.

All applicants for licensing in Ontario require an acceptable university degree in pharmacy, need to pass a qualifying examination set and administered by The Pharmacy Examining Board of Canada (*PEBC*), need to pass the College's examination on Ontario jurisprudence and need 48 weeks' structured practical training (*SPT*) as a student and intern. (This is in addition to proficiency in English or French, legal status in Canada, and indicators of honesty and integrity.)

Before attempting the qualifying examination or embarking on their *SPT*, applicants who have received their pharmacy degree outside Canada or the United States must have this degree evaluated and approved by *PEBC* and then pass an evaluating examination prepared and administered by *PEBC*. One-third of their 48 weeks' structured practical training are taken up with two eight-week courses provided by the University of Toronto's International Pharmacy Graduate Program (*CPS I* and *CPS II*).

Almost all of the foregoing requirements may be reduced or waived by the College's Registration Committee, and College personnel are proactive in suggesting to applicants when it might be advantageous to apply for such consideration. Instructions are included on the College's website. Registration Committee panels meet monthly throughout the year and in that time will consider several hundred applications. Each application is considered by panel members on the merits of the material submitted. Staff attends these meetings to provide information but do not participate in the decision-making.

Aside from panel meetings, the Registration Committee meets bi-monthly to hear reports, comments and recommendations from *PEBC*, pharmacy schools at the Universities of Toronto and Waterloo, to consider and comment upon proposed changes to legislation regarding registration and (during the period of our audit) to consider requirements for the proposed regulation of pharmacy technicians.

As noted above, the College uses a third party, *PEBC*, to examine university documents, assess degree courses that have been completed at universities outside Canada and the United States and to set and administer an evaluating examination that such graduates are required to pass in order to proceed along the path to registration. In addition, all applicants (whether educated at foreign or Canadian universities) are required to pass the *PEBC* qualifying examination – passing this Canada-wide examination is one of the requirements for registration as a pharmacist in all provinces except Quebec. The objective of this examination is to assess the applicant's competence to practise pharmacy safely and effectively in an entry level position in a Canadian pharmacy.

Audit Procedures and Results

Our audit procedures included an examination of the College's website, published booklets, policy and training manuals, minutes of Council and Registration Committee meetings (including panels), a sample of applicant files and other internal documentation.

Our audit procedures also included a telephone survey of a sample of current and recent applicants (with the sample weighted to international pharmacy graduates) in order to obtain their perception of the College's registration practices.

References in the following paragraphs refer to sections and subsections in Regulated Health Professions Act, 1991 Schedule 2 – Health Professions Procedural Code.

Provisions requiring information to be made available to applicants (s. 16, 22.2, 22.3 and ss. 22.4(1))

- We examined the College's website and found that all required information was disclosed there and was reasonably navigable. In addition the College has a hard copy booklet, "Registration Information Package for International Pharmacy Graduates", that is specifically designed to assist graduates of pharmacy programs at universities outside of Canada and the United States. We determined that those appealing to the Registration Committee could obtain copies of all information in their file upon request (subject to the exception provided in ss. 16(2)).
- In our telephone survey, applicants confirmed that they had found that the necessary information was available from the College (either from the website and/or the booklet). Because the registration process can be complicated, and because of the availability of exemptions by application to the Registration Committee, some applicants noted that one must read the information carefully. Others commented that the time estimates included in the information presented would be extended if the applicant had difficulty gaining the required SPT.
- Conclusion: The College is complying with the legislation.

Provisions requiring timely decisions, responses and reasons (s. 15, 17-20 and 22)

- We examined the College's policies (published on the website), manuals, a sample of applicant records, minutes of the Registration Committee meetings (including panels) and other internal documentation to determine that the policies were reasonable and were being adhered to.
- In our telephone survey of applicants we confirmed that applicants received timely decisions and responses.
- Conclusion: The College is complying with the legislation.

Provisions regarding internal review or appeal (s. 15, 17-20 and 22)

- The College's policy is that applications to the Registration Committee which are complete by the first of the month will be considered at a panel meeting in the month following, although occasionally the volume of applications will necessitate a one month delay in this timetable. Applicants are advised of the panel's decision within 3 days following the panel meeting. We examined a sample of applicant records, minutes of the Registration Committee panel meetings and other internal documentation to determine that these policies were being adhered to.
- In our telephone survey of applicants, some applicants would have preferred a faster response from the Registration Committee. However, given the statutory requirement for 30 days' notice to submit material for inclusion in their panel package (applicants are often given the opportunity to waive this requirement), and given the volume of applications and the related material that must be reviewed by panel members prior to the meeting, it is difficult to see how these applications could reasonably be processed substantially faster.

- Our audit tests encountered one instance where consideration of an application to the Registration Committee was delayed due to a filing error.
- Conclusion: The College is complying with the legislation.

Provisions regarding appeal rights (s. 21)

- Applicants not satisfied with the panel's decision receive a formal Panel Order with reasons together with a letter outlining their right to appeal to Health Professions Appeal and Review Board. Appeal information is also available on the College's website. We reviewed files for the two appeal cases in progress to determine that this policy was being adhered to.
- Conclusion: The College is complying with the legislation.

Provisions regarding training (ss. 22.4(3))

- Individuals involved in the registrations process (College staff and Registration Committee members) are provided with a manual containing copies of the applicable legislation, regulations, registration expectations set out by the Fairness Commissioner, College policies and other material. When initially exposed to the registration process they are required to attend a session with the College's legal counsel where they are led through this material on a clause by clause basis. Regular updates are also provided. In addition, those pharmacists wishing to become qualified as a preceptor are required to attend a one day training course which includes some legal aspects of the registration process and the expectations of the Fairness Commissioner. We examined internal records to determine that these training policies were being followed.
- Conclusion: The College is complying with the legislation.

Provisions regarding use of third parties (ss. 22.4(2))

- The College is represented on the governing board of PEBC. We determined that this representative ensures that PEBC practices are transparent, objective, impartial and fair, and that he/she reports on PEBC activities to the governing board of the College. Additionally there is regular interaction at a senior level between College staff and that of PEBC whereby College staff also ensure that PEBC meets fair registration standards in its dealing with Ontario applicants.
- Conclusion: The College is complying with the legislation.

Provisions regarding review of practices (s. 22.6)

- Although the College is continually reviewing its registration practices, no such review was specified by the Fairness Commissioner during the audit period.

Provisions regarding fair registrations practices reports (s. 22.7 and 22.9-22.11)

- We were advised by the office of the Fairness Commissioner that this report was neither required nor filed during the audit period. The first filing of this report was in February 2009.

Other Comments

Structured Practical Training and Obtaining a Preceptor

All those progressing towards registration as a pharmacist in Ontario must complete 48 weeks (may be reduced by order of the Registration Committee) of SPT in a pharmacy under the guidance of a preceptor. A preceptor is a licensed practicing pharmacist who has undertaken the preceptor training mandated by the College and who undertakes to supervise and evaluate the applicant's work during the period of SPT. Preceptor training includes cultural sensitivity training to better understand difficulties encountered by applicants who have been trained outside Canada and the United States.

Several of the applicants interviewed by telephone in the course of our audit spoke of the difficulty in finding a preceptor willing and able to provide the required SPT. This difficulty is not necessarily restricted to graduates of pharmacy programmes outside Canada and United States, but will depend on the economic situation and the desired work location. Some suggested that the College could be more proactive in assisting applicants in locating a preceptor.

Health Professions Appeal and Review Board

Applicants can appeal decisions of the College's Registration Committee to the HPARB, an adjudicative body with a review and appeal mandate established by provincial legislation under the Regulated Health Professions Act, 1991. Those appealing can request either a documentary review or an oral hearing. However it would appear that the delay in obtaining decisions from HPARB is a significant deterrent to appeals.

The College has had only two Registration Committee decisions appealed to HPARB. In the first case the applicant requested a review in February 2008, the review was held in November 2008 and the decision had not yet been issued when our audit work was completed on January 22, 2009. In the other case the applicant requested a review in December 2007 and the review had not yet been held by the time our audit work was completed.

An order of the College's Registration Committee, by statute, cannot be implemented while the matter is under appeal to HPARB. Therefore in many cases a potential appellant could be held up a year or more in his/her registration quest by initiating an appeal. In our opinion, HPARB's delay in rendering decisions on registration appeals is manifestly unfair to appellants.

Recommendations

Our recommendations are minor in nature, as follows:

- Several applicants thought the College's website could be made easier to navigate and, in addition, suggested that it would be helpful if the various forms could be completed on-line. We were advised that the College is already pursuing each of these initiatives.
- We recommend that the responsibilities of the PEBC (to ensure transparency, objectivity, impartiality and fairness on the part of PEBC in dealing with Ontario applicants) be formalized and documented. We understand that this matter is in progress.
- We recommend that the College consider ways in which it could provide more information to assist applicants in finding a preceptor in order to obtain the required SPT. We were advised that the College also has this matter under consideration.