Province of Alberta

PHARMACY AND DRUG ACT

PHARMACY AND DRUG REGULATION

Alberta Regulation 240/2006

With amendments up to and including Alberta Regulation 131/2018

Current as of June 28, 2018

Office Consolidation

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(Consolidated up to 131/2018)

ALBERTA REGULATION 240/2006

Pharmacy and Drug Act

PHARMACY AND DRUG REGULATION

Table of Contents

Interpretation

1 Definitions
2 Exemption: compounding, repackaging

Licences

3 Application for licence
4 Application for renewal of licence
5 Conditions that registrar may impose on licence
6 Additional information to be entered in register
6.1 Exemption from licence requirement

Specialized Pharmacy Service

7 Specialized pharmacy service

Operation of Licensed Pharmacies

8 Location of licensed pharmacy
9 Name of licensed pharmacy
10 Physical facilities
11 Hours of operation
12 Records
12.1 Types of records
13 Pharmacy area
14 Dispensary
15 Patient services area
16 Distinguishing areas of pharmacy
17 Temporary absence of pharmacist from pharmacy
18 Lock and leave
19 Contracts, compounding and repackaging pharmacies

Duties of Licensees and Proprietors

20 Reporting changes to registrar
21 Products storage, dispensary and patient services area

22 Information to be posted in pharmacy
23 Information to be displayed on website
24 Restrictions on advertising
25 Ongoing obligation of licensee

Field Officers

26 Identification of field officers

Termination of Licence, Closure of Pharmacy and Disciplinary Matters

27 Closure of pharmacy
28 Conditions that hearing tribunal may impose
29 Costs of investigation, hearing and appeal
30 Publication of information in orders
31 Access to information in orders restricted after 10 years

Approval of Bylaws

32 Approval of bylaws

Matters under s2 of Act

33 Providing information under s2 of Act
34 Records required under s2 of Act

Coming into Force

36 Coming into force

Interpretation

Definitions

1(1) In this Regulation,

(a) "Act" means the *Pharmacy and Drug Act*;

(b) "clinical pharmacist" means clinical pharmacist as defined in the *Pharmacists Profession Regulation* (AR 129/2006);

(c) "code of ethics" means the code of ethics adopted under section 29.1 of the Act, unless the context indicates otherwise;

(d) "courtesy pharmacist" means courtesy pharmacist as defined in the *Pharmacists Profession Regulation* (AR 129/2006);

(e) "dispensary" means the area of a licensed pharmacy that is not accessible to the public and in which pharmacists

(i) dispense, provide for sale and sell drugs referred to in sections 31 and 32 of the Act, and

(ii) compound drugs referred to in sections 31, 32 and 33 of the Act;

(f) "health care products, aids and devices" means

(i) devices as defined in the *Food and Drugs Act* (Canada),

(ii) natural health products as defined in the *Natural Health Products Regulations* (Canada) SOR/2003-196, and

(iii) products, aids and devices that promote health and treat diseases, dysfunctions and disorders and that are designated as being health care products, aids and devices in the standards for the operation of licensed pharmacies;

(g) "lock and leave pharmacy" means a pharmacy described in section 18(1);

(h) "patient services area" means the area of a licensed pharmacy located outside and adjacent to the dispensary where

(i) patients receive pharmacy services from pharmacists, and

(ii) drugs referred to in section 33 of the Act may be provided for sale;

(i) "proprietor's representative" means the individual designated by a corporate proprietor to represent the proprietor;

(j) "standards for the operation of licensed pharmacies" means the standards for the operation of licensed pharmacies adopted under section 29.1 of the Act.

(2) For the purposes of the Act and this Regulation,

(a) "prescription department" means the dispensary and the patient services area;

(b) "public area" means the area of a licensed pharmacy located outside the prescription department;

(c) "specialized pharmacy service" means a service within the practice of pharmacy that in order for it to be provided safely requires any one or more of the following:

(i) special equipment;

(ii) compliance with specialized standards;

(iii) that it be provided by a clinical pharmacist who is authorized to use the title specialist pursuant to the *Pharmacists Profession Regulation* (AR 129/2006).

AR 240/2006 s1;72/2009

Exemption: compounding, repackaging

2 Sections 11, 13 to 16, 18, 21, 22 and 23 do not apply to a compounding and repackaging pharmacy.

Licences

Application for licence

3(1) An application for any category of licence referred to in section 5 of the Act must include the following:

(a) the name of the clinical pharmacist applying for the licence;

(b) the category of licence applied for;

(c) the telephone number and business address of the applicant;

(d) the fax number, if any, and e-mail address of the applicant;

(e) in respect of the pharmacy that the applicant will operate as licensee,

(i) the mailing address of the pharmacy and, if that address differs from the physical location of the pharmacy, the physical location of the pharmacy,

(ii) the telephone number, fax number and e-mail address of the pharmacy,

(iii) if the pharmacy has a website, the website address,

(iv) the name under which the pharmacy will operate,

(v) copies of a scale drawing showing the physical facilities, space and layout of the pharmacy,

(vi) whether the pharmacy will operate as a lock and leave pharmacy, and

(vii) the hours of operation of the pharmacy;

(f) if required by the registrar, a copy of the pharmacy's operating procedures and quality assurance procedures that demonstrate to the satisfaction of the registrar that the pharmacy will be operated in accordance with the Act, any order made under the Act, the code of ethics and the standards for the operation of licensed pharmacies;

(g) an undertaking by the applicant

(i) to personally manage, control and supervise the practice of pharmacy in the pharmacy, and

(ii) to comply with the Act, any condition imposed on the licence, any order made under the Act, the code of ethics and the standards for the operation of licensed pharmacies;

(h) the names of the regulated members who will engage in the practice of pharmacy in the pharmacy;

(i) the names of the pharmacy technicians, as defined in the *Pharmacists Profession Regulation* (AR 129/2006), who will be employed in the pharmacy;

(j) the name, telephone number, fax number, e-mail address and business address of the proprietor;

(k) an undertaking by the proprietor to act in accordance with the Act, any order made under the Act, the code of ethics and the standards for the operation of licensed pharmacies;

(l) if the proprietor is a corporation, the name of the proprietor's representative and the names of the major shareholders;

(l.1) any information that may be required by the registrar to demonstrate that the requirement of section 5.01(1)(d) of the Act will be met;

(m) any other information required by the registrar.

(2) Repealed AR 72/2009 s3.

(3) An application for a satellite pharmacy licence must include, in addition to all of the information required under subsection (1),

evidence sufficient to satisfy the registrar that the requirements of section 5.01(1)(f) of the Act will be met.

(4) An application for a compounding and repackaging pharmacy licence must include, in addition to all of the information required under subsection (1), evidence sufficient to satisfy the registrar that the proposed compounding and repackaging pharmacy will have appropriate

(a) qualified staff,

(b) infrastructure, space, facilities and equipment, and

(c) systems and procedures

to undertake the proposed activities of compounding and repackaging safely and effectively and any other undertaking by the applicant.

(5) A completed application must be submitted to the registrar at least 14 days before the date the applicant requires the licence.

AR 240/2006 s3;72/2009

Application for renewal of licence

4(1) A licensee may apply to the registrar on the form set by the council for the renewal of a licence.

(2) The registrar may require the applicant for the renewal of a licence to provide any or all of the information set out in section 3.

(3) A completed application must be submitted to the registrar at least 14 days before the date the licence to be renewed expires.

Conditions that registrar may impose on licence

5 For the purposes of sections 5.01(6) and 7(2) of the Act, the registrar may impose conditions on the licence for the purpose of protecting the safety of the public and supporting and enhancing the competent practice of pharmacy, including conditions relating to

(a) the hours of operation of a pharmacy,

(b) the drugs, health care products, aids and devices that

(i) must be available for dispensing, provided for sale or sold in a pharmacy, or

(ii) must not be available for dispensing, provided for sale or sold in a pharmacy,

(c) security systems that must be installed and security measures that must be taken by a pharmacy,

(d) records, reports and information that must be submitted to the registrar,

(e) the infrastructure, pharmaceutical equipment and library in a pharmacy,

(f) the development and implementation of the operating procedures of a pharmacy,

(f.1) the application of human resources in the pharmacy, including the ratio of clinical pharmacists to other regulated members and the use of non-regulated personnel in the pharmacy,

(g) the range of services that a pharmacy may offer, and

(h) time limits for fulfilment of any condition.

AR 240/2006 s5;72/2009

Additional information to be entered in register

6(1) The registrar must enter in the register referred to in sections 5.01(5) and 6(1) of the Act the information required to be entered pursuant to the Act and the following information:

(a) the telephone number, fax number and e-mail address of the pharmacy;

(b) if the pharmacy has a website, the website address of the pharmacy;

(c) the name under which the pharmacy operates;

(d) whether the pharmacy operates as a lock and leave pharmacy.

(2) The registrar may

(a) update information in the register and remove outdated or incorrect information from the register,

(b) add or delete information from the register to comply with the Act and this Regulation, and

(c) undertake any steps necessary for the proper maintenance of the register.

AR 240/2006 s6;72/2009

Exemption from licence requirement

6.1 A clinical pharmacist or other pharmacist authorized under the *Pharmacists Profession Regulation* (AR 129/2006) who is engaged by a community pharmacy is exempted from holding a mail order pharmacy licence to dispense or sell a drug on behalf of the community pharmacy to a patient who does not attend the pharmacy in the following circumstances:

(a) if the patient or patient's agent regularly attends the community pharmacy to receive pharmacy services, but is unable to do so on a particular occasion because of a circumstance or condition affecting the patient like illness or travel or work away from the location of the community pharmacy;

(b) if a clinical pharmacist or other pharmacist authorized under the *Pharmacists Profession Regulation* (AR 129/2006) regularly attends personally on the patient to assess the patient and monitor the patient's response to drug therapy;

(c) if there is

(i) a general health emergency or crisis, recognized by resolution of the council of the College,

(ii) a state of public emergency declared under the *Public Health Act*, or

(iii) a local state of public health emergency declared under the *Public Health Act*,

that makes it unsafe or inadvisable for patients to attend the community pharmacy.

AR 72/2009 s6

Specialized Pharmacy Service

Specialized pharmacy service

7(1) Neither a licensee nor proprietor shall hold out that a licensed pharmacy offers specialized pharmacy services unless the licensed pharmacy is designated under subsection (3).

(2) A licensee may apply to the registrar to designate a licensed pharmacy as a pharmacy that offers specialized pharmacy services.

(3) If the registrar is satisfied that a licensed pharmacy meets the criteria established and published by the council, the registrar may designate the licensed pharmacy as a pharmacy that offers specialized pharmacy services.

(4) Only a licensee or a proprietor of a licensed pharmacy that has been designated under subsection (3) as a pharmacy that offers specialized pharmacy services may hold out that the licensed pharmacy is a pharmacy that offers specialized pharmacy services.

AR 240/2006 s7;72/2009

Operation of Licensed Pharmacies

Location of licensed pharmacy

8 A licensed pharmacy must operate only at the location specified in the licence.

Name of licensed pharmacy

9(1) A licensed pharmacy must operate under only one name, which must be

(a) the name provided to the registrar under section 3(1)(e)(iv), or

(b) another name approved by the registrar.

(2) The name of a licensed pharmacy must not be used by the licensee or proprietor in relation to any other business in a manner that is likely to mislead or confuse the public into believing that the other business is or contains a licensed pharmacy.

Physical facilities

10(1) The physical facilities, space and layout of a licensed pharmacy must remain as depicted in the copies of the scale drawing provided to the registrar under section 3(1)(e)(v) unless the registrar first approves a change in writing.

(2) A licensee may apply in writing to the registrar for approval for a change to the physical facilities, space or layout of a licensed pharmacy.

(3) An application under subsection (2) must be made at least 14 days before the intended change.

(4) The registrar must, within a reasonable time after receiving an application under subsection (2),

(a) approve the change,

(b) dismiss the application, or

(c) if more information is required to make a decision on the application, request that information from the applicant.

Hours of operation

11(1) A licensed pharmacy must remain open to the public during the hours of operation submitted to the registrar under section 3(1)(e)(vii).

(2) A licensee must

(a) inform the registrar of any change in the hours referred to in subsection (1) not less than 14 days before the change occurs, and

(b) post the hours of operation at all public entrances to the pharmacy.

Records

12(1) A licensee must ensure that records referred to in section 12.1 are created and maintained in accordance with the standards for the operation of licensed pharmacies adopted under section 29.1 of the Act with respect to the provision of pharmacy services and the practice of pharmacy in or from the licensed pharmacy.

(2) If a licensee holds more than one licence, the licensee must ensure that the records under subsection (1) identify the licence under which the pharmacy services were provided or the practice of pharmacy was performed.

(3) Unless otherwise authorized by the registrar under subsection (4), a licensee must maintain the records referred to in subsections (1) and (2) at the pharmacy.

(4) A licensee may make a request in writing to the registrar to authorize the licensee to maintain the records referred to in subsections (1) and (2) at a location other than the pharmacy.

(5) A request under subsection (4) must contain the following information:

(a) the exact physical location and address where the records will be located;

(b) the procedures and agreements regarding how

(i) care and control of the records will be maintained by the licensee,

(ii) the records will be secured,

(iii) access to the records will be restricted and controlled by the licensee, and

(iv) the requirements of the standards for operating licensed pharmacies established under the Act will be complied with;

(c) the names and contact information for any persons who own, lease or control the building or portion of the building where the records will be located or who are involved in any manner in storing the records of the pharmacy at an off site location;

(d) any acknowledgements, assurances, agreements or undertakings reasonably required by the Registrar from the persons referred to in clause (c) regarding the care and control of the records by the licensee and the security and confidentiality of the records.

(6) In complying with the proprietor's obligations under section 11(3) of the Act, a proprietor must take reasonable steps

(a) to ensure that the licensee complies with the licensee's duties under subsections (1) and (2),

(b) to provide any assistance required by the licensee in respect of carrying out the licensee's duties, and

(c) to provide to the licensee any records referred to in subsection (1) that are in the possession or under the control of the proprietor or any person associated with the proprietor if those records are requested by the licensee.

AR 240/2006 s12;72/2009

Types of records

12.1 The following types of records constitute records for the purposes of section 1(1)(z.1) of the Act:

(a) any record required to be kept under

(i) the Act, its regulations, and the standards for operating licensed pharmacies established under section 29.1 of the Act,

(ii) the *Health Professions Act*, its regulations, and the standards for pharmacist practice established under section 133 of the *Health Professions Act*,

(iii) the *Food and Drug Act* (Canada) and its regulations,

(iv) the *Controlled Drugs and Substances Act* (Canada), its regulations and the *Narcotic Control Regulations*,

(v) the *Health Information Act* and its regulations, or

(vi) the *Personal Information Protection Act* and its regulations;

(b) records of all Schedule 1 and Schedule 2 drugs received by the pharmacy, which must include

(i) any information relating to the drugs required by any of the legislation and standards referred to in clause (a),

(ii) the name and contact information of the suppliers who sell or provide drugs to the pharmacy,

(iii) the name and quantity of each drug received by the pharmacy, and

(iv) the date on which each drug was received;

(c) records of all prescriptions received by a pharmacy, which must include

(i) any information relating to prescriptions required by any of the legislation and standards referred to in clause (a), and

(ii) details of any arrangement between the pharmacy and another person pursuant to which patients or prescriptions are referred or transferred to or from the pharmacy on a regular basis;

(d) records of all Schedule 1 and Schedule 2 drugs dispensed from or through the pharmacy, which must include

(i) all information regarding the processing of a prescription and the dispensing of a drug required by any of the legislation and standards referred to in clause (a), and

(ii) where the drug was not picked up at the pharmacy by the patient or the patient's agent, the method of delivery of the drug to the patient and the method of dealing with environmental concerns where appropriate;

(e) records of the pharmacy services provided by the pharmacy and any regulated members or other persons associated with the pharmacy, including

(i) all information regarding the provision of pharmacy services required by any of the legislation and standards referred to in clause (a), and

(ii) records identifying all individuals who were involved in the processing of a prescription and the dispensing of the drug and the role of each individual in the process;

(f) records of patients, including all information regarding patient records required by any of the legislation and standards referred to in clause (a);

(g) records of any Schedule 1 or Schedule 2 drugs released or sold to any person by the pharmacy other than pursuant to a prescription dispensed to or on behalf of a patient, including

(i) the name and contact information of the person receiving the drugs from the pharmacy,

(ii) the name and quantity of the drugs released or sold and the date on which the drugs were released or sold, and

(iii) the location to which the drugs were sent by the pharmacy;

(h) in respect of a mail order pharmacy, the following additional records:

(i) policies and procedures regarding how information is collected in order to assess individual patients and to obtain all the information necessary to allow the pharmacist to ensure the appropriateness of drug therapy for the patient, and

(ii) records that identify any arrangement or agreement under which patients are referred to the mail order pharmacy in order for the pharmacy to provide mail order pharmacy services to or for the patient;

(i) any record created or received by a

(i) proprietor or a person associated with a proprietor,

(ii) licensee,

(iii) regulated member engaged by the proprietor, or

(iv) other person associated with the pharmacy

that relates to acquisition of drugs by the pharmacy or the provision of pharmacy services by the pharmacy.

AR 72/2009 s8

Pharmacy area

13(1) A licensed pharmacy must have

(a) a prescription department that is at least 33 m^2 in area, and

(b) a dispensary that is at least 18 m^2 in area.

(2) Despite subsection (1), the registrar may authorize a prescription department or dispensary that does not meet the requirements set out in subsection (1) if, in the opinion of the registrar,

(a) it is not reasonably practicable to meet those requirements,

(b) not meeting those requirements does not compromise the safety of the public,

(c) not meeting those requirements does not affect the ability of the pharmacist to provide pharmacy services effectively, and

(d) authorizing such a pharmacy or dispensary is in the best interest of the public.

(3) The registrar may impose conditions on an authorization granted under subsection (2).

Dispensary

14(1) A licensed pharmacy must contain a dispensary that is separated from the public area of the pharmacy by a physical barrier that excludes access by an unauthorized individual.

(2) A dispensary must have

(a) sufficient space and equipment to allow the practice of pharmacy to be conducted effectively and safely,

(b) hot and cold running water and a sink,

(c) separate areas for

(i) receiving prescriptions,

(ii) preparing drugs for dispensing, and

(iii) compounding drugs,

and

(d) working aisles that are at least 90 cm wide.

(3) The area required under subsection (2)(c)(ii) must include a counter with at least 1.5 m^2 of unrestricted work area.

(4) Despite subsection (2)(c) and (d), the registrar may authorize a dispensary that does not meet the requirements set out in subsection (2)(c) and (d) if, in the opinion of the registrar,

(a) it is not reasonably practicable to meet those requirements,

(b) not meeting those requirements does not compromise the safety of the public,

(c) not meeting those requirements does not affect the ability of the pharmacist to provide pharmacy services effectively, and

(d) authorizing such a dispensary is in the best interest of the public.

(5) The registrar may impose conditions on an authorization granted under subsection (4).

AR 240/2006 s14;72/2009

Patient services area

15(1) A licensed pharmacy must have a patient services area that

(a) is designed and constructed in accordance with the standards for the operation of licensed pharmacies, and

(b) has a private or semi-private counselling area for the confidential counselling of patients.

(2) Despite subsection (1), if a licensed pharmacy that is licensed on the coming into force of this Regulation does not meet the requirements of subsection (1), the licensee and proprietor have up to 3 years from the date this Regulation comes into force to ensure that the licensed pharmacy meets the requirements of subsection (1).

Distinguishing areas of pharmacy

16(1) A licensee must ensure that the prescription department is differentiated from other areas of the pharmacy by signs, markings or architectural features that comply with the standards for the operation of licensed pharmacies.

(2) If the licensed pharmacy does not occupy all of the premises, the licensee must ensure that the licensed pharmacy is

differentiated from other parts of the premises in which it is located.

Temporary absence of pharmacist from pharmacy

17 A licensed pharmacy may be without a clinical pharmacist or a courtesy pharmacist for a very short period of time during the hours of operation if

(a) the clinical pharmacist or courtesy pharmacist who is temporarily absent is accessible in person or by phone and can return to the pharmacy immediately, and

(b) the clinical pharmacist or courtesy pharmacist ensures that during the absence

(i) either

(A) no restricted activities are performed, or

(B) restricted activities are performed only by individuals authorized to perform them and that they are performed in accordance with the authorization,

(ii) the practice of pharmacy and safety of the public are not compromised, and

(iii) all drugs are secure from unauthorized access.

Lock and leave

18(1) If a licensed pharmacy

(a) is located where the licensed pharmacy does not occupy all of the premises, and

(b) operates for fewer hours than the hours that the premises are open to the public,

the licensee must advise the registrar that the pharmacy is operating as a lock and leave pharmacy.

(2) The licensee of a pharmacy operating as a lock and leave pharmacy must ensure that when the pharmacy is closed

(a) the dispensary and all drugs and blood products are locked up to prevent unauthorized access, and

(b) no drugs or blood products are dispensed, provided for sale or sold from the licensed pharmacy.

(3) On the registrar's request, the licensee of a pharmacy operating as a lock and leave pharmacy must provide the registrar with information that demonstrates how the pharmacy meets the requirements of subsection (2).

(4) The registrar may impose conditions in respect of the operation of a licensed pharmacy that is operating as a lock and leave pharmacy.

Contracts, compounding and repackaging pharmacies

19 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,

and

(b) provide copies of those contracts to the registrar on request.

AR 240/2006 s19;72/2009

Duties of Licensees and Proprietors

Reporting changes to registrar

20(1) A licensee must notify the registrar in writing at least 14 days in advance, where any of the following is expected to occur:

(a) the licensed pharmacy is to be relocated;

(b) the licensee intends to employ a pharmacist who is registered in the courtesy register category of the college's regulated members register to engage in the practice of pharmacy in the licensed pharmacy;

(c) the licensee intends to cease being a licensee;

(d) the proprietor's representative will change;

(e) the corporate proprietor of the licensed pharmacy or a major shareholder of the proprietor will change.

(2) A licensee must notify the registrar in writing within 14 days after there is a change in any of the information, other than information referred to in subsection (1), provided to the registrar

as part of an application for a licence or for the renewal of a licence.

(3) If requested by the registrar, a licensee must notify the registrar in writing of any change in the directors or shareholders of a corporate proprietor.

Products storage, dispensary and patient services area

21 A licensee must ensure that

(a) only the following are stored in the dispensary:

(i) drugs;

(ii) blood products, parenteral nutrition products and health care products, aids and devices;

(iii) products that the licensee believes, on reasonable grounds, pose a risk to the public if stored elsewhere in the pharmacy;

(iv) other products approved by the council;

(b) only the following are stored in the patient services area:

(i) health care products, aids and devices;

(ii) Schedule 3 drugs;

(iii) other products approved by the council.

Information to be posted in pharmacy

22 A licensee must ensure that the following are posted in the prescription department in the view of patients:

(a) the licence issued to the licensee;

(b) information, in a form approved by the council, as to how a complaint about the operation of the pharmacy or the practice of pharmacy by a regulated member may be given to the college;

(c) any other information required by the council to be made available for the purpose of informing the public about

(i) the practice of pharmacy, and

(ii) programs designed to protect the public.

AR 240/2006 s22;72/2009

Information to be displayed on website

23 If a licensed pharmacy uses a website to promote or offer pharmacy services to the public, the licensee must ensure that the website prominently displays

(a) a copy of the licence and information required to be posted under section 22,

(b) repealed AR 72/2009 s12,

(c) the location, mailing address, e-mail address and telephone number of the licensed pharmacy,

(d) the name, pharmacist practice permit number and business address of the licensee,

(e) a statement that the licensee is required to provide, on the request of a patient, the name and practice permit number of any regulated member who provides a pharmacy service to the patient or who engages in the practice of pharmacy with respect to a patient,

(f) the name and business address of the proprietor,

(g) if the proprietor is a corporation, the name of the proprietor's representative, and

(h) other information required to be displayed by the council.

AR 240/2006 s23;72/2009

Restrictions on advertising

24(1) A licensee and a proprietor must ensure that advertising in relation to a licensed pharmacy

(a) is not false or misleading,

(b) does not encourage the misuse or inappropriate use of drugs or otherwise have the potential to compromise patient safety, and

(c) does not undermine the honour or integrity of the pharmacy profession.

(2) A licensee or proprietor must not

(a) claim to be a representative of the college unless authorized to do so by the college, or

(b) make any claims of a special endorsement by the college.

(3) Neither a licensee nor a proprietor may engage in any practice that unduly interferes with independent patient choice, including supplying or encouraging a person who issues prescriptions to use prescription blanks that bear

(a) the name or address of

(i) the pharmacy,

(ii) a pharmacist who engages in the practice of pharmacy at the pharmacy, or

(iii) the proprietor of the pharmacy,

or

(b) a slogan or logo that is associated with or identifies the pharmacy.

(4) Nothing in subsection (3) is intended

(a) to prevent a pharmacist, who is prescribing a drug, from identifying that pharmacist or the business address of that pharmacist on a prescription, and

(b) to limit a licensee or proprietor from recommending a pharmacy service, a service within the practice of pharmacy or other service that will meet the needs of a patient.

(5) A licensee or proprietor must not

(a) give anything of value to another person, or

(b) receive anything of value from another person

for recommending a pharmacist's or a licensed pharmacy's services.

(6) Subsection (5) does not apply to the payment of the costs of advertising.

AR 240/2006 s24;72/2009

Ongoing obligation of licensee

25 A licensee must ensure that a licensed pharmacy

(a) has the facilities, space and equipment and the systems and procedures in place to support the safe and effective provision of pharmacy services,

(b) maintains an inventory of drugs appropriate to the category of licence issued in respect of the pharmacy,

(c) complies with and operates in accordance with all enactments of Alberta or Canada applicable to pharmacies, the practice of pharmacy, drugs, blood, blood products and parenteral nutrition and health care products, aids and devices,

(d) has security systems and procedures, including security systems and procedures for information technology, to ensure that unauthorized individuals do not obtain access to drugs or to patient information,

(e) employs the requisite number of staff with the training and qualifications for the safe and effective provision of pharmacy services, and

(f) has proper storage facilities to ensure that the quality and integrity of drugs, blood products and parenteral nutrition and health care products, aids and devices are maintained.

Field Officers

Identification of field officers

26 In carrying out their duties under the Act, field officers must carry identification in the form approved by the registrar.

Termination of Licence, Closure of Pharmacy and Disciplinary Matters

Closure of pharmacy

27(1) If a licence is suspended, cancelled or otherwise terminated or a licensed pharmacy ceases to provide pharmacy services or otherwise engage in the practice of pharmacy, the licensee must

(a) ensure that all drugs in the pharmacy

(i) are disposed of in a manner that complies with the *Controlled Drugs and Substances Act* (Canada) and the *Food and Drugs Act* (Canada), or

(ii) if there is a reasonable expectation of a new licence being issued or the suspension being lifted, are sealed in a locked container or area until a new licence is issued or the suspension is lifted,

(b) immediately advise the registrar of the date the pharmacy ceases to operate,

(c) arrange

(i) to transfer patient records to another licensed pharmacy, or

(ii) to give each patient access to a copy of the patient's record,

(d) advise the college of the location of the patient records, and

(e) ensure that an inventory of all drugs in the pharmacy is prepared and that

(i) one copy is maintained in the files of the closed pharmacy,

(ii) one copy is sent to the college, and

(iii) one copy is kept by the licensee.

(2) If the licensee does not comply with subsection (1), the proprietor or any other person who takes control of the pharmacy must ensure

(a) that a pharmacist is retained to carry out the obligations set out in subsection (1), or

(b) if it is not reasonably practicable to retain a pharmacist, that the college is given notice and is given access to the pharmacy to carry out the obligations set out in subsection (1).

(3) If the college acts under subsection (2)(b), the licensee, or former licensee if the licence is terminated, is jointly and severally liable with the proprietor to the college for all costs incurred by the college in taking those actions.

(4) Despite subsection (3), if the college determines that the licensee was prevented from complying with subsection (1) by the proprietor, the proprietor is solely liable for all costs incurred by the college acting under subsection (2)(b).

AR 240/2006 s27;72/2009

Conditions that hearing tribunal may impose

28 A hearing tribunal acting under Part 2 of the Act may impose any condition that the registrar is authorized to impose by section 5.

Costs of investigation, hearing and appeal

29 At the conclusion of a hearing under section 23 or 26 of the Act, the hearing tribunal may, and at the conclusion of an appeal the council may, order that the regulated member or the proprietor who is not a regulated member, as the case may be, must pay, within the time set out in the order, all or part of the expenses, costs and fees related to the investigation or hearing, or both, and the appeal, if applicable, including but not restricted to the following:

(a) the expenses of an expert who assessed and provided a written report on the subject-matter of the complaint;

(b) the legal expenses and fees for legal services provided to the college, the complaints director, the hearing tribunal and the council;

(c) the travelling expenses and daily allowance, as determined by the council, for the complaints director, the investigator, the members of the hearing tribunal who are not public members and the members of the council;

(d) the witness fees and expert witness fees and the expenses of witnesses and expert witnesses;

(e) the costs of creating a record of the proceedings and transcripts and of serving notices and documents;

(f) any other expenses of the college directly attributable to the investigation or hearing, or both, and the appeal, if applicable.

Publication of information in orders

30(1) Where a hearing tribunal makes an order under section 23 or 26 of the Act, the registrar must, after the period for appeal has expired or all appeal rights have been exhausted or abandoned,

(a) publish the information in the order

(i) in the newsletter of the college, and

(ii) on the website of the college,

and

(b) provide a copy of the order to any person who makes a request to the registrar or who the registrar considers should receive a copy in the interests of protecting the public.

(2) Where an order referred to in subsection (1)

(a) directs the suspension or cancellation of a licence,

(b) imposes conditions in respect of a licence or the operation of a licensed pharmacy, or

(c) directs that no regulated member may engage in the practice of pharmacy in a licensed pharmacy,

the registrar may publish that information in the manner set out in subsection (1)(a) or provide that information to a person in the manner set out in subsection (1)(b) before the period for appeal has expired or all appeal rights have been exhausted or abandoned.

(3) A hearing tribunal may order

(a) that an order not be published, or

(b) that an order be published without naming the regulated member or the proprietor who is the subject of the order

if the hearing tribunal considers that no public interest is served by publication of the order or the person's name.

Access to information in orders restricted after 10 years

31(1) On the expiry of 10 years

(a) following the date of an order of a hearing tribunal, or

(b) where a matter is appealed, following the date of an order of the council on appeal,

the registrar must discontinue making information in the order available to the public.

(2) Nothing in subsection (1) prevents the registrar from disclosing information in an order

(a) to a regulatory agency at any time, or

(b) to any person if the order continues to have effect after 10 years.

AR 240/2006 s31;72/2009

Approval of Bylaws

Approval of bylaws

32(1) At least 60 days before the council considers a motion to adopt a bylaw, the registrar must

(a) make a draft of the proposed bylaw available on the website of the college, and

(b) notify the members of the college through the official publication of the college or by another means approved by the council that a draft of the proposed bylaw is available on the website of the college.

(2) A regulated member may make representations in writing to the registrar about the proposed bylaw within the time period stipulated by the registrar.

(3) The council must consider any representations made about a proposed bylaw and the council may in accordance with its bylaws adopt the bylaw.

AR 240/2006 s32;72/2009

Matters under s2 of Act

Providing information under s2 of Act

33(1) The registrar or another field officer may request that a person described in section 2(1)(a) or (d) of the Act provide the following information:

(a) the name and address of a person who purchased a drug or of a person to whom a drug was supplied;

(b) the date of the purchase or supply and the delivery of a drug;

(c) the name and quantity of a drug that was purchased or supplied.

(2) The registrar or another field officer may request from a person described in section 2(1)(a) or (d) of the Act records that relate to any sale or supply of a drug.

Records required under s2 of Act

34(1) A person described in section 2(1)(a) of the Act must maintain a record of drugs that are sold by that person as described in section 2(1)(a) of the Act.

(2) A person described in section 2(1)(d) of the Act must maintain a record of drugs that are supplied by that person as described in section 2(1)(d) of the Act.

(3) The records referred to in subsections (1) and (2) must include

(a) the address of each person to whom a drug is sold or supplied, as the case may be,

(b) the name and quantity of each drug sold or supplied,

(c) the date of each sale or supply and delivery of a drug, and

(d) the location to which each drug was delivered.

(4) The records referred to in subsections (1) and (2) must be maintained for 2 years from the date of the last entry.

Coming into Force

35 Repealed AR 131/2018 s3.

Coming into force

36 This Regulation comes into force on the coming into force of Schedule 19 to the *Health Professions Act* and the *Pharmacy and Drug Act*.

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