

2022 Registration Review Report

College of Pharmacists of Manitoba



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Introduction

The Fair Registration Practices Office (FRPO) issues this registration review report for the College of Pharmacists of Manitoba (CPhM) under authority of The Fair Registration Practices in Regulated Professions Act (act). Registration reviews are conducted at times specified by the director of fair registration practices and in accordance with the review provisions in the act, section 15.1, 15.2, and 15.3. The purpose of this review is to determine compliance with the legislation and to identify areas that may need improvement. Compliance to the legislation refers both to the fairness of assessment and registration practice, with particular attention to the fair consideration of internationally educated applicants, as well as the co-operation of the regulator with the director.

Manitoba's fairness legislation was amended in December 2021. This review is largely restricted to the consideration of compliance regarding three new duties in the Fair Registration Practices Code: a duty that assessment criteria be necessary, a duty to abide domestic trade agreements and a duty to notify FRPO regarding changes in assessment and registration practice. Outstanding issues raised in previous registration review reports may also be raised or result in further recommendation for action.

This registration review results in an FRPO statement of compliance for the regulator. Reviews that result in recommendations to change practice or policy contain an action plan response from the regulator, current as of November 2022.

To provide context, a brief description of CPhM's state of progress under fairness legislation to date precedes the compliance analysis. The report also includes appendices containing a flowchart of the registration process for internationally educated applicants, as well as registration data. Data is the latest information available at the time of review completion.

State of Progress

Since the introduction of Manitoba's fairness legislation in 2009, the College of Pharmacists of Manitoba (CPhM) has and continues to work co-operatively with FRPO. CPhM is committed to the fair assessment and registration of internationally educated applicants (IEAs).

CPhM has taken numerous steps to improve the fairness of its assessment and registration process. Some of the more significant measures include:

- improving web information and application documents, ensuring clarity by using plain language and adding an FAQ section
- improving internship resources to better support IEAs and preceptors entering into internships
- supporting the development of a national application portal and document repository for IEAs
- eliminating duplicate application requirements through the use of Pharmacist's Gateway Canada and the introduction of declaration documents
- supporting the development of a project for internationally educated health professionals at the University of Manitoba designed to improve registration outcomes and workplace integration
- sitting on the steering committee for a national pilot program to prepare IEAs for practical training
- developing educational modules to support preparation for and success on the jurisprudence exam

Fair Practice Analysis

I. Assessment criteria must be necessary – act, 8(4)

The criteria used in an assessment of qualifications must be necessary to assess competence in the practice of the profession.

With regard to substantive assessment criteria in a profession, for instance, the type and level of academic training required or the level of scrutiny brought to assess qualifications, FRPO recognises the authority of self-regulated professions setting these standards and will only question these requirements in the circumstance they are patently unreasonable. FRPO's evaluation focuses on the ways in which criteria and requirements may be unnecessary, unduly burdensome, or potentially result in forms of systemic discrimination, particularly as they may impact internationally educated applicants (IEAs).

CPhM's compliance to necessary assessment criteria

CPhM's assessment criteria and various requirements for registration are for the most part warranted and necessary. FRPO identifies the following concerns:

1. CPhM's application information indicates a language proficiency test is required of all IEAs to CPhM with the exception of those who received a degree in pharmacy from an accredited university in the United States and those who completed the majority of their secondary education in English, in Canada.

In practice, CPhM currently accepts the following as forms of evidence of English language proficiency:

- successful completion of professional pharmacy education in a majority English country
- pharmacy work employment in a majority English country in a similar role or scope of practice as application
- successful completion of the four final years of high school in Canada to become eligible to apply for university or college/graduation from a high school in Canada with three consecutive, first language English courses/credits
- successful completion of an undergraduate university degree in Canada

Usually two of the above are required, but one may also be acceptable in some cases.

A national language proficiency oversight working group will start policy discussions in the spring of 2023. CPhM is awaiting this review before moving to formally change policy.

2. CPhM’s application information indicates language proficiency test scores must be valid within two years of completing registration with CPhM.

In practice, CPhM currently considers the circumstance of the applicant before enforcing this policy. Where there is evidence to indicate the applicant’s language levels have not deteriorated, the requirement to retest, if a result is older than two years at registration, is waived.

FRPO understands that the language proficiency oversight working group will be considering a number of policy issues including:

- language test exemption policy, including consideration of other forms of language proficiency evidence
- policy regarding triggers that may signal the need for additional assessment
- length of validity of tests
- when language proficiency requirements should be applied (e.g., on entry to practical training or upon licensure)

CPhM indicates they are also awaiting these national level discussions before they will consider introducing formal policy changes.

3. Notarization requirements are numerous in this profession.

Numerous documents require a signature of a notary public in Canada including: photo ID, birth certificate, proof of eligibility to work in Canada — Canadian citizenship, permanent resident card, or work permit — an affidavit if a letter of standing cannot be supplied and registration history and disclosure statements.

Notarization makes sense when a fact of witness is useful, for instance signatures on contracts or other legal documents. It does little to deter fraud in the sense of safeguarding against inauthentic or forged documents. The notary public only witnesses the copying of documents and does not comment on, or ensure, the authenticity of that which is copied.

In this context, FRPO questions the relevance of CPhM’s numerous notarization requirements. Unless there is good reason for notarization, it should not be required as it represents a minor, but unnecessary burden for applicants.

II. Duty to comply with domestic trade agreements – act,4(1)

A regulated profession must ensure that its registration practices comply with the obligations of a domestic trade agreement.

The Manitoba government has labour mobility obligations that extend to regulated occupations, under both Chapter 7: Labour Mobility of the Canadian Free Trade Agreement (CFTA) and Article 13: Labour Mobility of the New West Partnership Trade Agreement (NWPTA). In Manitoba, regulated professions are required to comply with labour mobility obligations under The Fair Registration Practices in Regulated Professions Act, section 4(1), The Labour Mobility Act, section 3(1) and for health professions, under The Regulated Health Professions Act, section 32(3).

In the regulated occupations, the purpose of these obligations is to provide labour mobility through license-to-license recognition. This needs to occur without any material requirements for training, experience, examinations or assessments — CFTA, Article 705, paragraph 1, NWPTA, Article 13, paragraphs 1 and 2.

CPhM's compliance to abide labour mobility obligations

CPhM's labour mobility policy for individuals registered in other provincial jurisdictions applying for registration in Manitoba does not fully comply with provisions set out in the Canadian Free Trade Agreement and the New West Partnership Trade Agreement.

FRPO identifies the following concern:

CPhM requires applicants registered in other Canadian jurisdictions to confirm they meet practice hour requirements in one or more of the following categories in the three-year period before the date of their application:

- supervising or engaging in the practice of pharmacy for at least 600 hours — letter from primary employer confirming hours worked is required
- serving a period of internship
- obtaining a degree in pharmacy from a program approved by CPhM Council that includes a training program equivalent to an internship

Applicants who do not meet the requirements in one of the above categories do not qualify for registration with CPhM. This practice hour requirement is material and not permitted under CFTA or NWPTA. If the applicant is considered current by the provincial regulator in their home jurisdiction at time of application to CPhM, they have a right to be considered qualified in this respect in Manitoba.

III. Notice of changes in registration practices – act, 5(2)

A regulated profession that proposes to change its registration practices, as described in the information provided under clause (1)(a), must notify the director of the proposed change, at the time and in the manner and form required by the director.

The purpose of notification is to ensure FRPO has accurate, up-to-date information about the registration practices of Manitoba regulators. This supports FRPO's oversight role and allows for proactive discussion about the fairness of proposed changes.

CPhM's compliance to the duty to notify

In preparation for this registration review, FRPO requested updates regarding changes to assessment and registration practice. CPhM responded to this request and is in compliance with the duty to notify.

Recommendations

The Fair Registration Practices Office sees the following opportunities for College of Pharmacists of Manitoba to improve compliance to The Fair Registration Practices in Regulated Profession Act:

1. Revise current policy to include broader language testing waivers for IEAs who can provide strong evidence of English language proficiency.
2. Revise current policy regarding expiration dating of language test results to ensure retesting only occurs in circumstances where it is warranted.
3. Review and ensure all notarization requirements are warranted.
4. Remove the practice hour requirement for applicants registered in other Canadian jurisdictions.

Regulator Action Plan

In response to the recommendation made by the Fair Registration Practices Office, the College of Pharmacists of Manitoba committed to the following action plan, current as of November 2022:

Recommendation	Action(s)	Anticipated Completion Date
<p>1. Revise current policy to include broader language testing waivers for IEAs who can provide strong evidence of English language proficiency.</p>	<p>CPhM is participating in a NAPRA national language proficiency oversight working group (OWG) to update the language proficiency requirements and policies for licensure. The plan is for the new language proficiency requirements to be approved by the OWG in September 2023. The updated requirements will be presented to the CPhM Board of Examiners (BOE) and upon their recommendation, presented to CPhM Council for their consideration. Once approved by Council, the new language proficiency requirements would be implemented for new applicants.</p> <p>CPhM will continue to apply the broadened criteria as approved previously by the BOE in the meantime.</p>	<p>Updated NAPRA requirements – September 2023</p> <p>CPhM BOE Review – October to November 2023</p> <p>CPhM Council consideration – January 2024</p>
<p>2. Revise current policy regarding expiration dating of language test results to ensure retesting only occurs in circumstances where it is warranted.</p>	<p>Please see above.</p>	<p>Please see above.</p>
<p>3. Review and ensure all notarization requirements are warranted.</p>	<p>As part of its move to digitalise initial registration processes, CPhM will review the required documentation that accompanies initial application and processes for submission, including requirements for notarization.</p>	<p>Review will start in spring 2023 with full digitalization planned by January 2024.</p>

Recommendation	Action(s)	Anticipated Completion Date
4. Remove the practice hour requirement for applicants registered in other Canadian jurisdictions.	Once CPhM receives confirmation from FRPO that federal mobility legislation would supersede Section 14(b) of the Manitoba Pharmaceutical Regulation that requires pharmacist applicants to provide evidence of the practice hour requirement, staff will remove the currency requirements from the application for pharmacists licensed in other Canadian jurisdictions.	Completed December 2022

Compliance

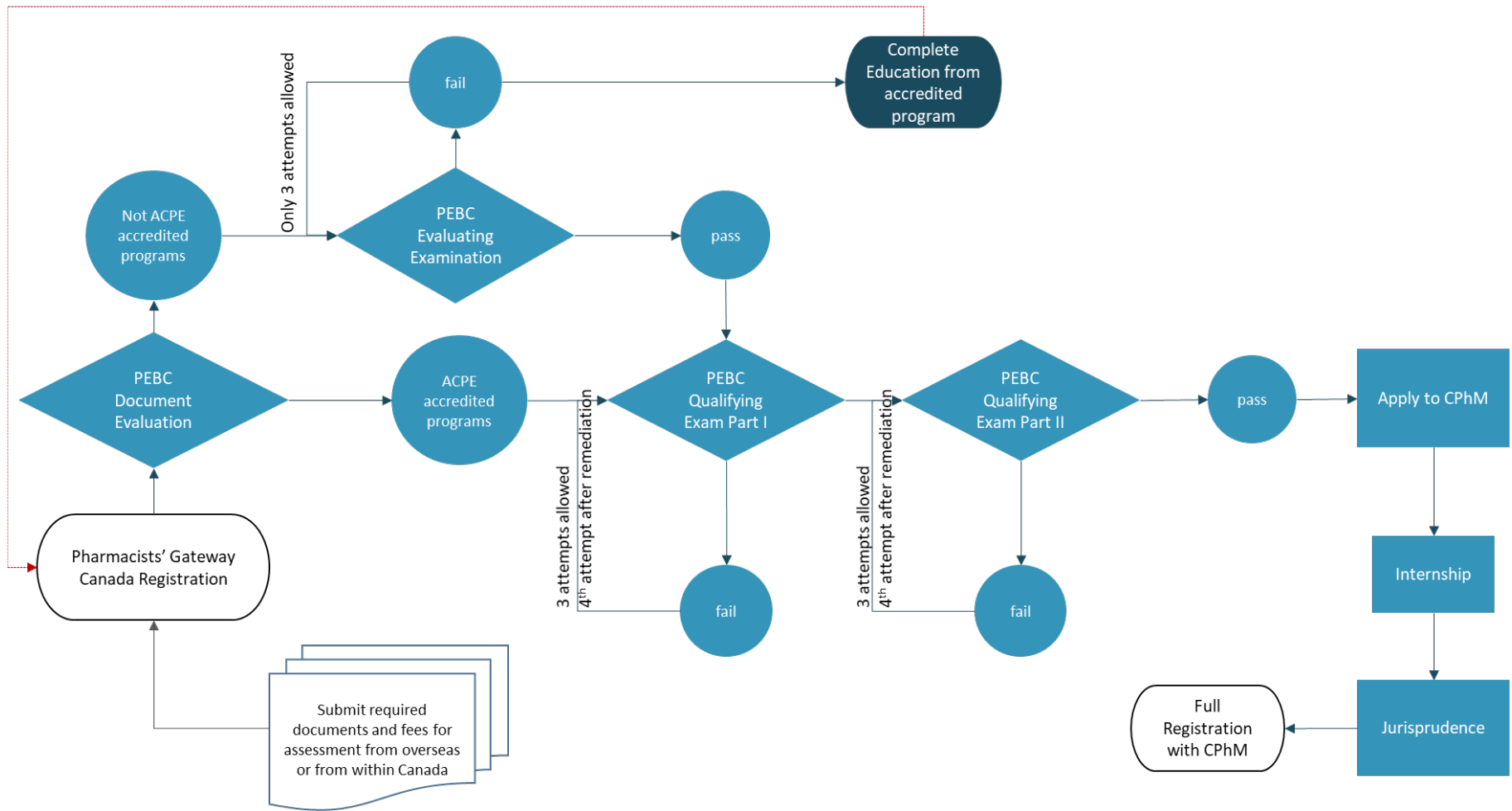
FRPO's 2022 registration review of the College of Pharmacists of Manitoba (CPhM) examines their compliance to three duties in the Fair Registration Practices Code of the act; assessment criteria are necessary, labour mobility obligations are respected and FRPO is notified regarding changes in assessment and registration practice.

FRPO finds CPhM compliant with the duty to notify.

FRPO finds CPhM largely compliant with the duty to abide labour mobility obligations but raises concerns with regards to a minimum practice hour requirement. CPhM has taken quick action to remove this requirement, bringing them into compliance with mobility legislation and the Fair Registration Practices in Regulated Professions Act.

FRPO also raises concerns under the duty to ensure assessment criteria are necessary with regard to CPhM's current language proficiency policy and notarization requirements. In practice, CPhM has addressed the concerns regarding language policy, however, they are awaiting finalization of a review by a national language proficiency oversight working group before formalizing these changes in policy. FRPO commends CPhM for introducing progressive changes to their practice outside of a formal national review and views their response to the recommendations as positive. FRPO is hopeful the national language review will not result in outcomes that will take CPhM backwards. FRPO is also hopeful that CPhM's internal review of documentation requirements results in a continued need for notarization only where warranted.

Appendix 1 – Registration Process for Internationally Educated Applicants



College of Pharmacists
of Manitoba



1,698
Registered
Members

(As of December 2021)

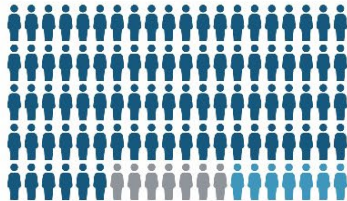
2011–2021 Internationally Educated Applicant Data



612

applications

Application Outcomes



registered - **86%** | in process - **7%** | file closed - **7%**

Closed File Status



100%

withdrawn



Top Countries of Education



applicants were educated in **33**
different countries



Median Time to Registration

4 years

2012–2021 Domestic Applicant Data



575

applications

564 (98%)

registrations