

Chapter 13

PHARMACY PROFESSIONS ACT

(Assented June 3, 2025)

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Coming into force

71 (1)
(2)

PHARMACY PROFESSIONS ACT

The Commissioner, by and with the advice and consent of the Legislative Assembly, enacts as follows:

INTERPRETATION

Definitions

1. In this Act,

"annual renewal date" means the annual renewal date prescribed by regulation; (*date de renouvellement annuel*)

"Board of Inquiry" means a Board of Inquiry appointed under section 37; (*comité d'enquête*)

"code of ethics" means a code of ethics established or adopted under the regulations; (*code de déontologie*)

"drug" means medicine and includes vaccines; (*médicament*)

"Fitness to Practise Committee" means the Fitness to Practise Committee referred to in subsection 42(1); (*comité sur l'aptitude professionnelle*)

"improper conduct" means conduct described in section 29; (*inconduite*)

"intern" means, unless the context indicates otherwise, a person registered in the Education Register as a

- (a) pharmacist intern, or
- (b) pharmacy technician intern; (*stagiaire*)

"notify" means to notify in accordance with the regulations; (*aviser or informer*)

"patient" means the recipient of a pharmacy service and includes a person acting as agent for a patient; (*patient*)

"pharmacist" means, unless the context indicates otherwise, a person registered as a pharmacist in the Pharmacy Professionals Register or the Emergency Register; (*pharmacien*)

"pharmacy professional" means a pharmacist or a pharmacy technician; (*professionnel pharmaceutique*)

"Pharmacy Registration Committee" means the Pharmacy Registration Committee established under subsection 2(1); (*comité d'inscription à l'exercice de la pharmacie*)

"pharmacy technician" means, unless the context indicates otherwise, a person registered as a pharmacy technician in the Pharmacy Professionals Register or the Emergency Register; (*technicien en pharmacie*)

"practice of pharmacy" means the practice of pharmacists, pharmacy technicians, pharmacist interns, pharmacy technician interns, pharmacist students or pharmacy technician students; (*exercice de la pharmacie*)

"quality assurance mechanisms" means quality assurance mechanisms established by the regulations; (*mécanismes d'assurance de la qualité*)

"Registrar" means the Registrar of Health Professions appointed under the *Dental Profession Act*; (*registraire*)

"registration" means a person's registration in a register; (*inscription*)

"restricted drug" means a drug prescribed by regulation as a restricted drug; (*médicament vendu sur ordonnance*)

"Review Officer" means the Review Officer or a Special Review Officer appointed under section 30; (*agent d'examen*)

"standards of practice" means the standards of practice established or adopted under the regulations; (*normes de conduite*)

"state of emergency" means a state of emergency declared under

- (a) section 40 of the *Public Health Act*,
- (b) section 11 or 16 of the *Emergency Measures Act*, or
- (c) section 6 of the *Emergencies Act* (Canada); (*état d'urgence*)

"student" means, unless the context indicates otherwise, a person registered in Education Register as a

- (a) pharmacist student, or
- (b) pharmacy technician student; (*étudiant*)

"telepharmacy" means the practice of pharmacy through information and communication technologies, where a pharmacy professional, intern or student are not in the same location as

- (a) the patient, or
- (b) another pharmacy professional, intern or student; (*télépharmacie*)

"urgent situation" means an urgent situation declared by the Minister under section 13. (*situation urgente*)

PHARMACY REGISTRATION COMMITTEE

Pharmacy Registration Committee

2. (1) The Pharmacy Registration Committee is established.

Members

(2) The Pharmacy Registration Committee is composed of six members:

- (a) three persons registered or licensed as pharmacists or pharmacy technicians under this Act or an Act of a province or other territory and
 - (i) at least one of those persons is registered or licensed as a pharmacist,
 - (ii) at least one of those persons is registered or licensed as a pharmacy technician, and
 - (iii) at least one of those persons is registered as a pharmacist or pharmacy technician under this Act;
- (b) one employee of the Government of Nunavut;
- (c) the Registrar; and
- (d) one other person who is
 - (i) resident in Nunavut,
 - (ii) not registered or licensed as a pharmacist or pharmacy technician under this Act or an Act of a province or other territory, and
 - (iii) not employed by the department responsible for the administration of this Act.

Appointment

(3) The members of the Pharmacy Registration Committee, other than the Registrar, are appointed by the Minister for a term of

- (a) three years, in the case of two of the three persons appointed under paragraph (2)(a); and
- (b) two years, in all other cases.

Chairperson

(4) The Pharmacy Registration Committee must designate one of its members, other than the Registrar, as chairperson.

Quorum

(5) Three members of the Pharmacy Registration Committee constitute a quorum.

Duties

3. The Pharmacy Registration Committee must exercise its powers and perform its duties under this Act in accordance with the public interest.

REGISTERS

Registers

4. (1) The Registrar must maintain three registers:
- (a) the Pharmacy Professionals Register;
 - (b) the Education Register;
 - (c) the Emergency Register.

Pharmacy Professionals Register

- (2) The Pharmacy Professionals Register must have two categories of registration:
- (a) the pharmacist category;
 - (b) the pharmacy technician category.

Education Register

- (3) The Education Register must have four categories of registration:
- (a) the pharmacist intern category;
 - (b) the pharmacy technician intern category;
 - (c) the pharmacist student category;
 - (d) the pharmacy technician student category.

Emergency Register

- (4) The Emergency Register must have two categories of registration:
- (a) the pharmacist category;
 - (b) the pharmacy technician category.

Public access

- (5) The Registrar must permit any person who provides reasonable notice to inspect the public portions of the registers referred to in subsections (1) to (4).

Publication

- (6) The Registrar may publish the public portions of the registers, including by electronic means.

Pharmacy Professionals Register - pharmacist

Application for registration

5. (1) A person may apply for registration as a pharmacist in the Pharmacy Professionals Register by submitting an application to the Registrar that includes
- (a) the information and documents prescribed by regulation;
 - (b) consent for the Registrar to obtain the information and documents prescribed by regulation from a regulatory body in another jurisdiction or from another person; and
 - (c) the application fee prescribed by regulation.

Qualifications for registration

(2) An applicant is qualified for registration as a pharmacist in the Pharmacy Professionals Register if

- (a) the applicant
 - (i) is actively registered or licensed as a pharmacist under an Act of a province or other territory in a category of registration or licensure that allows for direct patient care, and
 - (ii) has met any other requirements prescribed by regulation;
- (b) the applicant
 - (i) is certified, by a certification body recognized by the regulations, to have the educational and competency qualifications required to become a pharmacist, and
 - (ii) has met any other requirements prescribed by regulation.

Direct registration by Registrar

(3) Unless the Registrar is required to forward an application to the Pharmacy Registration Committee under subsection (4), the Registrar must register the applicant as a pharmacist in the Pharmacy Professionals Register.

Forward to Pharmacy Registration Committee

(4) The Registrar must forward an application to the Pharmacy Registration Committee if the information or documents referred to in subsection (1) indicate

- (a) the applicant is not actively registered or licensed as a pharmacist under an Act of a province or other territory in a category of registration or licensure that allows for direct patient care;
- (b) the applicant does not have the qualifications required for registration;
- (c) pending disciplinary proceedings against the applicant in any jurisdiction;
- (d) disciplinary proceedings against the applicant in any jurisdiction that resulted in a finding of improper conduct;
- (e) restrictions on the applicant's entitlement to practise pharmacy in any jurisdiction where they are registered licensed.;
- (f) pending criminal charges against the applicant in any jurisdiction;
- (g) criminal convictions against the applicant in any jurisdiction;
- (h) pending or past civil proceedings against the applicant with respect to the practice of pharmacy in any jurisdiction;
- (i) any other matter prescribed by regulation; or
- (j) any other matter that, in the opinion of the Registrar, merits a review by the Pharmacy Registration Committee.

Qualification exemption

(5) If provided for in the regulations, the Pharmacy Registration Committee may exempt an applicant from a requirement prescribed under subparagraph (2)(a)(ii) or (b)(ii).

Approval by Pharmacy Registration Committee

(6) Subject to subsections (7) and (8), the Pharmacy Registration Committee must approve the registration of an applicant and forward the approval to the Registrar if it determines that

- (a) the applicant has the qualifications required for registration; and
- (b) taking into account all of the circumstances, there is no reason to disqualify the applicant from being registered.

Mandatory restrictions

(7) An approval under subsection (6) must be subject to the same restrictions on the applicant's registration as they have in any other jurisdiction where they are registered or licensed as a pharmacist, unless the Pharmacy Registration Committee determines that the restriction is of such a nature that it would be inapplicable in Nunavut.

Discretionary restrictions

(8) The Pharmacy Registration Committee may make an approval under subsection (6) subject to any restrictions on the registration that, taking into account all the circumstances, it determines are necessary to protect the public interest.

Notification to applicant

(9) The Pharmacy Registration Committee must notify an applicant and provide them with a reasonable opportunity to provide further information and documents if the Pharmacy Registration Committee

- (a) requires further information or documents to determine if an exemption should be provided under subsection (5);
- (b) intends to not approve the registration of the applicant; or
- (c) intends to subject the approval to register the applicant to restrictions under subsection (8).

Consideration

(10) The Pharmacy Registration Committee must consider any further information and documents provided by an applicant following a notice under subsection (9) prior to making its decision.

Registration by Registrar

(11) Following receipt of an approval made under subsection (6), the Registrar must

- (a) register the applicant as a pharmacist in the Pharmacy Professionals Register; and
- (b) if applicable, indicate any restrictions on the registration.

Notification

(12) The Registrar must notify the applicant of

- (a) their registration as a pharmacist in the Pharmacy Professionals Register, and any restrictions on their registration; or
- (b) the decision of the Pharmacy Registration Committee to not approve their registration.

Pharmacy Professionals Register - pharmacy technician

Application for registration

6. (1) A person may apply for registration as a pharmacy technician in the Pharmacy Professionals Register by submitting an application to the Registrar that includes
- (a) the information and documents prescribed by regulation;
 - (b) consent for the Registrar to obtain the information and documents prescribed by regulation from a regulatory body in another jurisdiction or from another person; and
 - (c) the application fee prescribed by regulation.

Qualifications for registration

- (2) An applicant is qualified for registration as a pharmacy technician in the Pharmacy Professionals Register if
- (a) the applicant
 - (i) is actively registered or licensed as a pharmacy technician under an Act of a province or other territory in a category of registration or licensure that allows for direct patient care, and
 - (ii) has met any other requirements prescribed by regulation; or
 - (b) the applicant
 - (i) is certified, by a certification body recognized by the regulations, to have the necessary educational and competency qualifications required to become a pharmacy technician, and
 - (ii) has met any other requirements prescribed by regulations.

Direct registration by Registrar

- (3) Unless the Registrar is required to forward an application to the Pharmacy Registration Committee under subsection (4), the Registrar must register the applicant as a pharmacy technician in the Pharmacy Professionals Register.

Forward to Pharmacy Registration Committee

- (4) The Registrar must forward the application to the Pharmacy Registration Committee if the information or documents referred to in subsection (1) indicate
- (a) the applicant is not actively registered or licensed as a pharmacy technician under an Act of a province or other territory in a category of registration or licensure that allows for direct patient care;
 - (b) the applicant does not have the qualifications required for registration;
 - (c) pending disciplinary proceedings against the applicant in any jurisdiction;
 - (d) disciplinary proceedings against the applicant in any jurisdiction that resulted in a finding of improper conduct;
 - (e) restrictions on the applicant's entitlement to practice pharmacy in any jurisdiction where they are registered or licensed;
 - (f) pending criminal charges against the applicant in any jurisdiction;
 - (g) criminal convictions against the applicant in any jurisdiction;

- (h) pending or past civil proceedings against the applicant with respect to the practice of pharmacy in any jurisdiction;
- (i) any other matter prescribed by regulation; or
- (j) any other matter that, in the opinion of the Registrar, merits a review by the Pharmacy Registration Committee.

Qualification exemption

(5) If provided for in the regulations, the Pharmacy Registration Committee may exempt an applicant from a requirement prescribed under subparagraph (2)(a)(ii) or (b)(ii).

Approval by Pharmacy Registration Committee

(6) Subject to subsections (7) and (8), the Pharmacy Registration Committee must approve the registration of an applicant and forward the approval to the Registrar if it determines that

- (a) the applicant has the qualifications required for registration; and
- (b) taking into account all of the circumstances, there is no reason to disqualify the applicant from being registered.

Mandatory restrictions

(7) An approval under subsection (6) must be subject to the same restrictions on the applicant's registration as they have in any other jurisdiction where they are registered or licensed as a pharmacy technician, unless the Pharmacy Registration Committee determines that the restriction is of such a nature that it would be inapplicable in Nunavut.

Discretionary restrictions

(8) The Pharmacy Registration Committee may make an approval under subsection (6) subject to any restrictions on the registration that, taking into account all the circumstances, it determines are necessary to protect the public interest.

Notification to applicant

(9) The Pharmacy Registration Committee must notify an applicant and provide them with a reasonable opportunity to provide further information and documents if the Pharmacy Registration Committee

- (a) requires further information or documents to determine if an exemption should be provided under subsection (5);
- (b) intends to not approve the registration of the applicant; or
- (c) intends to subject the approval to register the applicant to restrictions under subsection (8).

Consideration

(10) The Pharmacy Registration Committee must consider any further information and documents provided by an applicant following a notice under subsection (9) prior to making its decision.

Registration by Registrar

(11) Following receipt of an approval made under subsection (6), the Registrar must

- (a) register the applicant as a pharmacy technician in the Pharmacy Professionals Register; and
- (b) if applicable, indicate any restrictions on the registration.

Notification

(12) The Registrar must notify the applicant of

- (a) their registration as a pharmacy technician in the Pharmacy Professionals Register, and any restrictions on their registration; or
- (b) the decision of the Pharmacy Registration Committee to not approve their registration.

Education Register

Application for registration

7. (1) A person who is undertaking training experience of a limited duration in Nunavut as a pharmacist intern, pharmacy technician intern, pharmacist student or pharmacy technician student may apply for registration in the Education Register by submitting an application to the Register that includes

- (a) the information and documents prescribed by regulation;
- (b) consent for the Registrar to obtain the information and documents prescribed by regulation from a regulatory body in another jurisdiction or from another person;
- (c) the category of registration they are applying for; and
- (d) the application fee prescribed by regulation.

Direct registration

(2) Unless the Registrar is required to forward an application to the Pharmacy Registration Committee under subsection (3), the Registrar must register the applicant under this section in the Education Register indicating

- (a) the category of registration; and
- (b) the dates of validity.

Forward to Pharmacy Registration Committee

(3) The Registrar must forward an application under this section to the Pharmacy Registration Committee if the information or documents referred to in subsection (1) indicate

- (a) the applicant does not have the qualifications prescribed by regulation for their category of registration;
- (b) pending disciplinary proceedings against the applicant in any jurisdiction;
- (c) disciplinary proceedings against the applicant in any jurisdiction that resulted in a finding of improper conduct;
- (d) restrictions on the applicant's entitlement to practise pharmacy in any jurisdiction where they are registered or licensed;
- (e) pending criminal charges against the applicant in any jurisdiction;
- (f) criminal convictions against the applicant in any jurisdiction;

- (g) pending or past civil proceedings against the applicant with respect to the practice of pharmacy in any jurisdiction;
- (h) any other matter prescribed by regulation; or
- (i) any other matter that, in the opinion of the Registrar, merits a review by the Pharmacy Registration Committee.

Qualification exemption

(4) If provided for in the regulations, the Pharmacy Registration Committee may exempt an applicant from a qualification requirement prescribed under paragraph (3)(a).

Approval by Pharmacy Registration Committee

(5) Subject to subsections (6) and (7) the Pharmacy Registration Committee must approve the registration of an applicant and forward the approval to the Registrar if it determines that

- (a) the applicant has the qualifications prescribed by regulation required for their category of registration in the Education Register; and
- (b) taking into account all of the circumstances, there is no reason to disqualify the applicant from being registered.

Mandatory restrictions

(6) An approval under subsection (5) must be subject to the same restrictions on the applicant's registration as they have in any other jurisdiction where they are registered or licensed as a pharmacist intern, pharmacy technician intern, pharmacist student or pharmacy technician student, unless the Pharmacy Registration Committee determines that the restriction is of such a nature that it would be inapplicable in Nunavut.

Discretionary restrictions

(7) The Pharmacy Registration Committee may make an approval under subsection (5) subject to any restrictions on the registration that, taking into account all the circumstances, it determines are necessary to protect the public interest.

Notification to applicant

(8) The Pharmacy Registration Committee must notify an applicant and provide them with a reasonable opportunity to provide further information and documents if the Pharmacy Registration Committee

- (a) requires further information or documents to determine if an exemption should be provided under subsection (4);
- (b) intends to not approve the registration of the applicant; or
- (c) intends to subject the approval to register the applicant to restrictions under subsection (7).

Consideration

(9) The Pharmacy Registration Committee must consider any further information and documents provided by an applicant following a notice under subsection (8) prior to making its decision.

Registration by Registrar

(10) Following receipt of an approval made under subsection (5), the Registrar must

- (a) register the applicant in Education Register;
- (b) indicate the category of registration;
- (c) indicate the dates of validity; and
- (d) if applicable, indicate any restrictions on the registration.

Notification

(11) The Registrar must notify the applicant of

- (a) their registration in the Education Register, and any restrictions on their registration; or
- (b) the decision of the Pharmacy Registration Committee to not approve their registration.

Registration fraud

Registration Fraud - Pharmacy Professionals or Education Register

8. (1) If the Registrar has reason to believe that a person registered in the Pharmacy Professionals Register or Education Register produced fraudulent information or documents or failed to produce required information or documents under section 5, 6 or 7, the Registrar must inform

- (a) the Pharmacy Registration Committee; and
- (b) the Review Officer.

Re-evaluation by Pharmacy Registration Committee

(2) After being informed under subsection (1), the Pharmacy Registration Committee may re-evaluate the application of the person in the same manner as the initial application, taking into account any information and documents that should have been provided by the person in the initial application.

Decision by Pharmacy Registration Committee

(3) Following a re-evaluation under subsection (2), the Pharmacy Registration Committee may

- (a) confirm the registration;
- (b) subject the registration to the restrictions that it would have been subject to had the Pharmacy Registration Committee been aware of the information or documents that should have been provided by the person in their initial application, but were not; or
- (c) cancel the registration, if the Pharmacy Registration Committee is of the opinion that it would not have approved the initial registration had it been aware of the information or documents that should have been provided by the person in their initial application, but were not.

Forwarding to Registrar

(4) The Pharmacy Registration Committee must forward its decision under subsection (3) to the Registrar.

Action by Registrar

(5) The Registrar must

- (a) following a decision under paragraph (3)(a), notify the person of the decision;
- (b) following a decision under paragraph (3)(b),
 - (i) indicate any new restrictions on the registration, and
 - (ii) notify the person of the restrictions; or
- (c) following a decision under paragraph (3)(c),
 - (i) remove the registration from the relevant register, and
 - (ii) notify the person of the cancellation.

ANNUAL RENEWAL

Annual renewal

9. (1) A person who is registered in the Pharmacy Professionals Register must, on or before the annual renewal date, provide to the Registrar

- (a) the information and documents prescribed by regulation;
- (b) consent for the Registrar to obtain information and documents prescribed by regulation from a regulatory body in another jurisdiction or from another person; and
- (c) the annual renewal fee prescribed by regulation.

Notification

(2) If a person fails to comply with subsection (1), the Registrar must notify the person of

- (a) the failure; and
- (b) the requirement to suspend the person's registration if they do not comply within 60 days after the annual renewal date.

Suspension

(3) If a person fails to comply with the requirements of subsection (1) within 60 days after the annual renewal date, the Registrar must

- (a) suspend the registration of the person; and
- (b) notify the person of
 - (i) the suspension, and
 - (ii) the steps required to terminate the suspension.

Terminating suspension

(4) Subject to subsection (5), if, following a suspension under subsection (3), a person complies with the requirements of subsection (1) and pays the additional fee prescribed by regulation, the Registrar must terminate the suspension of the person's registration if the information and documents indicate that the person's registration is eligible for annual renewal under subsection 11(1).

Re-application

(5) If a person's registration has been suspended under subsection (3) and they fail to comply with the requirements of subsection (1) or pay the additional fee prescribed by regulation within 120 days after the annual renewal date, the Registrar must

- (a) deem the person to have resigned, cancel the person's registration and remove it from the relevant register; and
- (b) notify the person of their right to re-apply for registration in accordance with section 5 or 6.

Disciplinary matters

10. The Registrar must inform the Review Officer if any of the information or documents submitted under section 9 indicate improper conduct.

Annual renewal requirements

11. (1) A person's registration in the Pharmacy Professionals Register is eligible for annual renewal if

- (a) they have met the continuing professional development requirements established by the regulations for their category of registration;
- (b) they have practised pharmacy in Nunavut, a province or other territory in accordance with the currency of practice requirements established by the regulations; and
- (c) they have met any additional requirements prescribed by regulation.

Exemption

(2) If provided for in the regulations, the Registrar may exempt a person from an annual renewal requirement required under subsection (1).

Renewal by Registrar

(3) The Registrar must renew a person's registration if the information and documents submitted under section 9 indicate that the person is eligible for annual renewal.

Determining eligibility for annual renewal

(4) For the purpose of determining whether a person has met the continuing professional development requirements required under paragraph (1)(a), or the requirements prescribed by regulation under paragraph (1)(c), the Registrar may, at any time, obtain the advice and assistance of the Pharmacy Registration Committee.

Notification to applicant - continuing professional development requirements

(5) If the information or documents submitted under section 9 indicate that a person has not met the continuing professional development requirements required under paragraph (1)(a) or the requirements prescribed by regulation under paragraph (1)(c), and an exemption does not apply, the Registrar must either

- (a) notify the person that their registration will be suspended if the requirements are not met within 60 days after the annual renewal date; or

- (b) if the person's registration has been suspended under subsection 9(3), notify the person that their registration will be cancelled if the requirements are not met within 120 days after the annual renewal date.

Suspension

(6) If a person notified under paragraph (5)(a) fails to meet the requirements within 60 days after the annual renewal date, the Registrar must

- (a) suspend the registration of the person; and
- (b) notify the person
 - (i) of the suspension,
 - (ii) the steps required to terminate the suspension, and
 - (iii) that their registration will be cancelled if the requirements are not met within 120 days after the annual renewal date.

Cancellation

(7) If a person's registration has been suspended under subsection 9(3) or subsection (6), and they fail to comply with the annual renewal requirements within 120 days after the annual renewal date, the Registrar must

- (a) cancel the person's registration; and
- (b) notify the person of the cancellation.

Forward to Pharmacy Registration Committee

(8) If the information or documents submitted under section 9 indicate that a person has not met the currency of practice requirements required under paragraph (1)(b) and an exemption does not apply, the Registrar must forward the information and documents to the Pharmacy Registration Committee.

Decision by Pharmacy Registration Committee

(9) Upon receipt of the information and documents forwarded under subsection (8), the Pharmacy Registration Committee must

- (a) approve the annual renewal, if the Pharmacy Registration Committee determines that the person's registration is eligible for annual renewal under subsection 11(1); or
- (b) if the Pharmacy Registration Committee determines that the person's registration is not eligible for renewal,
 - (i) subject the approval of the annual renewal to any restrictions on the person's registration that, taking into account all the circumstances, the Pharmacy Registration Committee determines are necessary to protect the public interest, or
 - (ii) cancel the person's registration, if the Pharmacy Registration Committee is of the opinion that doing so is necessary to protect the public interest.

Notification

(10) The Pharmacy Registration Committee must notify a person and provide them with a reasonable opportunity to provide further information and documents if the Pharmacy

Registration Committee intends to restrict or cancel the person's registration under subsection (9).

Consideration

(11) The Pharmacy Registration Committee must consider any further information and documents provided by a person under subsection (10) prior to making its decision.

Forward to Registrar

(12) The Pharmacy Registration Committee must forward its decision under subsection (9) to the Registrar.

Restriction or cancellation

(13) The Registrar must

- (a) indicate any new restrictions on the registration; or
- (b) following a cancellation under paragraph (7)(a) or subparagraph (9)(b)(ii), remove the person's registration from the Pharmacy Professionals Register.

Notification

(14) The Registrar must notify a person of

- (a) the decision of the Pharmacy Registration Committee to
 - (i) approve the annual renewal of their registration,
 - (ii) impose restrictions on their registration, or
 - (iii) cancel their registration; and
- (b) if the person's registration is cancelled, their right to re-apply for registration in the Pharmacy Professionals Register under section 5 or 6.

REFUSAL AND APPEAL

Appeal to Nunavut Court of Justice

Appeals

12. (1) A person subject to a decision of the Registrar or the Pharmacy Registration Committee may appeal the decision to the Nunavut Court of Justice.

Procedure

(2) Despite subsection 84(2) and section 89 of the *Judicature Act*, an appeal under this section

- (a) may not include a motion for a new trial in the Nunavut Court of Justice;
- (b) does not require an appeal book;
- (c) is based on the record of the Registrar or the Pharmacy Registration Committee provided under subsection (3); and
- (d) is determined on the basis of reasonableness, except for questions of jurisdiction which are determined on the basis of correctness.

Record

(3) When a decision of the Registrar or the Pharmacy Registration Committee is appealed to the Nunavut Court of Justice, the Registrar or the Pharmacy Registration Committee, as the case may be, must provide the record respecting the decision to the Clerk of the Nunavut Court of Justice, including all materials that would be submitted for a judicial review in accordance with the Rules of the Nunavut Court of Justice.

Decision on appeal

- (4) On an appeal under this section, the Nunavut Court of Justice may
- (a) make any finding that, in its opinion, should have been made;
 - (b) quash, confirm or vary the decision or any part of it; or
 - (c) refer the matter back to the maker of the decision, before the appeal, for further consideration in accordance with any direction of the Court.

Registration

(5) The Registrar must, in accordance with a decision of the Nunavut Court of Justice under this section, register a person in a register, amend their registration, or remove a person from a register.

Emergency Register

Minister's declaration

13. (1) The Minister may, by order, declare that an urgent situation exists in all or part of Nunavut if the Minister is satisfied that

- (a) there is an urgent need for the services of a pharmacy professional in all or part of Nunavut; and
- (b) a delay to the provision of the services would be injurious to the public interest.

Urgent situation

(2) An order declaring an urgent situation expires three months after it is made, but the Minister may, by order, extend the urgent situation for three additional one-month periods if

- (a) the urgent situation continues to exist; and
- (b) the extension is necessary to protect the public interest.

Non-application of *Legislation Act*

(3) Parts 3 to 5 of the *Legislation Act* do not apply to an order made under subsection (1).

Application for registration

14. (1) During a state of emergency or urgent situation, a person may apply for registration as a pharmacist or pharmacy technician in the Emergency Register by submitting an application to the Registrar that includes

- (a) the information and documents prescribed by regulation; and
- (b) consent for the Registrar to obtain the information and documents prescribed by regulation from a regulatory body in another jurisdiction or from another person.

Qualifications for registration - pharmacist

(2) An applicant is qualified for registration as a pharmacist in the Emergency Register if the applicant

- (a) is actively registered or licensed as a pharmacist under an Act of a province or other territory in a category of registration or licensure that allows for direct patient care; and
- (b) has met any other requirements prescribed by regulation.

Qualifications for registration - pharmacy technician

(3) An applicant is qualified for registration as a pharmacy technician in the Emergency Register if the applicant

- (a) is actively registered or licensed as a pharmacy technician under an Act of a province or other territory in a category or of registration or licensure that allows for direct patient care; and
- (b) has met any other requirements prescribed by regulation.

Registration by Registrar

(4) The Registrar must, as soon as practicable, register an applicant under this section in the appropriate category of the Emergency Register unless the information or documents referred to in subsection (1) indicate

- (a) the applicant does not have the qualifications prescribed by regulation for their category of registration;
- (b) pending disciplinary proceedings against the applicant in any jurisdiction;
- (c) disciplinary proceedings against the applicant in any jurisdiction that resulted in a finding of improper conduct;
- (d) restrictions on the applicant's entitlement to practise pharmacy in a jurisdiction where they are registered or licenced;
- (e) pending criminal charges against the applicant in any jurisdiction;
- (f) criminal convictions against the applicant in any jurisdiction;
- (g) pending or past civil proceedings against the applicant with respect to the practice of pharmacy in any jurisdiction; or
- (h) any other matter prescribed by regulation.

Validity

(5) Subject to subsections (9) and (10), a registration under subsection (4) is valid, at the discretion of the Registrar, until

- (a) four days after the termination of the state of emergency or urgent situation; or
- (b) an earlier date specified on the registration.

Extending validity

(6) The Registrar may, at the request of a person registered in the Emergency Register, extend the validity of their registration, but not beyond four days after the termination of the state of emergency or urgent situation.

Notification

- (7) The Registrar must notify an applicant of,
- (a) in the case their registration is approved by the Registrar,
 - (i) their category of registration,
 - (ii) the geographic limits of their entitlement to practise pharmacy, and
 - (iii) the length of time that the registration is valid;
 - (b) in the case their registration is not approved by the Registrar,
 - (i) the decision of the Registrar to not approve their registration, and
 - (ii) their right to apply for registration in the Pharmacy Professionals Register under section 5 or 6;
 - (c) in the case their request for an extension is granted by the Registrar, the length of time their registration is valid; and
 - (d) in the case their request for an extension is not granted by the Registrar,
 - (i) the decision of the Registrar to not grant the extension, and
 - (ii) their right to apply for registration in the Pharmacy Professionals Register under section 5 or 6.

No appeal or review

(8) A decision of the Registrar under this section is not subject to appeal or review by any court, except for questions of jurisdiction.

Registration in Pharmacy Professionals Register

(9) If a person registered in the Emergency Register is accepted for registration in the Pharmacy Professionals Register, their registration in the Emergency Register ends immediately before their registration in the Pharmacy Professionals Register begins.

Registration in Emergency Register

(10) If a person registered in the Emergency Register is accepted for registration in the Emergency Register with respect to a different state of emergency or urgent situation, their registration in the Emergency Register ends immediately before their registration, pursuant to the different state of emergency or urgent situation, begins.

Removal from Emergency Register

15. The Register must remove a registration from the Emergency Register when the registration is no longer valid.

Registration fraud - Emergency Register

16. (1) If the Registrar has reason to believe that a person registered in the Emergency Register produced fraudulent information or documents, or failed to produce required information or documents under section 14, the Registrar

- (a) may cancel and remove the registration from the Emergency Register; and
- (b) must inform the Review Officer.

Notification

(2) When the Registrar cancels a registration under this section, the Registrar must notify the person of

- (a) the cancellation; and
- (b) their right to apply for registration in the Pharmacy Professionals Register under section 5 or 6.

No appeal or review

(3) A decision of the Registrar under this section is not subject to appeal or review by any court, except for questions of jurisdiction.

ENTITLEMENT TO PRACTISE

Pharmacist

Entitlement to practise

17. (1) A person registered as a pharmacist in the Pharmacy Professionals Register is entitled to practise pharmacy as a pharmacist, subject to any restrictions on the person's registration.

Conduct

(2) A pharmacist must conduct their practice in accordance with this Act and the regulations.

Practice of a Pharmacist

18. (1) The practice of a pharmacist includes the promotion of health and the prevention and treatment of diseases, dysfunctions and disorders through proper drug therapy and non-drug decisions.

Included acts

- (2) As part of their practice, a pharmacist may, in accordance with the regulations,
- (a) identify and assess drug-related problems and make recommendations to prevent or resolve them;
 - (b) monitor responses and outcomes to drug therapy and advise on the contents, therapeutic values and hazards of drugs;
 - (c) provide non-prescription drugs, natural health products, blood products, parenteral and enteral nutrition, health care aids and health care devices;
 - (d) advise on the use, calibration, effectiveness and hazards of health care devices;
 - (e) direct patients to consult with other persons providing health care in Nunavut, a province or other territory;
 - (f) advise and support pharmacy technicians, pharmacist interns and pharmacist students in the provision of pharmacy services;
 - (g) supervise pharmacy technicians, pharmacist interns and pharmacist students;
 - (h) delegate an act in accordance with section 19;

- (i) provide telepharmacy services, including telepharmacy services to a remote dispensing site;
- (j) engage in a restricted pharmacist act listed under subsection (3) if authorized to do so by the regulations;
- (k) engage in any act that a pharmacy technician is authorized to engage in under subsection 21(2) without the supervision required under subsection 21(4); and
- (l) engage in any other act prescribed by regulation.

Advanced practice - restricted pharmacist acts

- (3) If authorized by the regulations, a pharmacist may, in accordance with the regulations,
- (a) prescribe drugs, natural health products and medical devices;
 - (b) administer drugs;
 - (c) interpret patient-administered automated tests;
 - (d) order, receive reports of, and interpret screening and diagnostic tests;
 - (e) administer and interpret point of care tests;
 - (f) diagnose and communicate a diagnosis of conditions; and
 - (g) engage in any other restricted pharmacist act prescribed by regulation.

Delegation

Definitions

19. (1) In this section,

"act" means an act that is part of the professional practice of the person delegating the act; (*acte*)

"delegatee" means a pharmacy technician or health care professional to whom an act is delegated by a pharmacist; (*délégataire*)

"health care professional" means

- (a) a medical practitioner;
- (b) a person entitled to practise dentistry under the *Dental Profession Act*;
- (c) a person entitled to practise psychology under the *Psychologists Act*;
- (d) a person entitled to practise nursing in Nunavut under the *Nursing Professions Act*;
- (e) a person entitled to practise midwifery under the *Midwifery Profession Act*;
- (f) a person entitled to practise optometry under the *Optometry Act*;
- (g) a person entitled to practise veterinary surgery under the *Veterinary Profession Act*;
- (h) a person who is employed in Nunavut as a physiotherapist and is an active member of the Canadian Physiotherapy Association;
- (i) a person who is employed in Nunavut as an occupational therapist and who is an active member of the Canadian Association of Occupational Therapists;

- (j) a person who is employed in Nunavut as a laboratory technologist and who is an active member of the Canadian Society for Medical Laboratory Science;
- (k) a person who is employed in Nunavut as a respiratory therapist and who is actively registered or licenced as a respiratory therapist under an Act of province or territory; or
- (l) a person who is employed in Nunavut as a dietician and who is actively registered or licenced as a dietician under an Act of a province or territory. (*professionnel de la santé*)

Delegation

(2) As part of their practice, a pharmacist may delegate an act to a pharmacy technician or health care professional if

- (a) the regulations authorize the delegation of the act;
- (b) the pharmacist is authorized by the regulations to delegate the act;
- (c) the pharmacist is authorized by this Act and the regulations to perform the act themselves;
- (d) the act is not an act that was delegated to the pharmacist to perform themselves; and
- (e) the act is delegated in accordance with the regulations.

Authorization of delegatee

(3) A delegatee is authorized to perform an act delegated to them under this section.

Responsibility of pharmacist delegating an act

(4) A pharmacist who delegates an act is responsible for the decision to delegate the act.

Conditions for delegation

(5) A pharmacist must ensure, before delegating any act,

- (a) they are authorized by this Act and the regulations to perform the act themselves;
- (b) they have the knowledge, skill and judgment to perform the act in accordance with the standards of practice, quality assurance mechanisms and code of ethics;
- (c) they have considered whether delegation of the act is appropriate, taking into consideration the best interests and needs of the patient associated with the act, if applicable;
- (d) after taking reasonable steps, they are satisfied that sufficient safeguards and resources are available to the delegatee so that the act can be performed in accordance with the standards of practice, quality assurance mechanisms and code of ethics;
- (e) they have considered whether delegation of the act should be subject to restrictions to ensure it is performed in accordance with the standards of practice, quality assurance mechanisms and code of ethics, and have made the delegation subject to restrictions if applicable;

- (f) after taking reasonable steps, they are satisfied that the delegatee is a pharmacy technician or health care professional authorized to receive the delegation; and
- (g) after taking reasonable steps, they are satisfied that the delegatee has the knowledge, skill and judgment to perform the act in accordance with the standards of practice, quality assurance mechanisms and code of ethics.

Cease delegation

(6) A pharmacist who delegates an act and who has reasonable grounds to believe that the delegatee no longer has the ability to perform the act in accordance with the standards of practice, quality assurance mechanisms and code of ethics must immediately inform the delegatee that the delegation of the act is revoked.

Pharmacy professional receiving delegation

(7) As part of their practice, a pharmacy professional may perform an act delegated to them by a health care professional if

- (a) the regulations authorize the delegation of the act to the pharmacy professional;
- (b) the health care professional was, at the time of delegation, authorized to delegate the act by an Act governing their profession;
- (c) the health care professional was, at the time of delegation, authorized to perform the act themselves;
- (d) the act was not subdelegated by a health care professional to whom the act was delegated;
- (e) the pharmacy professional is authorized by the regulations to receive and perform the delegated act; and
- (f) the act is delegated in accordance with the regulations.

Responsibility of pharmacy professional performing a delegated act

(8) A pharmacy professional who performs an act delegated to them by a pharmacist or health care professional

- (a) is responsible for the decision to accept the delegation; and
- (b) must perform the act in accordance with this Act and the regulations.

Conditions for accepting a delegated act

(9) A pharmacy professional must only perform an act delegated under this section if, before performing the act, the pharmacy professional

- (a) has the knowledge, skill and judgment to perform the act in accordance with the standards of practice, quality assurance mechanisms and code of ethics;
- (b) has considered whether performing the act is appropriate, taking into consideration the best interests and needs of the patient associated with the act, if applicable;
- (c) after taking reasonable steps, is satisfied that there are sufficient safeguards and resources available to ensure that the act can be performed

- in accordance with the standards of practice, quality assurance mechanisms and code of ethics;
- (d) has no reason to believe that the person delegating the act is not authorized to delegate that act; and
- (e) if the delegation is subject to any restrictions, ensures that the restrictions are complied with.

Pharmacy technician

Entitlement to practise

20. (1) A person registered as a pharmacy technician in the Pharmacy Professionals Register is entitled to practise pharmacy as a pharmacy technician, subject to any restrictions on the person's registration.

Conduct

(2) A pharmacy technician must conduct their practice in accordance with this Act and the regulations.

Practice of a pharmacy technician

21. (1) The practice of a pharmacy technician includes the promotion of health through safe and effective drug distribution.

Included acts

(2) Subject to subsection (4), a pharmacy technician may, in accordance with the regulations:

- (a) compound, prepare and dispense drugs;
- (b) store, supply, package and label drugs;
- (c) engage in the retail sale of drugs;
- (d) develop compounding protocols and supervise compounding acts;
- (e) create and maintain information required to provide pharmacy related services and the creation of patient records;
- (f) transfer prescriptions on behalf of a pharmacist;
- (g) perform a final check of new or refill prescriptions to ensure that each step in the dispensing process has been completed properly;
- (h) refer actual or potential drug-related problems to a pharmacist;
- (i) assist a pharmacist in identifying a patient's health needs and expectations;
- (j) instruct patients about the use of health care products, health care aids and health care devices;
- (k) supervise pharmacy technician interns, pharmacy technician students, and pharmacy staff;
- (l) accept and perform an act delegated by a pharmacist in accordance with section 19;
- (m) supervise a remote dispensing site, if they are present at the remote dispensing site;
- (n) supervise and manage drug distribution systems to maintain public safety and drug system security;

- (o) provide professional services to support animal health;
- (p) conduct or collaborate in drug related research, if authorized by law;
- (q) engage in a restricted pharmacy technician act under subsection (3) if authorized to do so by the regulations; and
- (r) engage in any other act prescribed by regulation.

Advanced practice - restricted pharmacy technician acts

(3) If authorized by the regulations, a pharmacy technician may, in accordance with the regulations,

- (a) administer drugs;
- (b) administer point of care tests; and
- (c) engage in any other restricted pharmacy technician act prescribed by regulation.

Supervision

(4) Any act under this section and any act delegated to a pharmacy technician under section 19 must be performed under the supervision of a pharmacist in accordance with the supervision requirements prescribed by regulation.

Restriction

(5) A pharmacy technician may not engage in an act that a pharmacist is authorized to engage in, unless the pharmacy technician is authorized to do so under this Act.

Pharmacist student

Entitlement to practise

22. (1) A person registered as a pharmacist student in the Education Register is entitled to practise pharmacy as a pharmacist student, subject to any restrictions on the person's registration.

Conduct

(2) A pharmacist student must conduct their practice in accordance with this Act and the regulations.

Pharmacist student

(3) The practice of a pharmacist student is restricted to the performance, in accordance with the regulations, of acts prescribed by regulation that can be performed by a pharmacist student.

Supervision

(4) The practice of a pharmacist student must be performed under the supervision of a pharmacist in accordance with the regulations.

Pharmacist intern

Entitlement to practise

23. (1) A person registered as a pharmacist intern in the Education Register is entitled to practise pharmacy as a pharmacist intern, subject to any restrictions on the person's registration.

Conduct

(2) A pharmacist intern must conduct their practice in accordance with this Act and the regulations.

Pharmacist intern

(3) The practice of a pharmacist intern is restricted to the performance, in accordance with the regulations, of acts prescribed by regulation that can be performed by a pharmacist intern.

Supervision

(4) The practice of a pharmacist intern must be performed under the supervision of a pharmacist in accordance with the regulations.

Pharmacy technician student

Entitlement to practise

24. (1) A person registered as a pharmacy technician student in the Education Register is entitled to practise pharmacy as a pharmacy technician intern, subject to any restrictions on the person's registration.

Conduct

(2) A pharmacy technician student must conduct their practice in accordance with this Act and the regulations.

Pharmacy technician student

(3) The practice of a pharmacy technician student is restricted to the performance, in accordance with the regulations, of acts prescribed by regulation that can be performed by a pharmacy technician student.

Supervision

(4) The practice of a pharmacy technician student must be performed under the supervision of a pharmacy professional, in accordance with the regulations.

Pharmacy technician intern

Entitlement to practise

25. (1) A person registered as a pharmacy technician intern in the Education Register is entitled to practise pharmacy as a pharmacy technician intern, subject to any restrictions on the person's registration.

Conduct

(2) A pharmacy technician intern must conduct their practice in accordance with this Act and the regulations.

Pharmacy technician intern

(3) The practice of a pharmacy technician intern is restricted to the performance, in accordance with the regulations, of acts prescribed by regulation that can be performed by a pharmacy technician intern.

Supervision

(4) The practice of a pharmacy technician intern must be performed under the supervision of a pharmacy professional in accordance with the regulations.

Emergency Register

Pharmacist

26. (1) A person registered as a pharmacist in the Emergency Register is entitled to practise pharmacy,

- (a) subject to the same requirements of a person registered as a pharmacist in the Pharmacy Professionals Register; and
- (b) subject to any restrictions on the person's registration in the Emergency Register.

Pharmacy technician

(2) A person registered as a pharmacy technician in the Emergency Register is entitled to practise pharmacy,

- (a) subject to the same requirements of a person registered as a pharmacy technician in the Pharmacy Professionals Register; and
- (b) subject to any restrictions on the person's registration in the Emergency Register.

Issuance of licence

Issuance of licence

27. The Registrar must issue to each person registered in a register a licence indicating

- (a) the register in which they are registered;
- (b) the category of registration; and
- (c) in the case of the Education Register or the Emergency Register, the dates of validity of the registration.

DISCIPLINE AND FITNESS TO PRACTISE

Action by other regulatory body

Reporting

28. (1) If, under the laws of a province or other territory, a body or person regulating persons entitled to practise pharmacy in that province or other territory cancels, suspends or restricts the entitlement of a person registered under this Act to practise pharmacy in that province or other territory, the person registered under this Act must immediately report the cancellation, suspension or restriction to the Registrar.

Effect in Nunavut - cancellation

(2) The Registrar must cancel the registration of a person whose registration or licence to practise pharmacy in a province or other territory was cancelled in that province or other territory due to disciplinary action.

Effect in Nunavut - suspension

(3) The Registrar must suspend the registration of a person while the person's registration or licence to practise pharmacy in a province or other territory is suspended in that province or other territory due to

- (a) disciplinary action; or
- (b) action related to the person
 - (i) being incapable of practising pharmacy, or
 - (ii) being unfit to practise pharmacy.

Effect in Nunavut - restriction

(4) The Registrar must restrict the registration of a person while and to the same extent that the person's registration or licence to practise pharmacy in a province or other territory is restricted in that province or other territory due to

- (a) disciplinary action; or
- (b) action related to the person
 - (i) being incapable of practising pharmacy, or
 - (ii) being unfit to practise pharmacy.

Terminology

(5) A reference in this section to the cancellation, suspension or restriction of a person's registration or licence to practise pharmacy in a province or other territory includes references to any terms of similar import used in the province or other territory.

Improper conduct

Improper conduct

29. For the purposes of this Act, improper conduct means

- (a) engaging in unbecoming or criminal conduct, whether in a professional capacity or otherwise;

- (b) practising pharmacy while
 - (i) being incapable of practising pharmacy, or
 - (ii) being unfit to practise pharmacy;
- (c) practising pharmacy while suspended or in contravention of a restriction on one's registration under this Act;
- (d) practising pharmacy other than as specified in this Act and the regulations for one's category of registration;
- (e) conviction of an offence under this Act, the *Controlled Drug and Substances Act* (Canada), the *Food and Drugs Act* (Canada) or of an indictable offence under the *Criminal Code*;
- (f) engaging in conduct that
 - (i) is contrary to the best interests of the public or the pharmacy profession,
 - (ii) displays a significant lack of knowledge, skill or judgment in the practice of pharmacy,
 - (iii) does not comply with the code of ethics, standards of practice or quality assurance mechanisms;
- (g) using fraud, misrepresentation or false records for any purpose under this Act;
- (h) delegating an act in contravention of section 19;
- (i) accepting or performing a delegated act in contravention of section 19;
- (j) failure to self-report under subsection 28(1) or 31(1);
- (k) failure to comply with subsection 34(3);
- (l) failure to give evidence or produce a document or thing to a Board of Inquiry when compelled to do so by the Board of Inquiry;
- (m) failure to comply with a settlement agreement approved under subsection 36(5);
- (n) failure to comply with a requirement under paragraph 42(6)(f) while under the jurisdiction of the Fitness to Practise Committee; or
- (o) any other conduct prescribed by regulation as improper conduct.

Review Officer

Appointment of Review Officer

30. (1) The Minister must appoint a person registered as a pharmacist in the Pharmacy Professionals Register as Review Officer.

Appointment of Special Review Officer

(2) If, with respect to a complaint under section 32 or information under subsection 33(3), the Review Officer is unable to act due to a conflict of interest or other reason, the Minister must appoint a person registered or licenced as a pharmacist under this Act or an Act of a province or other territory as a Special Review Officer for the complaint or information.

Power of Special Review Officer

(3) A Special Review Officer appointed under subsection (2) has, with respect to the complaint or information for which they are appointed, the powers and duties of the Review Officer under this Act.

Informing Registrar

(4) The Review Officer must inform the Registrar of the following:

- (a) the receipt of a complaint under section 32;
- (b) the appointment of an investigator under this Act;
- (c) an interim suspension or restriction under section 41;
- (d) the dismissal of a complaint or information under this Act;
- (e) the referral of a matter to the Fitness to Practise Committee under this Act;
- (f) the Fitness to Practise Committee referring a matter back to the Review Officer under section 42.

Self-reporting

31. (1) A pharmacy professional, intern or student must report to the Review Officer if they are

- (a) incapable of practising pharmacy; or
- (b) unfit to practise pharmacy.

Referral to Fitness to Practise Committee

(2) Following a report under subsection (1), the Review Officer must refer the matter to the Fitness to Practise Committee.

Complaints

32. (1) A person may file a complaint against a pharmacy professional, intern or student

- (a) by writing to the Review Officer in an Official Language; or
- (b) in the case of an illiterate person, orally in an Official Language with a person designated by the Review Officer.

Recording

(2) In the case of a complaint filed orally under paragraph (1)(b), the person designated by the Review Officer must

- (a) record the complaint in a manner approved by the Review Officer;
- (b) if the complaint is recorded as a sound recording,
 - (i) play back the recording to the complainant, and
 - (ii) allow the complainant to have their words re-recorded until the complainant is satisfied that the recording accurately captures their words; and
- (c) if the complaint is recorded in writing,
 - (i) record the words of the complaint in the Official Language they were provided in,
 - (ii) read back the recorded words to the complainant, and

- (iii) make any corrections to the written record that the person requests until the complainant is satisfied that the recording accurately captures their words.

Transmission of complaint

(3) A person recording a complaint under subsection (2) must provide the recorded complaint to the Review Officer as soon as practicable after it is made.

Designation

(4) The Review Officer may designate persons for the purposes of receiving oral complaints under paragraph (1)(b) either individually or by class.

Initial processing of complaints

- 33.** (1) Following a complaint under section 32, the Review Officer must
- (a) dismiss the complaint if, in the opinion of the Review Officer,
 - (i) the conduct described in the complaint does not amount to improper conduct, or
 - (ii) the complaint is frivolous or vexatious;
 - (b) refer the complaint in whole or in part to the Fitness to Practise Committee if, in the opinion of the Review Officer, the pharmacy professional, intern or student
 - (i) is incapable of practising pharmacy, or
 - (ii) is unfit to practise pharmacy; or
 - (c) in any other case but subject to subsection (2), appoint an investigator under section 34.

Referral to alternative dispute resolution

(2) The Review Officer may, instead of appointing an investigator under paragraph (1)(c), appoint a facilitator in accordance with section 36 if

- (a) the Review Officer is of the opinion that it is appropriate to settle the complaint by way of alternative dispute resolution;
- (b) the complainant and the pharmacy professional, intern or student consent to alternative dispute resolution; and
- (c) the complainant and the pharmacy professional, intern or student agree on the alternative dispute resolution process to be used.

No complaint

(3) If the Review Officer has, based on information in the possession of the Review Officer, reasonable grounds to believe that the conduct of a pharmacy professional, intern or student constitutes improper conduct, the Review Officer may

- (a) refer the complaint in whole or in part to the Fitness to Practise Committee if, in the opinion of the Review Officer, the pharmacy professional, intern or student
 - (i) is incapable of practising pharmacy, or
 - (ii) is unfit to practise pharmacy; or
- (b) in any other case, appoint an investigator under section 34.

Notice

(4) The Review Officer must notify the complainant, if any, and the pharmacy professional, intern or student of a decision made under subsections (1) to (3) and, in the case of a dismissal, notify the complainant of their right to seek judicial review under subsection (5).

Judicial review of dismissal

(5) If the Review Officer dismisses a complaint under paragraph (1)(a), the complainant may apply for judicial review of the decision to dismiss in accordance with the Rules of the Nunavut Court of Justice.

Disciplinary process by other regulatory body

(6) Despite this Act, the Review Officer may refuse to process a complaint under this section or stop an investigation under section 34 if

- (a) a body or person regulating persons entitled to practise pharmacy in a province or other territory is undertaking a disciplinary proceeding with respect to the subject-matter of the complaint or information; and
- (b) the Review Officer is satisfied that proceedings under this Act are not necessary to protect the public interest.

Investigation

Appointment of investigator

34. (1) The Review Officer may, for the purposes of paragraph 33(1)(c) or 33(3)(b), appoint an investigator to investigate the conduct of a pharmacy professional, intern or student.

Powers and term of investigator

(2) An investigator appointed under this section

- (a) must investigate the complaint or information;
- (b) may hire any legal counsel and staff that they consider necessary for carrying out their duties; and
- (c) holds office until the complaint or information referred to them has been dealt with in its entirety.

Duty to answer

(3) A pharmacy professional, intern or student that is subject to an investigation must, despite any law or rule respecting confidentiality,

- (a) provide a full answer to any questions posed by the investigator; and
- (b) provide to the investigator any documents in their possession that are requested by the investigator.

Duties of investigator following review

(4) An investigator, after reviewing the complaint or information, must report in writing to the Review Officer and the report must include a recommendation that the complaint or information be

- (a) dismissed;
- (b) referred to the Fitness to Practise Committee; or
- (c) referred to a Board of Inquiry.

Review of investigation report

35. (1) On receiving a report under subsection 34(4), the Review Officer must review the report and

- (a) dismiss the complaint or information if, in the opinion of the Review Officer, the conduct in question does not amount to improper conduct;
- (b) refer the complaint or information to the Fitness to Practise Committee if, in the opinion of the Review Officer, the conduct in question is a result of the pharmacy professional, intern or student
 - (i) being incapable of practising pharmacy, or
 - (ii) being unfit to practise pharmacy; or
- (c) in any other case but subject to subsection (2), request the Minister to appoint a Board of Inquiry to inquire into the complaint or information and refer the complaint or information to the Board of Inquiry.

Referral to alternative dispute resolution

(2) Subject to subsection 36(9), the Review Officer may, instead of requesting the appointment of a Board of Inquiry under paragraph (1)(c), appoint a facilitator in accordance with section 36 if

- (a) the Review Officer is of the opinion that it is appropriate to settle the complaint by way of alternative dispute resolution;
- (b) the complainant and the pharmacy professional, intern or student consent to alternative dispute resolution; and
- (c) the complainant and the pharmacy professional, intern or student agree on the alternative dispute resolution process to be used.

Notice

(3) The Review Officer must notify the complainant, if any, and the pharmacy professional, intern or student of a decision made under subsection (1) or (2) and, in the case of a dismissal, notify the complainant of their right to seek judicial review under subsection (4).

Judicial review of dismissal

(4) If the Review Officer dismisses a complaint under paragraph (1)(a), the complainant may apply for judicial review of the decision to dismiss in accordance with the Rules of Nunavut Court of Justice.

Alternative dispute resolution

Consultation before appointment

36. (1) The Review Officer must consult with the complainant and the pharmacy professional, intern or student regarding the choice of facilitator under subsection 33(2) or 35(2).

No alternative dispute resolution in case of information

(2) For greater certainty, a Review Officer must not appoint a facilitator under subsection 33(2) or 35(2) if there is no complaint.

Attempt to resolve

(3) The facilitator must, in an impartial manner, assist the complainant and pharmacy professional, intern or student to resolve the complaint to their mutual satisfaction.

Settlement

(4) If a complaint is settled through the alternative dispute resolution process, the facilitator must provide the Review Officer and the Registrar with a copy of the settlement agreement signed by the complainant and the pharmacy professional, intern or student.

Approval of settlement

- (5) The Review Officer may,
- (a) approve the settlement agreement;
 - (b) with the consent of the complainant and the pharmacy professional, intern or student, amend the terms of the settlement agreement and then approve it; or
 - (c) refuse to approve the settlement agreement if the Review Officer determines that it is necessary in the public interest to do so.

Effective date

(6) A settlement of a complaint does not come into effect unless the Review Officer approves the settlement agreement under subsection (5).

Unresolved complaint

(7) The facilitator must terminate an alternative dispute resolution process and refer the complaint back to the Review Officer if

- (a) the complainant or the pharmacy professional, intern or student requests a termination of the process; or
- (b) the facilitator considers it unlikely that the complaint will be settled through the process.

Same

- (8) Following a referral under subsection (7), the Review Officer must
- (a) notify the complainant and the pharmacy professional, intern or student of the termination;
 - (b) if the facilitator was appointed under subsection 33(2), appoint an investigator under paragraph 33(1)(c); and

- (c) if the facilitator was appointed under subsection 35(2), request the appointment of a Board of Inquiry under paragraph 35(1)(c).

Single process

(9) If a facilitator is appointed for a complaint under subsection 33(2), a facilitator may not be appointed for the same complaint under subsection 35(2).

Confidentiality

(10) Communications and evidence arising from anything said or produced during the course of an alternative dispute resolution process under this Act are confidential and are not admissible in any proceedings under this Act, or in any action, matter or other proceeding, without the written consent of the complainant and the pharmacy professional, intern or student.

Board of Inquiry

Appointment of Board of Inquiry

37. (1) Following a request under paragraph 35(1)(c), the Minister must appoint a Board of Inquiry consisting of three or five members, including the following, to inquire into a complaint or information:

- (a) at least one person who is registered in the Pharmacy Professionals Register as
 - (i) a pharmacist, if the complaint or information is made against a pharmacist, pharmacist intern or pharmacist student, or
 - (ii) a pharmacy technician, if the complaint or information is made against a pharmacy technician, pharmacy technician intern or pharmacy technician student;
- (b) at least one person who is registered or licensed as a pharmacist under this Act or an Act of a province or other territory;
- (c) one person who is
 - (i) is not registered under this Act as a pharmacy professional, intern or student,
 - (ii) not registered or licenced by a body or person regulating persons entitled to practice pharmacy in a province or other territory, and
 - (iii) not employed by the department responsible for the administration of this Act.

Powers and duties of Board of Inquiry

(2) A Board of Inquiry

- (a) subject to this section, has the powers and duties of a Board under the *Public Inquiries Act*;
- (b) may require the pharmacy professional, intern or student to undergo such medical examinations, including psychiatric examinations, as the Board of Inquiry considers necessary to aid its investigation;
- (c) has the right to obtain the results of medical examinations ordered under paragraph (b);
- (d) is not subject to the rules of evidence applicable to judicial proceedings;

- (e) may hold hearings
 - (i) in person, or
 - (ii) by any reasonable remote means that allows for simultaneous voice communication;
- (f) must conduct its proceedings in accordance with the requirements of natural justice; and
- (g) makes decisions by vote of the majority of its members.

Notice

- (3) A notice of the hearing must be provided at least two weeks before the hearing to
 - (a) the complainant, if any;
 - (b) the pharmacy professional, intern or student who is subject to the inquiry; and
 - (c) any other person that, in the opinion of the Board of Inquiry, has an interest in the matter.

Content of notice

- (4) A notice under subsection (3) must include
 - (a) a copy of the substance of the charge against the pharmacy professional, intern or student, or a statement of the subject-matter of the inquiry; and
 - (b) a statement of the time and place of the hearing.

Decision of Board of Inquiry

- 38.** (1) On concluding the inquiry, the Board of Inquiry may
- (a) dismiss the complaint or information; or
 - (b) make one or more of the following orders:
 - (i) order that the pharmacy professional, intern or student be reprimanded,
 - (ii) order that the pharmacy professional, intern or student pay a fine not exceeding \$50,000,
 - (iii) order that the registration of the pharmacy professional, intern or student under this Act be suspended for a period not exceeding three years,
 - (iv) order that the registration of the pharmacy professional, intern or student under this Act be cancelled,
 - (v) order that the registration of the pharmacy professional, intern or student under this Act be made subject to restrictions, which, for greater certainty, may include
 - (A) limitations on the practice of pharmacy,
 - (B) a requirement for treatment in an alcohol or other substance use program, and
 - (C) a requirement for completion of specified courses of study.

Payment schedule

- (2) An order under subparagraph (1)(b)(ii) may include a schedule for payment of a fine, which must not exceed two years.

Order for costs

(3) If the Board of Inquiry makes an order under paragraph (1)(b), the Board of Inquiry may also make an order as to costs against the pharmacy professional, intern or student, and the costs must be calculated and collected in accordance with the Rules of the Nunavut Court of Justice.

Notice of decision

(4) The Board of Inquiry must provide notice to the pharmacy professional, intern or student of its decision and any order for costs under this section in writing by

- (a) personal services; or
- (b) a method of delivery that provides confirmation that the pharmacy professional, intern or student has received the notice.

Notice to employer

(5) The Registrar must notify the following persons of an order made by the Board of Inquiry under paragraph (1)(b):

- (a) subject to the regulations, any employer of the pharmacy professional, intern or student known to the Registrar;
- (b) any person or entity prescribed by the regulations.

Information to be made publicly available

(6) Subject to subsection (7), the Registrar must make an order made by the Board of Inquiry under paragraph (1)(b), and the reasons for the order, available to the public in accordance with the regulations.

Order relating to disability or condition

(7) If a pharmacy professional, intern or student admits that their capacity to practise pharmacy is impaired by a disability or condition, including an addiction or illness, the Registrar must not include information that the pharmacy professional, intern or student has a disability or condition when making information available to the public under subsection (6).

Payment of fine

(8) A fine ordered under this section is payable to the Government of Nunavut

- (a) if the order includes a payment schedule, in accordance with that payment schedule; or
- (b) in any other case, by full payment no later than
 - (i) 30 days after the personal service under paragraph (4)(a), or
 - (ii) 45 days after the written notice under paragraph (4)(b) is sent.

Suspension for failure to pay

(9) Subject to an order of the Nunavut Court of Justice under section 39, if the pharmacy professional, intern or student fails to pay a fine or scheduled payment under this section in accordance with subsection (8), the registration of the pharmacy professional, intern or student is suspended until the fine or scheduled payment is paid in accordance with that subsection.

Registers

(10) The Board of Inquiry must forward a copy of an order under this section to the Registrar who must make the necessary amendments to the registers.

Appeal to Nunavut Court of Justice

Appeal

39. (1) A pharmacy professional, intern or student subject to an order of the Board of Inquiry may appeal the decision to the Nunavut Court of Justice.

Procedure

(2) Despite subsection 84(2) and section 89 of the *Judicature Act*, an appeal under this section

- (a) may not include a motion for a new trial in the Nunavut Court of Justice;
- (b) does not require an appeal book;
- (c) is based on the record of the Board of Inquiry provided under subsection (3); and
- (d) is determined on the basis or reasonableness, except for questions of jurisdiction which are determined on the basis of correctness.

Record

(3) When a decision of the Board of Inquiry is appealed to the Nunavut Court of Justice, the Board of Inquiry must provide its record respecting the decision to the Clerk of the Nunavut Court of Justice, including all materials that would be submitted for a judicial review in accordance with the Rules of the Nunavut Court of Justice.

Decision on appeal

(4) On an appeal under this section, the Nunavut Court of Justice may

- (a) stay the order pending appeal, in full or in part;
- (b) make any finding that, in its opinion, should have been made;
- (c) quash, confirm or vary the order or any part of it; or
- (d) refer the matter back to the Board of Inquiry for further consideration in accordance with any direction of the Court.

Registers

(5) The Registrar must make the necessary amendments to the registers in accordance with a decision under this section.

Reinstatement and removal of suspension

40. A person whose registration has been cancelled or suspended under section 38 may apply for reinstatement by making a new application under section 5, 6 or 7

- (a) in the case of a cancellation, one year after the date of the order under section 38; or
- (b) in the case of a suspension, after half of the suspension has been served.

Interim suspension and restrictions

Interim suspension pending investigation

41. (1) Pending an investigation under section 34, the Review Officer may suspend the registration of a pharmacy professional, intern or student, or subject it to restrictions, if the Review Officer is of the opinion that doing so is necessary to protect the public interest.

Termination or review

- (2) A suspension or restriction under subsection (1)
 - (a) is terminated if the Review Officer dismisses the complaint or information under paragraph 33(1)(a); and
 - (b) is subject to review by the Fitness to Practise Committee or Board of Inquiry immediately after they are seized of the complaint or information.

Interim suspension pending inquiry

(3) Pending an inquiry of the Board of Inquiry, the Board of Inquiry may suspend the registration of a pharmacy professional, intern or student, or subject it to restrictions, if the Board of Inquiry is of the opinion that doing so is necessary to protect the public interest.

Termination

(4) A suspension or restriction under subsection (3) is terminated when the Board of Inquiry issues its decision under subsection 38(1), but such termination does not prejudice the operation of any suspension or restriction ordered by the Board as part of its decision.

Right to make representations

(5) Prior to suspending or restricting a registration under subsection (1) or (3), the Review Officer or Board of Inquiry, as the case may be, must provide the pharmacy professional, intern or student a reasonable opportunity to present arguments and evidence as to why their registration should not be suspended or restricted.

Notice of decision

- (6) The Review Officer or Board of Inquiry must notify the pharmacy professional, intern or student of a suspension or restriction under this section in writing by
- (a) personal service; or
 - (b) a method of delivery that provides confirmation that the pharmacy professional, intern or student has received the notice.

Registers

(7) The Review Officer or Board of Inquiry must notify the Registrar of a suspension or restriction under this section and the Registrar must make the necessary amendments to the registers.

Judicial review of suspension or restriction

(8) A pharmacy professional, intern or student whose registration is subject to a suspension or restriction under this section may apply for judicial review of the suspension or restriction in accordance with the Rules of the Nunavut Court of Justice.

Fitness to Practise Committee

Fitness to Practise Committee

- 42.** (1) The Minister must establish a Fitness to Practise Committee
- (a) by agreement under section 46; or
 - (b) by appointing three to five persons who are registered or licensed as pharmacists or pharmacy technicians under this Act or an Act of a province or other territory and
 - (i) at least one person is registered or licensed as a pharmacist under this Act or an Act of a province or other territory, and
 - (ii) at least one person is registered or licensed as a pharmacy technician under this Act or an Act of a province or other territory.

Exception

- (2) The Fitness to Practise Committee need not be established under subsection (1) when there are no pharmacy professionals, interns or students who are subject to its jurisdiction.

Consent

- (3) The Fitness to Practise Committee only has jurisdiction over a pharmacy professional, intern or student if the pharmacy professional, intern or student consents to the jurisdiction.

Refusal or revocation of consent

- (4) If a pharmacy professional, intern or student that is referred to the Fitness to Practise Committee does not consent to the jurisdiction of the Fitness to Practise Committee, or revokes their consent, the Fitness to Practise Committee must cease any action under this section and refer the matter back to the Review Officer, and the Review Officer must

- (a) if the referral was made under subsection 31(2), determine whether an investigator should be appointed pursuant to subsection 33(3);
- (b) if the referral was made under paragraph 33(1)(b), appoint an investigator under paragraph 33(1)(c);
- (c) if the referral was made under paragraph 33(3)(a), appoint an investigator under paragraph 33(3)(b); or
- (d) if the referral was made under paragraph 35(1)(b), request the appointment of a Board of Inquiry under paragraph 35(1)(c).

Deemed revocation

- (5) A pharmacy professional, intern or student who fails to comply with a requirement of the Fitness to Practise Committee under this section is deemed to have revoked consent for the purposes of subsection (4).

Power of Fitness to Practise Committee

- (6) The Fitness to Practise Committee may require the pharmacy professional, intern or student to
- (a) submit to specified physical or mental examinations, or both;

- (b) consent to the release of the results of examinations under paragraph (a) to the Fitness to Practise Committee;
- (c) consent to the release of their other medical records to the Fitness to Practise Committee;
- (d) upon the recommendation of the person who performed a physical or mental examination of the pharmacy professional, intern or student, submit to treatment by a person or at a facility specified by the Fitness to Practise Committee;
- (e) consent to the release of the results and reports of treatments under paragraph (d) to the Fitness to Practise Committee; and
- (f) cease practising pharmacy, or restrict their practice of pharmacy in a manner specified by the Fitness to Practise Committee, until
 - (i) the results of a physical or mental examination have been released, or
 - (ii) if the results of a physical or mental examination indicate that the pharmacy professional, intern or student is incapable of practising pharmacy or unfit to practise pharmacy, the Fitness to Practise Committee is satisfied that the pharmacy professional, intern or student is no longer incapable of practising pharmacy or unfit to practise pharmacy.

Right to make representations

(7) Prior to requiring a pharmacy professional, intern or student to cease or restrict their practice of pharmacy under paragraph (6)(f), the Fitness to Practise Committee must provide the pharmacy professional, intern or student a reasonable opportunity to present arguments and evidence as to why the requirement should not be made.

Compliance with restrictions

(8) If the Fitness to Practise Committee requires the pharmacy professional, intern or student to restrict their practice of pharmacy under paragraph (6)(f), the Fitness to Practise Committee may require them to, for the purposes of ensuring compliance,

- (a) consent to be monitored by a practice monitor designated by the Fitness to Practise Committee, and to the reports of the practice monitor being submitted to the Fitness to Practise Committee;
- (b) submit to site visits or practice audits by the Fitness to Practise Committee or a person designated by the Fitness to Practise Committee;
- (c) provide billing and other records to the Fitness to Practise Committee;
- (d) submit to ongoing medical care or health monitoring; and
- (e) consent to the release of reports and results from ongoing medical care and health monitoring to the Fitness to Practise Committee.

Referral to discipline

(9) If, following a referral under paragraph 33(1)(b), 33(3)(a) or 35(1)(b) and the necessary examinations under paragraph (6)(a), the Fitness to Practise Committee determines that the alleged improper conduct of the pharmacy professional, intern or student is not caused

by incapacity or being unfit to practise pharmacy, the Fitness to Practise Committee must refer the matter back to the Review Officer.

Continuance of disciplinary action

(10) Following a referral under subsection (9), unless the complaint or information was limited to allegations of improper conduct under paragraph 29(b), the Review Officer must,

- (a) if the referral was made under paragraph 33(1)(b), appoint an investigator under paragraph 33(1)(c);
- (b) if the referral was made under paragraph 33(3)(a), appoint an investigator under paragraph 33(3)(b); or
- (c) if the referral was made under paragraph 35(1)(b), request the appointment of a Board of Inquiry under paragraph 35(1)(c).

BREACHES BY PHARMACY PROFESSIONAL, INTERN OR STUDENT

Suspensions, restrictions and liability insurance

43. (1) A pharmacy professional, intern or student must not

- (a) if their registration has been suspended, practise pharmacy directly or indirectly, or be associated in the practice of pharmacy with a pharmacy professional, intern or student;
- (b) if their registration is subject to restrictions,
 - (i) practise pharmacy directly or indirectly in contravention of those restrictions, or
 - (ii) otherwise fail to comply with those restrictions;
- (c) practise pharmacy other than as authorized by this Act and the regulations for their category of registration; or
- (d) practise pharmacy without the liability insurance or protection required by the regulations.

Practise with others

(2) A pharmacy professional, intern or student must not directly or indirectly associate themselves in the practice of pharmacy with

- (a) a pharmacy professional, intern or student whose registration is suspended;
- (b) a pharmacy professional, intern or student who is practising pharmacy directly or indirectly in contravention of any restriction on their registration;
- (c) a pharmacy professional, intern or student who is practising pharmacy other than as authorized by this Act and the regulations for their category of registration;
- (d) a pharmacy professional, intern or student who does not have the liability insurance or protection required under the regulations; or
- (e) a person engaging in a prohibited act under section 52 who is not authorized to do so.

Sanction

44. (1) If the Registrar has reasonable grounds to believe that a pharmacy professional, intern or student has contravened section 43, the Registrar may

- (a) issue a warning to the pharmacy professional, intern or student; or
- (b) order the pharmacy professional, intern or student to pay an administrative penalty in accordance with the regulations.

Limits on warnings

(2) The Registrar may not issue a warning under paragraph (1)(a) if

- (a) the contravention is more serious than a contravention that would warrant a simple warning; or
- (b) the contravention is of a type in respect of which a warning has already been given to the pharmacy professional, intern or student.

Multiple administrative penalties

(3) An order under paragraph (1)(b) may provide for the payment of

- (a) a separate administrative penalty for each occurrence of a contravention; and
- (b) a separate administrative penalty for each provision of section 43 that was not complied with.

Former pharmacy professional, intern or student

(4) The Registrar may order a former pharmacy professional, intern or student to pay an administrative penalty under paragraph (1)(b) with respect to their conduct while they were a pharmacy professional, intern or student.

Failure to pay administrative penalty

(5) If a pharmacy professional, intern or student fails to pay an administrative penalty as ordered under paragraph (1)(b) or into court under subsection 45(3) within 30 days of the serving of the notice under subsection (6),

- (a) the Registrar may suspend the registration until the administrative penalty is paid;
- (b) the order may be filed with the Nunavut Court of Justice and enforced as if it were an order of the court; and
- (c) the administrative penalty is a debt to the Government of Nunavut and is enforceable as such.

Notice

(6) When imposing a sanction under subsection (1) or (5) the Registrar must, in accordance with the regulations, serve a notice on the pharmacy professional, intern or student, or former pharmacy professional, intern or student, which provides the following information:

- (a) the sanction;
- (b) the reason for the sanction;
- (c) the consequences to the pharmacy professional, intern or student of the sanction;

- (d) in the case of an administrative penalty, a copy of the order indicating
 - (i) the amount of the penalty and the date before which it must be paid,
 - (ii) if applicable, notice that their registration may be suspended for non-payment of the administrative penalty, and
 - (iii) information on how to appeal to the Nunavut Court of Justice;
- (e) in the case of a suspension, notice that the suspension is in effect until the administrative penalty is paid.

Payment precludes conviction

(7) A pharmacy professional, intern or student or former pharmacy professional, intern or student, against whom an administrative penalty has been imposed under this section may not be charged with or convicted of an offence under this Act for the same matter.

Appeal to Court - administrative penalty

45. (1) Subject to subsection (3), a pharmacy professional, intern or student on whom an administrative penalty has been imposed by an order made under paragraph 44(1)(b) may, within 30 days of the date on which the notice of the sanction is served on the pharmacy professional, intern or student, appeal the order to the Nunavut Court of Justice.

Party

(2) The Registrar is a party to an appeal under this section.

Payment into court

(3) An appeal under subsection (1) may only be made after the pharmacy professional, intern or student pays the amount of the administrative penalty into court pending appeal.

Decision

- (4) The amount paid into court under subsection (3) must
- (a) if the appeal is granted, be returned to the pharmacy professional, intern or student; or
 - (b) if the appeal is not granted, be deposited into the Consolidated Revenue Fund.

Question on appeal

(5) The questions on appeal under this section must be limited to jurisdiction and whether the pharmacy professional, intern or student committed the act or omission that constitutes the contravention for which the administrative penalty was imposed.

Procedures

- (6) Despite subsection 84(2) and section 89 of the *Judicature Act*, an appeal under this section
- (a) may not include a motion for a new trial in the Nunavut Court of Justice;
 - (b) does not require an appeal book;
 - (c) is based on the record of the Registrar provided under subsection (8); and

- (d) is determined on the basis of reasonableness, except for questions of jurisdiction which are determined on the basis of correctness.

Conduct of appeal

(7) In an appeal under this section,

- (a) a finding of fact or the discharge of a presumption is to be made on a balance of probabilities;
- (b) subject to paragraph (d), no proof of intention, negligence or other mental element is required for a finding that a pharmacy professional, intern or student contravened section 43;
- (c) no defence of due diligence or other defence based on a mental element may be admitted or used to rebut a finding that a pharmacy professional, intern or student contravened subsection 43(1); and
- (d) a defence of due diligence may be admitted or used to rebut a finding that a pharmacy professional, intern or student contravened subsection 43(2).

Record

(8) When an order or suspension is appealed to the Nunavut Court of Justice, the Registrar must provide the Registrar's record respecting the order or suspension to the Clerk of the Nunavut Court of Justice, including all materials that would be submitted for a judicial review in accordance with the Rules of the Nunavut Court of Justice.

AGREEMENTS

Agreements for Fitness to Practise Committee

46. (1) The Minister may enter into an agreement with a person or body regulating persons entitled to practise pharmacy in a province or other territory, or the government of a province or other territory that has authority over such a person or body, for a person or committee of the body to act as the Fitness to Practise Committee under this Act.

Content

(2) An agreement under subsection (1) must

- (a) provide for the collection, use, disclosure and exchange of information for the purpose of the Fitness to Practise Committee, the Review Officer and the Registrar exercising their functions under this Act;
- (b) provide that information collected, used, disclosed or exchanged under the agreement may not be further used or disclosed for any purpose other than one specified in paragraph (a), unless applicable legislation requires such use or disclosure;
- (c) if the *Archives Act* or an enactment of the province or other territory does not provide for the retention and destruction of information collected, used, disclosed or exchanged under the agreement, provide for retention and destruction schedules for the information;
- (d) subject to subsections (3) and (4), provide that the personal information collected, used, disclosed or exchanged under the agreement is confidential; and

- (e) establish mechanisms for maintaining the confidentiality and security of information collected, used, disclosed or exchanged under the agreement.

Exception - information in registers

(3) An agreement under this section may not provide that personal information contained in the registers that is available for public inspection under this Act is confidential.

Exception - proceedings

(4) An agreement under this section may provide that personal information collected, used, disclosed or exchanged under the agreement is not confidential to the extent that the personal information is necessary for proceedings that are public, including disciplinary proceedings.

Information-sharing agreements

47. (1) The Minister may enter into agreements for the collection, use, disclosure and exchange of personal information with the following:

- (a) a person or body regulating persons entitled to practise pharmacy in a province or other territory;
- (b) the government of a province or other territory that has authority over a person or body referred to in paragraph (a);
- (c) a person or body prescribed by regulation.

Limit

(2) An agreement may only be entered into under subsection (1) for the purposes of administering, enforcing and evaluating this Act or the laws of a province or other territory respecting persons entitled to practise pharmacy.

Content of agreement

- (3) An agreement entered into under subsection (1) must
- (a) specify only those purposes under subsection (2) which are necessary for the purposes of the agreement;
 - (b) provide that information collected, used, disclosed or exchanged under the agreement may not be further used or disclosed for any purpose other than one specified in the agreement, unless applicable legislation requires such use or disclosure;
 - (c) provide that information collected, used, disclosed or exchanged for the purpose of evaluating a law must be in the form of
 - (i) aggregate information that relates only to groups of individuals in the form of statistical information or aggregated, general or anonymous data, or
 - (ii) anonymous information that related to an unidentifiable individual;
 - (d) if the *Archives Act* or an enactment of the province or other territory does not provide for the retention and destruction of information collected, used, disclosed or exchanged under the agreement, provide for retention and destruction schedules for the information;

- (e) subject to subsections (4) and (5), provide that personal information collected, used, disclosed or exchanged under the agreement is confidential; and
- (f) establish mechanisms for maintaining the confidentiality and security of information collected, used, disclosed or exchanged under the agreement.

Exception - information in registers

(4) An agreement under this section may not provide that personal information contained in the registers that is available for public inspection under this Act is confidential.

Exception - proceedings

(5) An agreement under this section may provide that personal information collected, used, disclosed or exchanged under the agreement is not confidential to the extent that the personal information is necessary for proceedings that are public, including disciplinary proceedings.

GENERAL

Forms

48. The Registrar may approve forms for the purposes of this Act.

Protection from liability

49. (1) The following persons having powers or duties under this Act are not personally liable for any loss or damage suffered by reason of anything done or not done by them in good faith in the exercise of their powers or in the performance of their duties under this Act:

- (a) the Registrar;
- (b) a member of the Pharmacy Registration Committee;
- (c) the Review Officer;
- (d) a member of the Fitness to Practise Committee;
- (e) an investigator appointed under subsection 34(1);
- (f) a facilitator appointed under subsection 33(2) or 35(2);
- (g) a member of a Board of Inquiry.

Vicarious liability

(2) For greater certainty, despite subsection (1), the Government of Nunavut is vicariously liable for anything done or not done by a person referred to in that subsection if the government would be vicariously liable in the absence of that subsection.

Jurisdiction

50. (1) The provisions of this Act respecting the conduct, capacity or fitness to practise of a pharmacy professional, intern or student apply to

- (a) the conduct of the pharmacy professional, intern or student, whether the conduct occurred in Nunavut or in another jurisdiction; and
- (b) the capacity or fitness to practise of the pharmacy professional, intern or student, whether they practise pharmacy in Nunavut or in another jurisdiction.

No loss of jurisdiction

(2) Action under this Act with respect to the conduct of a pharmacy professional, intern or student may continue even if they are no longer registered under this Act.

Action by other jurisdiction

(3) A pharmacy professional, intern or student may be subjected to action under this Act even if they have already been subject to action in another jurisdiction with respect to the same matter.

Expenses

51. Subject to this Act and the *Financial Administration Act*, the Minister must pay the remuneration if any, and the expenses of

- (a) the Review Officer;
- (b) a facilitator appointed under subsection 33(2) or 35(2);
- (c) an investigator appointed under section 34;
- (d) the Fitness to Practise Committee;
- (e) a Board of Inquiry; and
- (f) the Pharmacy Registration Committee.

OFFENCES AND PUNISHMENT

Prohibition

52. (1) Subject to subsection (2), unless a person is authorized to so under this Act, another Act or an Act of Canada, a person must not

- (a) compound, prepare, dispense or engage in the retail sale of restricted drugs;
- (b) monitor restricted drug therapy and advise on the contents, therapeutic values and hazards of restricted drugs;
- (c) advise on the use, calibration, effectiveness and hazards of devices used in connection with restricted drugs or to monitor health status;
- (d) identify and assess problems related to restricted drugs, or drugs prescribed by regulation, and make recommendations to prevent or resolve them; or
- (e) prepare, package or label a restricted drug.

Exceptions

(2) This section does not apply to or affect

- (a) consultation between a pharmacy professional, intern or student and a person providing health care;
- (b) a wholesale distributor from supplying a drug in the ordinary course of wholesale dealing, if the drug is in a sealed manufacturer's package and the person receiving the drug is authorized by law to supply, administer or dispense the drug, or to sell the drug by resale;
- (c) the manufacturer of a drug from carrying on its business;

- (d) the furnishing of first aid or other temporary assistance in cases of emergency;
- (e) the domestic administration of family remedies;
- (f) the practice of a religion without pretending a knowledge of pharmacy; or
- (g) a person who is a member of the Canadian Forces constituted under the *National Defence Act (Canada)*, or of a visiting force as defined in the *Visiting Forces Act (Canada)*, from engaging in an act under subsection (1) exclusively with the Canadian Forces or visiting force.

Publicity - pharmacist

- 53.** (1) A person who is not a pharmacist registered under this Act must not
- (a) use a name, title or description implying or calculated to lead people to believe that they are a pharmacist registered under this Act;
 - (b) use the title "Pharmacist", "Licenced Pharmacist", "Pharmaceutical Chemist", "doctor of pharmacy", "Druggist", "Apothecary", "Dispensing Chemist", "Registered Pharmacist" or an abbreviation of these titles;
 - (c) use a word or combination of words, or an abbreviation of any word or a combination of words, that are indicative or used in substitution of the titles referred to in paragraph (b); or
 - (d) advertise or otherwise hold themselves out in any way to be a pharmacist registered under this Act.

Publicity - pharmacy technician

- (2) A person who is not a pharmacy technician registered under this Act must not
- (a) use a name, title or description implying or calculated to lead people to believe that they are a pharmacy technician registered under this Act;
 - (b) use the title "Pharmacy Technician", "Licenced Pharmacy Technician", "Registered Pharmacy Technician" or an abbreviation of these titles;
 - (c) use a word or combination of words, or an abbreviation of any word or a combination of words, that are indicative or used in substitution of the titles referred to in paragraph (b); or
 - (d) advertise or otherwise hold themselves out in any way to be a pharmacy technician registered under this Act.

Publicity - pharmacist intern

- (3) A person who is not a pharmacist intern registered under this Act must not
- (a) use a name, title or description implying or calculated to lead people to believe that they are a pharmacist intern registered under this Act; or
 - (b) advertise or otherwise hold themselves out in any way to be a pharmacist intern registered under this Act.

Publicity - pharmacy technician intern

- (4) A person who is not a pharmacy technician intern registered under this Act must not
- (a) use a name, title or description implying or calculated to lead people to believe that they are a pharmacy technician intern registered under this Act; or

- (b) advertise or otherwise hold themselves out in any way to be a pharmacy technician intern registered under this Act.

Publicity - pharmacist student

- (5) A person who is not a pharmacist student registered under this Act must not
 - (a) use a name, title or description implying or calculated to lead people to believe that they are a pharmacist student registered under this Act; or
 - (b) advertise or otherwise hold themselves out in any way to be a pharmacist student registered under this Act.

Publicity - pharmacy technician student

- (6) A person who is not a pharmacy technician student registered under this Act must not
 - (a) use a name, title or description implying or calculated to lead people to believe that they are a pharmacy technician student registered under this Act; or
 - (b) advertise or otherwise hold themselves out in any way to be a pharmacy technician student registered under this Act.

Offence and punishment

54. (1) Subject to subsection 44(7), a person who contravenes subsection 43(1) or section 52 or 53, or who knowingly contravenes subsection 43(2), is guilty of an offence and liable on summary conviction

- (a) for a first offence, to a fine of not more than \$5,000; and
- (b) for a subsequent offence, to a fine of not more than \$10,000, imprisonment for a term of not more than six months, or both.

Subsequent offence

(2) An offence is a subsequent offence if the person who committed the offence has previously been convicted of any offence under this Act.

Limitation period

(3) A prosecution for an offence under this Act may not be commenced more than two years after the date when the offence is alleged to have been committed.

Burden of proof

(4) In a prosecution for an offence under this Act, the accused has the burden of proof as to their entitlement to practise pharmacy.

REGULATIONS

Regulations

- 55.** (1) The Minister may make regulations
- (a) establishing a code of ethics;
 - (b) establishing standards of practice;
 - (c) establishing quality assurance mechanisms;

- (d) prescribing drugs that are considered restricted drugs for the purpose of this Act and the regulations;
- (e) establishing drug schedules listing drugs that are subject to conditions or restrictions respecting the compounding, preparation, dispensing, storage, supply, packaging, labeling and retail sale;
- (f) respecting the conditions or restrictions that apply to the compounding, preparation, dispensing, storage, supply, packaging, labeling and retail sale of drugs included in a drug schedule;
- (g) respecting the operation and duties of the Pharmacy Registration Committee;
- (h) respecting the information kept in registers;
- (i) respecting records that must be maintained by pharmacy professionals, interns and students;
- (j) prescribing fees for the purposes of this Act and the regulations;
- (k) prescribing the information and documents
 - (i) which must be provided by applicants for registration or annual renewal under this Act, or
 - (ii) the obtention of which applicants for registration or annual renewal must provide consent for;
- (l) prescribing qualifications required for registration in a register;
- (m) recognizing certification bodies;
- (n) prescribing matters that require an application for registration to be forwarded to the Pharmacy Registration Committee;
- (o) respecting exemptions to qualifications required for registration in the Pharmacy Professionals Register or the Education Register;
- (p) allowing or requiring the Pharmacy Registration Committee to impose restrictions instead of refusing to register a person for failing to meet specified requirements under paragraph (k);
- (q) providing for periodic renewals in cases where a person is registered in a register pursuant to an exemption to a qualification;
- (r) prescribing an annual renewal date;
- (s) establishing currency of practice requirements for annual renewal;
- (t) establishing continuing professional development requirements for annual renewal;
- (u) prescribing eligibility requirements for annual renewal;
- (v) respecting exemptions to eligibility requirements for annual renewal;
- (w) respecting procedures for, and any restrictions on,
 - (i) the supervision of pharmacy technicians, interns, students and pharmacy staff by a pharmacist,
 - (ii) the supervision of pharmacy technician interns, pharmacy technician students and pharmacy staff by a pharmacy technician, and
 - (iii) the supervision of remote dispensing sites,
- (x) prescribing acts, including restricted pharmacist acts, which may be performed as part of the practice of a pharmacist;

- (y) prescribing acts, including restricted pharmacy technician acts, which may be performed as part of the practice of a pharmacy technician;
- (z) respecting procedures for, and any restrictions on
 - (i) acts which may be performed as part of the practice of a pharmacist under section 18, and
 - (ii) acts which may be performed as part of the practice of a pharmacy technician under section 21;
- (aa) respecting the authorization of a pharmacist to perform a restricted pharmacist act;
- (ab) respecting the authorization of a pharmacy technician to perform a restricted pharmacy technician act;
- (ac) respecting the delegation of acts under section 19, including
 - (i) which acts may be delegated by a pharmacist,
 - (ii) which acts may be delegated to a pharmacy professional,
 - (iii) the procedure required for delegating an act, and
 - (iv) the procedure required for accepting delegation of an act;
- (ad) respecting acts that can be performed by pharmacist students, pharmacist interns, pharmacy technician interns or pharmacy technician students;
- (ae) prescribing conduct that is improper conduct for the purposes of this Act;
- (af) respecting notices to employers;
- (ag) prescribing persons or entities that must be notified under subsection 38(5);
- (ah) respecting information made available to the public under subsection 38(6);
- (ai) respecting administrative penalties under paragraph 44(1)(b);
- (aj) respecting notices served under subsection 44(6);
- (ak) prescribing persons or bodies that can enter into information-sharing agreements;
- (al) respecting liability insurance and protection which must be maintained by pharmacy professionals, interns and students;
- (am) respecting the issuance of certificates of professional conduct;
- (an) respecting forms under this Act;
- (ao) respecting telepharmacy services;
- (ap) respecting the method by which a person is to be notified of a matter under this Act;
- (aq) prescribing drugs for the purposes of paragraph 52(1)(d); and
- (ar) respecting any other matter the Minister considers necessary or advisable for the effective carrying out of the intent and purposes of this Act.

Standards of practice and code of ethics

- (2) The standards of practice and code of ethics established or adopted under the regulations must include provisions requiring pharmacy services to be delivered in a manner that
- (a) respects the Official Language needs and rights of a patient; and
 - (b) is culturally appropriate for the patient.

Continuing professional development requirements

(3) Continuing professional development requirements established by the regulations must include a requirement that pharmacy professionals participate in training related to Inuit cultural safety and awareness.

Administrative penalties

- (4) Administrative penalties established by the regulations may
- (a) not exceed \$10,000 per contravention;
 - (b) be different for different contraventions;
 - (c) be different in the case of repeat contraventions; and
 - (d) be daily in the case of continuing contraventions.

Transitional

Definition

56. (1) In this section, "former Act" means the *Pharmacy Act*, R.S.N.W.T. 1988,c.P-6, as it read immediately prior to its repeal under this Act.

Pharmaceutical Chemists Register

(2) A person registered in the Pharmaceutical Chemists Register under the former Act is, on the coming into force of this Act, registered as a pharmacist in the Pharmacy Professionals Register with the same restrictions or suspensions as they had under the former Act.

Temporary licence

(3) A person granted a temporary licence under subsection 10(1) of the former Act is, on the coming into force of this Act, registered as a pharmacist in the Pharmacy Professionals Register with the same terms and conditions as they had under the former Act.

Temporary licence validity

(4) A registration under subsection (3) is valid for a single period of one year after the date the temporary licence was granted under the former Act.

Licence

(5) The Registrar must indicate the dates of validity on a licence issued to a person pursuant to their registration under subsection (3).

Related amendments

57. The following provisions of the *Dental Mechanics Act* are amended by replacing "liability insurance", wherever it appears, with "liability insurance or protection":

- (a) paragraph 4(2)(c);
- (b) paragraph 19(c.1);

58. Paragraph 46(i) of the *Medical Profession Act*, R.S.N.W.T. 1988,c.M-9, is amended as follows:

- (i) any person ~~dispensing medicines and~~ providing medical treatment under the general direction of a medical practitioner to persons in areas remote from locations where medical services are available; or

59. (1) This section amends the *Medical Profession Act*, S.Nu. 2020,c.16,

(2) The following provisions are amended by replacing "liability insurance", wherever it appears, with "liability insurance or protection":

- (a) paragraph 35(1)(d);
- (b) paragraph 35(2)(d);
- (c) paragraph 50(1)(t).

(3) Paragraph 47(6)(c) is amended as follows:

- (c) the ~~dispensing of medicine or~~ provision of medical treatment under the general direction of a medical practitioner to persons in areas that are remote from locations where medical services are available;

60. (1) This section amends the *Midwifery Profession Act*.

(2) Section 16 and the heading preceding it, are amended as follows:

Professional Liability Insurance and Protection

Professional liability insurance and protection

16. A registered midwife who holds a general certificate of registration or a temporary certificate of registration shall be insured by professional liability insurance or protection with an insurer acceptable to the Minister and in an amount that is at least the minimum level of coverage required by the Minister.

(3) The following provisions are amended by replacing "liability insurance", wherever it appears, with "liability insurance or protection":

- (a) paragraph 11(1)(f);
- (b) subparagraph 14(2)(d)(iv);
- (c) subparagraph 19(2)(c)(iv).

61. Paragraph 9(e) of the *Veterinary Profession Act* is amended as follows:

- (e) prescribes or administers medicine for or to animals for hire, gain or hope of reward, unless authorized to do so under an Act,

Consequential amendments

62. Section 13 of the *Evidence Act* is amended

(a) by repealing and replacing paragraph (k) with

(k) is entitled to practise pharmacy in Nunavut under the *Pharmacy Professions Act*, or

(b) in the definition of "legal proceeding", in subparagraph (b)(i), as follows:

(i) a Board of Inquiry established by or under the *Medical Profession Act*, the *Midwifery Profession Act*, the *Dental Profession Act* or the *Pharmacy Professions Act* ~~*Pharmacy Act*~~, or

63. Paragraph 6(k) of the *Jury Act* is amended as follows:

(k) physicians, surgeons, dental surgeons and pharmacists or pharmacy technicians ~~pharmaceutical chemists~~ in active practice;

64. Paragraph 77(a) of the *Liquor Act* is amended by as follows:

(a) any pharmaceutical preparation containing liquor that is prepared by a pharmacist or pharmacy technician in accordance with the *Pharmacy Professions Act*; ~~pharmaceutical chemist according to a formula recognized by the profession of pharmaceutical chemists~~; or

65. (1) This section amends the *Medical Profession Act*, R.S.N.W.T. 1988,c.M-9.

(2) Paragraph 46(g) is repealed and replaced by

(g) the practising of pharmacy by a pharmacy professional, intern or student duly authorized to practise pharmacy under the laws of Nunavut;

(3) Section 47 is amended as follows:

Effects of other Acts

47. Nothing in the *Dental Profession Act*, the *Midwifery Profession Act*, the *Nursing Professions Act*, the *Veterinary Profession Act* or the *Pharmacy Professions Act* ~~*Pharmacy Act*~~ shall be held to prohibit a medical practitioner from doing, in the course of administering medical aid or treatment, anything for which a licence is required under these Acts or from doing anything in an emergency to attempt to relieve the pain or suffering of a person or animal.

66. (1) This section amends the *Medical Profession Act*, S.Nu. 2020,c.16.

(2) Section 42 is amended as follows:

Emergency treatment

42. Despite the *Dental Profession Act*, the *Midwifery Profession Act*, the *Nursing Professions Act*, the *Pharmacy Professions Act* ~~*Pharmacy Act*~~ or the *Veterinary Profession Act*, a medical practitioner may

- (a) in the course of administering medical aid or treatment, do anything for which a licence or registration is required under those Acts; and
- (b) in an emergency, do anything to attempt to relieve the pain or suffering of a person or animal.

(3) Subparagraph 47(6)(g)(ii) is repealed and replaced by

- (ii) pharmacy,

67. Subsection 54(1) of the *Midwifery Profession Act* is amended as follows:

Emergency services

54. (1) Nothing in the *Dental Profession Act*, the *Medical Profession Act*, the *Nursing Professions Act* or the *Pharmacy Professions Act* ~~*Pharmacy Act*~~ prohibits a registered midwife from

- (a) in the course of administering emergency medical aid or treatment, doing anything for which a licence is required under those Acts; or
- (b) doing anything in an emergency in an attempt to relieve the pain and suffering of a person.

68. Subsection 101(1) of the *Nursing Professions Act* is amended as follows:

Emergency services

101. (1) Nothing in the *Dental Profession Act*, the *Medical Profession Act*, the *Midwifery Profession Act*, the *Pharmacy Professions Act* ~~*Pharmacy Act*~~ or the *Veterinary Profession Act* prohibits a registrant from

- (a) in the course of administering emergency medical aid or treatment, doing anything for which a licence is required under those Acts; or
- (b) doing anything in an emergency in an attempt to relieve the pain and suffering of a person or animal.

69. The definition of "practitioner" in paragraph 1(a) of the *Opioid Damages and Health Care Costs Recovery Act* is amended as follows:

"practitioner" means a person who

- (a) is authorized under an enactment to prescribe or advise on the therapeutic value, contents and hazards of a restricted drug within the meaning of the *Pharmacy Professions Act* ~~pharmaceutical drug set out in the~~

~~pharmaceutical drug schedules established under the *Pharmacy Act* or a combination of substances that includes a substance set out in those schedules, and~~

Repeal

Pharmacy Act

70. *The Pharmacy Act*, R.S.N.W.T. 1988,c.P-6, and the regulations made under it, are repealed.

Commencement

Coming into force

71. (1) Subject to this section, this Act comes into force on a day to be fixed by order of the Commissioner in Executive Council.

(2) Sections 57 and 60 and subsections 59(1) and (2) come into force on Assent.