



BILL 41 – Regulations Practice Directions

Background

Bill 41, the *Pharmaceutical Act* defines practice direction as follows:

“practice direction means a written statement made by the council for the purpose of giving direction to members and owners about the conduct of their practices or pharmacy operations”

The ability for council to make practice directions creates a new environment for pharmacy practice in Manitoba. Practice directions offer MPhA council an enhanced ability to influence pharmacy practice and it remains unknown the impact that will result. The December 3rd, 2007 Discussion Document sets out in excess of twenty distinct areas where council can make a practice direction. It is foreseeable that not every practice direction will be universally accepted by all pharmacists without some apprehension.

The Manitoba Society of Pharmacists in 2007 distributed a questionnaire which addressed the issue of practice directions. A slight majority of pharmacist respondents support MPhA council’s authority to make practice directions. The same questionnaire found that 80% of respondents believe MPhA should take reasonable steps to develop practice directions, prior to their members approving the regulations.

Although it is recognized that once Bill 41 is proclaimed council will have an ability to make, repeal, and amend practice directions at their discretion, there are benefits to developing the initial practice directions at this time. Manitoba pharmacists would then have a greater understanding generally of the potential impact of practice directions. Releasing the

initial practice directions at this time would provide some benchmarks and frame the debate for their evolution.

The legal opinion the Society received, along with the legal precedents suggest that practice directions have the same legal authority as actual regulations.

The MPhA Practice Directions Sub-Committee in their report of September 15th, 2008 made the following five significant recommendations that the Sub-committee suggested should be considered:

- 1) Identification of practice directions
- 2) Consultation and development
- 3) Implementation
- 4) Review and feedback process
- 5) Formal Appeals

The recommendations will assist in formalizing the practice direction development process and by providing a formal appeals process, Manitoba pharmacists will maintain a meaningful role in ensuring developments impacting the profession are subject to their review.

Manitoba Society of Pharmacists Position Statement

The Manitoba Society of Pharmacists recognizes that Bill 41 provides MPhA Council with the authority to make practice directions. The impact that practice directions will have on pharmacy practice in Manitoba is unknown. Clarification will be achieved if MPhA council takes reasonable steps to develop practice directions and circulate same prior to the approval of the regulations.