



Alternative Dispute Resolution Policy

1. Purpose

- 1.1. The Saskatchewan College of Pharmacy Professionals acknowledges:
 - a. that the College has a duty to protect the public through regulation of members and proprietors and to hold members and proprietors accountable for their actions and/or omissions;
 - b. that the public and the pharmacy profession deserve fair, timely, and effective resolution of complaints of professional incompetence, professional misconduct, and proprietary misconduct; and
 - c. the importance of transparency in the College's regulatory and discipline processes.
- 1.2. The Complaints Committee has discretion to make decisions regarding whether a particular complaint of professional incompetence, professional misconduct, or proprietary misconduct should be resolved through an Alternative Dispute Resolution process. This Policy provides a statement of principles for the assistance of the Complaints Committee in considering whether an Alternative Dispute Resolution process would be appropriate in an individual case. It also provides transparency regarding the principles applied and the process followed by the College and the Complaints Committee when engaging in an Alternative Dispute Resolution process.

2. Definitions

- 2.1. For the purposes of this Policy, the following definitions apply:
 - a. "Alternative Dispute Resolution" or "ADR" includes any method of resolving College disciplinary matters other than through the following means:
 - i. dismissing the complaint;
 - ii. referring the complaint to be heard by the Discipline Committee; or
 - iii. referring the complaint to the Fitness to Practice Committee.
 - b. "complaint" includes any complaint of professional incompetence, professional misconduct, or proprietary misconduct as described in The Pharmacy and Pharmacy Disciplines Act.

- c. “**Consensual Complaint Resolution Agreement**” or “**CCRA**” includes any agreement entered into between the College and a member or proprietor for the purpose of resolving a complaint through an ADR process.
- d. “**member**” includes any member as defined in *The Pharmacy and Pharmacy Disciplines Act* that is currently registered or was previously registered with the College.
- e. “**proprietor**” includes any proprietor as defined in *The Pharmacy and Pharmacy Disciplines Act* that currently holds or previously held a permit issued by the College.

3. Guiding Principles

- 3.1. The following principles are applicable to decisions regarding whether an ADR process is appropriate for resolution of a complaint:
 - a. The Complaints Committee has discretion to consider using an ADR process to resolve a complaint of professional incompetence, professional misconduct, or proprietary misconduct and to consider each case individually.
 - b. An ADR process cannot be used unless the member or proprietor that is the subject of the complaint consents to the resolution of the complaint through such a process.
 - c. The Complaints Committee will consider the complainant’s perspective before and during the ADR process, but the Complaints Committee retains the right to decide whether to follow or implement any suggestions put forth by the complainant.
 - d. Generally, the Complaints Committee will expect the member or proprietor to acknowledge responsibility as part of the ADR process.

4. Situations Where ADR Processes May Be Appropriate

- 4.1. Without limiting the discretion of the Complaints Committee to consider the use of an ADR process in any case, an ADR process may be appropriate in the following types of disciplinary matters:
 - a. interpersonal disputes between:
 - i. two or more members;
 - ii. two or more proprietors;
 - iii. a member and a proprietor;
 - iv. a member and the public;

- v. a proprietor and the public; and
 - vi. any combination of one or more members, proprietors, and/or the public.
- b. allegations that a member is practising below the standard of the pharmacy profession in one particular area, such as administering an injection;
 - c. discrete instances of breaching patient confidentiality;
 - d. discrete instances of unprofessional communication with a patient or colleague; and
 - e. allegations relating to substance abuse or mental health concerns.

5. ADR Processes

- 5.1. Once the Complaints Committee has determined that an ADR process is an appropriate method to resolve a complaint, the Complaints Committee will decide which options for remediation are appropriate in the circumstances.
- 5.2. The Complaints Committee may choose options for remediation in one of the following formats:
 - a. mediation only;
 - b. Consensual Complaint Resolution Agreement only; or
 - c. mediation and Consensual Complaint Resolution Agreement.
- 5.3. Mediation involves the member or proprietor that is the subject of the complaint meeting with the complainant and a neutral third party. Both parties will be given an opportunity to share their positions. The goal of mediation is to achieve a mutual understanding and/or plan to move forward between the parties. Mediation will only be available as an option if the complainant consents to take part in the mediation.
- 5.4. Where the Complaints Committee determines that specific remedial steps must be taken by the member or proprietor to resolve the complaint, the College on behalf of the Complaints Committee will prepare a CCRA to be signed by the member or proprietor. The terms of each CCRA will be specific to the circumstances of the particular complaint. The following provides a list of examples of terms that may be included in a CCRA, but this list is not exhaustive, and the Complaints Committee has discretion in deciding which terms are appropriate:
 - a. providing an apology;
 - b. providing an explanation for conduct related to the complaint;
 - c. restrictions on the member's or proprietor's practice;
 - d. completion of educational courses and/or required readings and confirmation of completion;

- e. compliance with regular field officer visits;
 - f. after care stipulations;
 - g. mediation; and
 - h. payment of fees, costs, and other expenses not already addressed in the College's Bylaws.
- 5.5. Where a member or proprietor does not agree to engage in or fails to complete the ADR process proposed by the Complaints Committee, including but not limited to fulfilling all obligations under the CCRA, the complaint will be referred back to the Complaints Committee for further reconsideration which may result in the Complaints Committee referring the complaint to be heard by the Discipline Committee.

6. Publication of ADR Results

- 6.1. Subject to clause 6.2, in keeping with the College's Privacy Policies and upon information provided by the Complaints Committee, the results of each complaint remediated through an ADR process and the identity of the member and/or proprietor that is the subject of the complaint shall be published in the College's newsletter and on the College's website for general and specific deterrence and for educational purposes. No personal health information shall be disclosed in the publication.
- 6.2. At the discretion of the Registrar, rare exceptions may be made where a publication referred to in clause 6.1 de-identifies the complainant, member, and/or proprietor.

7. Fees and Costs of ADR Processes

- 7.1. The Administrative Bylaws of the College provide for circumstances where a member or proprietor will be responsible to pay fees and costs related to an ADR process. The member or proprietor must pay such costs in accordance with the Administrative Bylaws.

8. Authority

- 8.1. Section 28 of *The Pharmacy and Pharmacy Disciplines Act* and subsections 3(12) and 3(13) of Part P.1 of the Regulatory Bylaws of the College provide authority for the implementation of this Policy.