



College of Pharmacists of Manitoba

Bylaw Consultation: Change Rationale

Preamble

In 2020, the College of Pharmacists of Manitoba’s governing Council hired a consultant to review its current governance framework and recommend changes with intent to modernize the framework. These recommendations included moving towards increased transparency, accountability, and sustainability of the public interest. Following the completion of the initial review, the Governance Committee worked with CPhM staff to revise the bylaws to reflect the recommended directions. The bylaws also represent a shift to a policy-based decision-making framework for Council. Bylaws outline the key areas for governance; policies will be developed to provide additional detail.

Key changes in the bylaws include a reduction in the number of Council members, changes to the length of terms and staggered terms of office to allow for better succession planning and ensure perspectives on Council are refreshed on a regular basis. Changes also include a cap on number of consecutive terms and removes the immediate past president position which is no longer required for continuity. The revised bylaws are presented below for consideration and comment prior to their finalization and implementation.

The changes made to updated bylaws also support the future regulation of pharmacists and pharmacy technicians under the Manitoba Regulated Health Professions Act (RHPA – proclaimed in 2014) which currently regulates physicians and surgeons, registered nurses, registered psychiatric nurses, audiologists, speech-language pathologists, and paramedics. The RHPA sets out consistent rules and processes for governance, registration, complaints and discipline, and regulation and bylaw making authority across regulated health professions. Profession-specific regulations under the RHPA set out what specific reserved acts a profession can perform and any limits or conditions on the performance of these acts.

It should also be noted that CPhM is making changes to regulate and recognize pharmacy technicians within its governance structure including the addition of a minimum of one pharmacy technician as a voting member of Council. Revisions will also be made in future to the CPhM Code of Ethics to further incorporate pharmacy technicians.

Topic	Current State	Proposed Changes	Change Rationale
Council Selection Process	<i>Elected</i> Council members are elected by their peers in accordance with the Council bylaws.	<i>Appointed</i> Pharmacists and pharmacy technicians who are interested will apply to serve on Council.	The shift to appoint Pharmacists and Pharmacy Technicians is to eliminate any perception and risk that the individuals selected are

		<p>Applications will be reviewed by an Appointment Committee of Council. Council members will serve a three-year term and are eligible to be re-appointed for a total of two consecutive terms.</p> <p>Council appointments will be staggered to ensure knowledge continuity amongst members when term renewals happen.</p>	<p>representing the profession rather than the public interest. This is a shift taken by many regulatory boards in Manitoba and across Canada.</p> <p>Competency-based appointments ensure the Board has the right mix of knowledge, skills, experience, and attributes to make evidence-informed decisions in the public interest.</p>
Composition and Size of Council	<ul style="list-style-type: none"> • Eight (8) elected voting members • Five (5) public representatives • Two (2) ex-officio (past President, Dean of Pharmacy) • Several Liaison members – currently a Pharmacy Technician serves as a liaison. <p>Total 15 voting members on Council</p>	<ul style="list-style-type: none"> • Six (6) appointed pharmacists. • One (1) appointed pharmacy technician. • Four (4) public representatives, appointed by the Minister • One (1) ex-officio. <p>Total 12, all voting members of Council</p> <p>Eliminate liaison positions.</p>	<p>Smaller boards of directors have been shown to communicate better, benefit from fuller participation of all directors, and make decisions faster and more effectively.</p> <p>The RHPA sets a limit of 11 members of a council. Move to smaller Council now will set a path to moving under the RHPA.</p>
Council Terms	<p>All member terms are two years, starting and ending at the same time resulting in the potential for a completely new Council every two years.</p> <p>No limit on the number of terms.</p>	<p>Each registrant member of Council shall serve a three – year term with a maximum of two consecutive terms. A Council member who has served two consecutive terms may seek re-appointment after at least two years have elapsed since the expiry of their last term.</p>	<p>Terms of office ensure that new perspectives are regularly brought to the Board, while appropriate transition and succession planning is maintained.</p>

		<p>Each public representative appointed by the Minister shall serve a term of office prescribed by the Minister.</p> <p>Staggered terms of office so entire Council does not change every two years.</p>	<p>Staggered appointments ensure knowledge continuity and balance of experience and fresh perspectives.</p>
Officers of Council	<p>Only registered pharmacists, not public representatives or pharmacy technicians, can hold office.</p>	<p>Officers are elected from council. Therefore, anyone on council is eligible to serve as an officer.</p> <p>Further criteria regarding representation on the Executive Committee are stated in the Terms of Reference and require at least one pharmacist, public representative on Executive.</p>	<p>This change ensures that the selection of Board leadership is based on competency rather than professional designation.</p> <p>It moves Council away from the requirement that Officers of Council must be pharmacists, which increases transparency.</p> <p>Consideration could also be given to require a pharmacy technician to serve on Executive Committee.</p>
Registrant Rights, Privileges, and Responsibilities	<p>Current bylaws cite only two classes of registration.</p>	<p>All classes of registration and listing are cited, with rights, privileges, and responsibilities for each.</p>	<p>Clarifies the classes of registration and listing. Establishes pharmacy technicians within the bylaws and defines their rights, privileges, and responsibilities.</p>
Fees	<p>Bylaws provided Council the authority to set a fee schedule annually.</p>	<p>Confirms the annual fee schedule and now include pharmacy technicians as part of the schedule.</p>	<p>The change will align all pharmacies, pharmacists, and pharmacy technicians to a January to December practice year, in line with CPhM fiscal year.</p>

Registrar bylaw	Bylaws do not specify what activities are delegated to the Registrar alone and what are responsibility of Council.	Authority and responsibility for forms and other documents are delegated to the Registrar, removing the task from Council.	This supports the transition of CPhM to policy-based governance.
Fiduciary Responsibilities	Identified in multiple bylaws.	Consolidated into one bylaw. Clearly extends fiduciary responsibilities and expectations to committee members, as well as Council.	For clarity of role, the fiduciary responsibilities of Council and its committee members are all outlined in one bylaw article.
Committees	<p>There are currently four statutory committees of Council:</p> <ul style="list-style-type: none"> • Board of Examiners • Complaints Committee • Discipline Committee • Dispensing Practitioner’s Committee • Extended Practice Advisory Committee <p>Council also has multiple standing committees:</p> <ul style="list-style-type: none"> • Executive Committee • Governance Committee • Ballot Committee • Finance and Risk Management Committee • Audit Committee • Quality Assurance Committee • Quality Assurance Committee – Standards of Practice Division • Quality Assurance Committee – Professional Development Division 	<p>The revised bylaw identifies a smaller number of standing committees and provides Council the discretion to establish additional standing committees and Ad Hoc Committees with Terms of Reference and policy.</p> <p>The required statutory committees are:</p> <ul style="list-style-type: none"> • Board of Examiners Committee • Complaints Committee • Discipline Committee <p>Additional statutory committees that Council may establish are:</p> <ul style="list-style-type: none"> • Dispensing Practitioners Committee • Extended Practice Advisory Committee 	The bylaw changes reduce the number of Council committees while maintaining the statutory ones. Council may establish standing committees as needed but these revisions will streamline Council operations and administrative burden for CPhM staff.

	<ul style="list-style-type: none"> • Other Committees as identified by Council 		
Remuneration and Reimbursement	Council has the ability to determine whether members of committees will be offered an income replacement.	The revised bylaw assumes all council and community members are eligible for remuneration.	<p>This change clarifies that any committee member is eligible for remuneration and reimbursement for expenses related to meeting attendance.</p> <p>It is the responsibility of Council to ensure that the established committees are necessary and that the number of committees and the number of committee members on each, is reasonable.</p>
Council Meetings	The Bylaw outlines specifics surrounding the general meetings of Council.	Article 10.0 clarifies the details surrounding Council meetings and highlights that Council meetings are open to the public for observation.	This change was made to simplify the bylaw and clarify what public attendance at Council meetings means.
Honorary members	The Bylaws currently permit the granting of honorary memberships to non-pharmacists.	Article 14.0 further clarifies eligibility and process for conferring an honorary membership.	<p>This is separate from the previously granted honorary life membership which has been discontinued.</p> <p>Honorary membership recognition of non-pharmacy professionals is consistent with the RHPA.</p>