

## AP 02: Change of Pharmacy Ownership

<b>Policy Type:</b> Administration of the Act		<b>Policy No.:</b> AP 02	
<b>Effective Date:</b> February 23, 2024	<b>Last Approval/Revision Date:</b> February 23, 2024	<b>Policy Review Frequency:</b> Every Five Years	

### Purpose

To outline the process through which the College of Pharmacists of Manitoba (CPhM) will assess and levy a fee for pharmacies that do not provide required information on changes related to pharmacy operation or ownership.

### Types of Changes

- **Ownership:** Any change to the legal and beneficial ownership of the corporation's shares, and the names of the corporation's officers and directors.
  - If there is a change to the directors of the corporation.
  - If there is a change to 50% or more of the voting shares of the corporation.
  - If the owner of a pharmacy is a partnership and there is any change in the members of the partnership or of the general or limited partnership.
  - If there is a change to the Pharmacy Owner/Signing Officer (i.e., the organization's designated individual authorized to transact with the College regarding pharmacy operations).
- **Pharmacy Manager:** Any change(s) to the registrant designated as the pharmacy manager.
- **Business or Corporation Name Change:** Any changes in name or names under which the pharmacy will conduct business.
  - If the pharmacy/business name changes (i.e., Pharmacy ABC changes to Pharmacy 123).
  - If the pharmacy licence holder name changes (i.e., corporation, sole proprietorship, partnership, etc.)
- **Physical Location Changes:** If the pharmacy moves or if the premises from which the pharmacy operates are renovated in a substantial way.

### Policy

In accordance with sections 64, 68 (c) and 70 of *The Pharmaceutical Act* and section 47 of the *Pharmaceutical Regulation*, all pharmacies are required to provide information on ownership, designated pharmacy manager and business/corporation name, as well as every registrant, student, and intern in employment to the Registrar/CEO of CPhM to receive a licence. Any changes in this information must be submitted to the Registrar/CEO of CPhM within 7 days of taking effect. Changes in owner name and business operating name(s) must be submitted to the Registrar/CEO for approval at least 30 days in advance.

Failure to notify CPhM within the time frame will result in a *failure to file fee*, payable by the owner of the pharmacy. This fee will be assessed on any pharmacy failing to file the required notice of change information as outlined in the legislation. This includes the failure to file information that is accurate and

up to date, which CPhM requires to be satisfied that the owner meets criteria for issue of a pharmacy licence or continues to meet the criteria for a pharmacy licence.

Changes made throughout the year without notification to CPhM in accordance with the required timeline discovered during licence renewal will result in the failure to file fee being assessed retroactively.

**Note:** CPhM acknowledges that due to the organizational structure and/or timing of changes, there may be some challenges for owners and/or managers to meet the legislated deadlines. It is imperative that owners and/or managers ***maintain clear and open communication*** with CPhM about what these challenges are and what impacts they are having on the ability to provide notification of ownership changes. In these scenarios CPhM will consider the matter on a case-by-case basis when applying fees.

### **Fee Structure**

Failure to submit this information will result in a fee of \$100/business day up to a maximum of \$10,000 in fees.