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ASSOCIATION

Office of the Chief Executive Officer

November 27, 2018

Ms. Suzanne McGurn  
Assistant Deputy Minister and Executive Officer  
Drugs and Devices Division  
Ministry of Health & Long-Term Care  
5700 Yonge Street, 3<sup>rd</sup> Floor  
Toronto ON M2M 4K5

Dear Ms. McGurn

**Re: Reducing Regulatory Burden for Private Label Products Proposed Regulatory Amendments to the ODBA and DIDFA**

The Ontario Pharmacists Association ('OPA', the 'Association') appreciates the opportunity to provide comments to the proposed amendments to O. Reg. 201/96 under the Ontario Drug Benefit Act, 1990 ('ODBA') and O. Reg. 935 under the Drug Interchangeability and Dispensing Fee Act, 1990 ('DIDFA').

Overall, the OPA supports the intent of reducing the regulatory burdens that are currently placed on pharmacy operators. Pharmacy owners and staff pharmacists face an inordinate number of regulations, some of which are important enablers ultimately to drive patient care and quality. Since the introduction of the *Transparent Drug System for Patients Act, 2006* ('TDSPA'), pharmacy owners and pharmacists have had to endure the introduction of a series of very restrictive regulations that stifle business flexibility, sustainability, profitability and innovation in a very dynamic profession.

The Association would like to submit the following recommendations based on an informal survey sent to our independent and corporate owners and individual members. OPA would recommend the removal of the current 10% restriction on commercial terms, as well as enabling private label products to be deemed listed products by the ODBA and/or as interchangeable products in accordance with DIDFA. The Association believes the landscape has dramatically shifted since these restrictions were set in 2010, particularly with respect to pricing of generic products due to the work of the pan-Canadian Pharmaceutical Alliance (pCPA). OPA believes these two changes will allow for an equitable competitive balance for small and large pharmacy operators. Given both restrictions were introduced in 2010, it should be considered lifting these restrictions simultaneously.

The OPA survey also asked owners and pharmacists on their perspective on two questions raised by the Ministry in the consultation document. The Association believes that these two suggestions could decrease competition in the province, which in turn could potentially negatively impact patient care through limited product availability. In summary, the OPA would not support the two questions that were posed by the Ministry in proposed amendment.

In summary, the Ontario Pharmacists Association supports the overall intent of reducing the regulatory burden. However, in isolation, the proposed amendments will disrupt the competitive balance that currently exists, and as such, this submission highlights OPA's proposal to include additional regulatory changes through



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the removal of the 10% cap on commercial terms. On the proposed limitations on production and procurement suggested by the Ministry, OPA is not supportive of either a restriction for fabrication limited to Ontario or of purchase and sales limits by pharmacies and/distributors.

The Ontario Pharmacists Association would like to once again thank the Ministry of Health and Long-Term Care for the opportunity to provide comments related to the proposed regulatory amendments to the ODBA and DIDFA. Should you have any questions related to this submission, please do not hesitate to contact the undersigned by email at [bwilson@opatoday.com](mailto:bwilson@opatoday.com) or by phone at 416-441-0788.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bill Wilson', with a long horizontal flourish extending to the right.

Bill Wilson  
Interim CEO

cc: Mr. Mike Cavanagh, Chair, Ontario Pharmacists Association  
Ms. Jen Baker, Vice Chair, Ontario Pharmacists Association  
Mr. Allan Malek, EVP and Chief Pharmacy Officer, Ontario Pharmacists Association