

Reporting Incapacity

Your responsibilities to Colleagues Who Are Incapacitated

To view the College's *Guidelines on Handling Colleague Pharmacists who are Incapacitated*, click **here**. (link to guidelines document)

Pharmacists are not immune to drug dependency or abuse despite the fact that pharmacists have expertise in drugs (effects and uses). In fact, recent statistics suggest that 12-18 per cent of pharmacists will experience an abuse or dependency problem during the course of their career, versus 10 per cent of the general population.

For the benefit of the public, your pharmacy and a colleague's health, you are required to take suitable action if you know or suspect a pharmacist colleague is incapacitated.

What does "incapacitated" mean?

A pharmacist is "incapacitated" when he/she is suffering from a physical or mental illness or condition that makes it necessary for actions to be taken to restrict his or her right to practice pharmacy in the best interests of public safety.

The most common cases of incapacity involve mood disorders or substance-use problems, but certain physical, cognitive, or sensory disabilities could also fall within the definition of incapacity. (See s.1 (1) of the *Health Professions Procedural Code* (the "Code"), being Schedule 2 to the *Regulated Health Professions Act*.)

For Staff Pharmacists

How should a staff pharmacist intervene?

You should report a colleague that you suspect is incapacitated to the designated manager as they are responsible for the overall safety and operation of the pharmacy. You may also report information about this member to the College if you are concerned that your designated manager is not responding appropriately to the situation. You may also approach your colleague to assist him or her in finding help.

For Designated Managers and Owner/Operators

When am I required to report an incapacitated member to the College?

If you are the designated manager or owner/operator of the pharmacy and you terminate a member for reasons of incapacity, you **must** report the termination and your reasons to the College. You are also required to report

a member to the College if the member resigns at the same time that you are attempting to terminate him/her for incapacity.

When am I not required to report an incapacitated member to the College?

You are ***not required*** to report a College member you know or suspect is incapacitated if you do not terminate the member. Nonetheless, as a manager and pharmacist, you have a responsibility to intervene and manage the situation appropriately.

How should the Designated Manager intervene?

If you become aware of a member possibly being incapacitated, you must take steps to ensure that public interest and safety is not compromised. You should:

- Approach the member
- Gather information about the possible incapacity
- Impose any necessary restrictions on the member's practice to ensure public safety (up to and including removing the member from practice)
- Ensure that suitable conditions and restrictions are in place when the member returns to work.

Such limitations may include: member compliance to a treatment plan and workplace monitors, prescribed medications, limited working hours, restricted access to narcotics, requirement to work only in the company of approved monitors, etc.

- Document all of the above mentioned steps that are taken (e.g., maintain a file of all memos, discussion notes, and copies of letters sent or received)

Where can I go for help and guidance?

You may contact the College, on a no-names basis, to discuss effective ways of managing a member in your pharmacy who is or may be incapacitated.

If you cannot adequately manage the member's incapacity, you may report the incapacity to the College and allow the College's non-punitive *Fitness to Practise* proceedings to determine and manage appropriate restrictions on the member's practice.

Incapacity Proceedings

How are the incapacity proceedings different to disciplinary proceedings?

Unlike disciplinary proceedings, incapacity proceedings are neither punitive nor public. Incapacity proceedings are strictly confidential and are intended to help the member regain their health while ensuring the public is protected from unsafe practice. Incapacity proceedings determine suitable restrictions and conditions on the member's certificate of registration that are designed to enable the member to return to practice in a way that supports their

recovery while helping to detect and prevent possible relapses.

By intervening with an incapacitated member, you are enabling him or her to obtain the treatment that will help them to return to a healthy life.

For further information:

Contact the College's Investigations and Resolutions Department at 416-847-8272.