

Ministry of Health
Drugs and Devices Division

Notice: Proposal to Streamline Recordkeeping Requirements for Pharmacies and Dispensing Physicians under the Ontario Drug Benefit Program

October 22, 2020

The purpose of this notice is to provide information regarding proposed regulatory amendments that would enable most recordkeeping requirements for pharmacies and dispensing physicians to be set out in the Ontario Drug Programs Reference Manual (“Manual”) to streamline recordkeeping requirements into one document for ease of implementation. The Manual would be the primary source for pharmacies and dispensing physicians for up-to-date records requirements to support claims under the *Ontario Drug Benefit Act* (ODBA).

Currently, section 29 of Ontario Regulation 201/96 (Regulation) under the ODBA sets out various records that pharmacies and dispensing physicians must retain and the retention time periods for each type of record.

Through the Manual, which pharmacies and dispensing physicians are required to follow, the Ministry of Health (ministry) has described supporting documentation that is required for various types of claims. In addition, the Manual requires that the supporting documentation be kept on file at the pharmacy in a readily retrievable format for a minimum of two years from the date of the last claim for validation purposes under the ODB program.

To ensure alignment between record retention requirements in the Regulation and ministry policies, the ministry is proposing to amend section 29 of the Regulation to reduce the specific records described in that section, and add a general requirement that pharmacies and dispensing physicians retain the records required to support or validate a claim for payment or a claim reversal submitted under the ODBA as described in the Manual for the period of time specified in the Manual. The ministry would then review and update the Manual if necessary to ensure that all record retention requirements for pharmacies and dispensing physicians are in that document with clear retention periods.

Streamlining Recordkeeping Requirements for Pharmacies and Dispensing Physicians under the Ontario Drug Benefit Program

Ministry of Health

These proposed amendments to the Regulation would provide clarity to pharmacies and dispensing physicians on documentation requirements for the post-payment verification of drug and pharmacy service claims by making them available in one accessible document (the Manual), and therefore, reduce regulatory burden for dispensers.

A summary of the proposal and text of the draft amendments to the Regulation are available on the Regulatory Registry website at:

<https://www.ontariocanada.com/registry/view.do?postingId=34927&language=en>

The content of the final regulation is at the discretion of the Lieutenant Governor in Council (“LGIC”) who may make the regulation with any changes that the LGIC considers appropriate.

Interested parties are invited to provide written comments on the proposed changes to the regulation as part of the review. The ministry will consider comments received on or before December 5, 2020 at midnight EST. Please be advised that submissions received after this date may not be considered. Please submit your written comments to:

Drugs and Devices Division
Ministry of Health
5700 Yonge Street, 3rd Floor
Toronto ON M2M 4K5

Fax: 416-325-6647

E-mail: PublicDrugPrgrms.moh@ontario.ca

Statement about Comments

Unless requested and otherwise agreed to by the ministry, all materials or comments received from organizations in response to the notice will be considered public information and may be used and disclosed by the ministry as part of its review. The ministry may disclose materials or comments, or summaries of them, to other interested parties during and after the comment period.

An individual who makes a submission and who indicates an affiliation with an organization in his or her submission will be considered to have made his or her submission on behalf of the affiliated organization. The ministry will not disclose any personal information contained in a submission of an individual who does not specify an organizational affiliation in his or her submission without the individual's consent unless required by law. However, the ministry may use and disclose the content of the individual's submission to assist the ministry in its review.

If you have any questions about the collection of this information, you can contact the ministry's Freedom of Information and Privacy Coordinator at (416) 327-7040.