

Ministry of Health  
Drugs and Devices Division

# **Executive Officer Notice: Proposed amendments to the effective date of changes to allow Private Label Products to be funded under the Ontario Drug Benefit (ODB) Program and Designated as Interchangeable Products on the ODB Formulary**

March 30, 2020

The government is committed through the Open for Business/Red Tape Reduction initiative to provide timely access to new clinically proven medicines and reduce the administrative burden for businesses and red tape for the industry.

As part of this commitment, in 2019, amendments were made to Ontario Regulation 201/96 under the Ontario Drug Benefit Act (ODBA) and Regulation 935 under the Drug Interchangeability and Dispensing Fee Act (DIDFA) to allow private label products (PLPs) to be designated as listed drug products under the ODBA and as interchangeable products under DIDFA (the “PLP changes”), with an effective date of July 1, 2020.

The purpose of this notice is to provide you with information regarding proposed amendments to the effective date of the PLP changes to allow PLPs to be funded under the ODB Program and designated as interchangeable products before July 1, 2020.

**The proposed amendments, if approved, would change the effective date of the regulatory changes for PLPs from July 1, 2020 to April 1, 2020.**

This change is being proposed in an effort to provide greater stability to Ontario’s drug supply by allowing PLPs to be eligible for public funding under the ODB Program and make it easier for pharmacies to sell PLPs to private and cash

paying clients, thus helping offset the potential of a shortage of certain drug products.

A summary and text of the proposed amendments are available on the Regulatory Registry at the link below:

<https://www.ontariocanada.com/registry/view.do?postingId=32067&language=en>

The summary and text of the proposed amendments are posted for consultation for one day only because the urgency of the situation requires it.

**The final content of any regulatory amendments described in this notice are at the discretion of the Lieutenant Governor in Council (“LGIC”) who may make the regulations with any changes that the LGIC considers appropriate.**

The government is committed to embedding a focus on efficiencies into future multi-year planning processes and into the culture of the Ontario Public Service more broadly. To that end, the government will undertake program evaluations on a permanent and ongoing basis to ensure government services are meeting people’s needs and to identify ways to modernize programs and save money.

Interested parties are invited to provide written comments on the proposed changes to the regulations as part of the review. The ministry will consider comments received on or before **March 31, 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: [PublicDrugPgrms.moh@ontario.ca](mailto:PublicDrugPgrms.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.

### **Additional Information**

#### **For pharmacies:**

Please call ODB Pharmacy Help Desk at: 1-800-668-6641

#### **For all other Health Care Providers and the Public:**

Please call ServiceOntario, Infoline at 1-866-532-3161 TTY 1-800-387-5559. In Toronto, TTY 416-327-4282