

**Caution:**

This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

**ONTARIO REGULATION**

made under the

**ONTARIO DRUG BENEFIT ACT**

Amending O. Reg. 201/96

(GENERAL)

**1. Subsection 1 (1) of Ontario Regulation 201/96 is amended by adding the following definition:**

“COVID-19 emergency” means the emergency declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*;

**2. (1) Subsection 13 (4) of the Regulation is amended by adding “Subject to subsection (6)” at the beginning.**

**(2) Section 13 of the Regulation is amended by adding the following subsection:**

(6) For the purposes of subclause 6 (2) (c) (i) of the Act, where the maximum quantity of a listed drug product determined under subsection 18 (7) of this Regulation is sufficient for more than a 60-day course of treatment, and the operator of a pharmacy determines that the quantity should be supplied in three instalments under subclause 18 (8) (a) (i) of this Regulation in order to protect the drug supply chain and prevent drug shortages due to circumstances relating to the COVID-19 emergency, then the dispensing fee for supplying the listed drug product in the third instalment shall be the amount determined in accordance with subsection (4) or (5) of this Regulation, as the case may be, less,

(a) \$2, where the listed drug product is supplied for,

- (i) a person who is 25 years of age or older and is an eligible person described in subsection 2 (2) of the Act or in paragraph 1, 2, 3 or 6 of subsection 2 (1) of this Regulation,
  - (ii) an eligible person described in subsection 3 (1), or
  - (iii) an eligible person described in paragraph 4 of subsection 2 (1) who is not part of any other class of eligible persons under the Act and to whom section 20.2 does not apply due to the operation of subsection 20.2 (3);
- (b) \$6.11, where the listed drug product is supplied for an eligible person described in paragraph 4 of subsection 2 (1), who is not part of any other class of eligible persons under the Act, by the operator of a pharmacy other than one described in clause (c);
  - (c) \$2.83, where the listed drug product is supplied for an eligible person described in paragraph 4 of subsection 2 (1), who is not part of any other class of eligible persons under the Act, in a pharmacy operated in a hospital under the *Public Hospital Act*; and
  - (d) \$0, in all other cases.

**3. (1) Subsection 17 (2) of the Regulation is amended by adding “Subject to subsection (2.1)” at the beginning.**

**(2) Section 17 of the Regulation is amended by adding the following subsection:**

(2.1) Where the maximum quantity of a listed drug product determined under subsection 18 (7) of this Regulation is sufficient for more than a 60-day course of treatment, and the dispensing physician determines that the quantity should be supplied in three instalments under subclause 18 (8) (a) (i) of this Regulation in order to protect the drug supply chain and prevent drug shortages due to circumstances relating to the COVID-19 emergency, then the dispensing fee for supplying the listed drug product in the third instalment shall be the amount determined in accordance with subsection (2) of this Regulation, less,

- (a) \$2, where the listed drug product is supplied for,
  - (i) a person who is 25 years of age or older and is an eligible person described in subsection 2 (2) of the Act or in paragraph 1, 2, 3 or 6 of subsection 2 (1) of this Regulation,
  - (ii) an eligible person described in subsection 3 (1), or
  - (iii) an eligible person described in paragraph 4 of subsection 2 (1) who is not part of any other class of eligible persons under the Act and to whom section 20.2 does not apply due to the operation of subsection 20.2 (3);

- (b) \$4.28, where the listed drug product is supplied for an eligible person described in paragraph 4 of subsection 2 (1), who is not part of any other class of eligible persons under the Act, by a physician whose office is within 20 kilometres of an accredited pharmacy;
- (c) \$5.10, where the listed drug product is supplied for an eligible person described in paragraph 4 of subsection 2 (1), who is not part of any other class of eligible persons under the Act, by a physician whose office is more than 20 kilometres from an accredited pharmacy; and
- (d) \$0, in all other cases.

**4. (1) Subsection 20.1 (1) of the Regulation is amended by adding “Subject to subsection (3)” at the beginning.**

**(2) Section 20.1 of the Regulation is amended by adding the following subsection:**

(3) Despite subsection (1), where the maximum quantity of a listed drug product determined under subsection 18 (7) is sufficient for more than a 30-day course of treatment, and the dispenser determines that the quantity should be supplied in two or more instalments under subclause 18 (8) (a) (i) in order to protect the drug supply chain and prevent drug shortages due to circumstances relating to the COVID-19 emergency, then the maximum co-payment that the operator of a pharmacy or a physician may charge a person in respect of supplying the listed drug product for an eligible person following the first instalment is \$0.

**5. (1) Paragraph 3 of subsection 20.2 (5) of the Regulation is amended by adding “Subject to subsection (5.1)” at the beginning.**

**(2) Section 20.2 of the Regulation is amended by adding the following subsection:**

(5.1) Where the maximum quantity of a listed drug product determined under subsection 18 (7) is sufficient for more than a 30-day course of treatment, and the dispenser determines that the quantity should be supplied in two or more instalments under subclause 18 (8) (a) (i) in order to protect the drug supply chain and prevent drug shortages due to circumstances relating to the COVID-19 emergency, then the maximum co-payment that the operator of a pharmacy or a physician may charge a person in respect of supplying the listed drug product for an eligible person following the first instalment is \$0.

**Commencement**  
**[commencement]**