



**GUIDE TO  
MAKING A COMPLAINT  
ABOUT A PHARMACIST  
OR RETAIL PHARMACY BUSINESS**

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## **About this booklet**

This booklet tells you what to do if you wish to make a complaint about a registered pharmacist or a registered retail pharmacy business (pharmacy).

If you are not happy with the treatment you have received in a pharmacy, or if you have concerns about the behaviour, conduct, practice or health of a pharmacist, you can contact the Pharmaceutical Society of Ireland (PSI).

## **What is the Pharmaceutical Society of Ireland?**

The PSI is the statutory regulator for pharmacists and pharmacies in Ireland. The PSI regulates the profession in the interest of patient safety and public protection. In order for a pharmacist to practise in this country, he or she must be registered with the PSI.

If you wish to check the registration status of a pharmacist or retail pharmacy business (pharmacy), you can do so on the PSI's website, [www.thePSI.ie](http://www.thePSI.ie).

The PSI is the appropriate body to which to make a complaint about a pharmacist or retail pharmacy business.

## **What if you are not happy with the treatment you have received from a pharmacist or pharmacy?**

Most complaints can be resolved directly with your pharmacist. If you are concerned about the behaviour, conduct, practice or health of a pharmacist, or if you are dissatisfied with the treatment that you have received in a pharmacy, you may wish to make a complaint to the Council of the PSI.

The purpose of the complaints process is to consider the information provided by you, and any information provided by the pharmacist involved, and thereafter decide whether any further action is required.

## **Who can complain?**

A complaint can be made by or on behalf of any person to the PSI about a pharmacist or pharmacy. This includes patients, members of the public, employers and other health professionals. The Registrar of the PSI may also make a complaint about a pharmacist or pharmacy.

## **What type of complaints can be considered?**

The Preliminary Proceedings Committee of the PSI is responsible for considering complaints against pharmacists and retail pharmacy businesses in the first instance.

The Preliminary Proceedings Committee may consider complaints about registered pharmacists on one or more of the following grounds:

- Professional misconduct
- Poor professional performance
- Impairment of the pharmacist's ability to practise because of a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs
- Failure to comply with one or more condition(s) attached to the pharmacist's registration
- Failure to comply with an undertaking given by the pharmacist to the PSI or to take any action specified in a consent given by the pharmacist in response to a request from a Committee of Inquiry under Section 46 of the Pharmacy Act 2007
- Contravention of a provision of the Pharmacy Act 2007 or Rules made by the Council of the PSI under the Act
- Conviction in the State for an offence triable on indictment (or if convicted outside the State for an offence which would constitute an offence triable on indictment in this jurisdiction)

The Preliminary Proceedings Committee also considers complaints relating to retail pharmacy businesses under one or more of the following grounds:-

- The pharmacy owner or an employee or a partner of the pharmacy owner, or representative or person engaged by the representative, has been convicted of a relevant offence referred to in Section 36(1)(a) of the Pharmacy Act 2007
- The pharmacy owner or an employee or a partner of the pharmacy owner, or representative or person engaged by the representative, has been convicted of any other offence or committed misconduct and the nature of such offence or misconduct is such that, if that person were applying to the Council for registration as a pharmacist, the Council would be likely to refuse the application.

*Note: The Pharmacy Act 2007 is available to view and download from the PSI website [www.thePSI.ie](http://www.thePSI.ie)*

## What the PSI cannot consider

Before you make your complaint, you should consider whether the PSI is the most appropriate organisation to address it.

Please note the PSI cannot:

- Consider complaints about professionals other than pharmacists
- Consider complaints about businesses other than retail pharmacy businesses
- Consider complaints which relate solely to commercial matters (unless they also refer to one or more of the grounds for complaint set out in Sections 35 and 36 of the Pharmacy Act 2007), e.g. pricing concerns or non-payment of rent on commercial premises
- Consider complaints which relate solely to employment issues (unless they also refer to one or more of the grounds for complaint set out in Sections 35 and 36 of the Pharmacy Act 2007), e.g. hours of work, contracts of employment
- Provide you with legal advice or representation
- Help you make a claim for compensation
- Provide or arrange medical treatment or counselling for you
- Contact a pharmacist on your behalf and ask him or her to do something
- Compel a pharmacist or pharmacy owner to apologise to you
- Provide an explanation of what happened

## How do I make a complaint?

Complaints must be made **in writing**. You may complete and sign a copy of the PSI's complaint form which is available on the PSI website [www.thePSI.ie](http://www.thePSI.ie). Alternatively, you may prefer to write a letter to the PSI setting out the grounds of your complaint.

You will need to include:-

- Your full name, address and daytime telephone number
- As much information about the circumstances of your complaint as you can provide, including names, dates and places
- As much information about the pharmacist(s) or pharmacy business as you can provide such as name, place of work, etc.
- Supporting documentation including copies of prescriptions, relevant correspondence, etc.
- Name and contact details of any other person(s) who can substantiate the matters referred to in your complaint

Your complaint together with any supporting documentation should be submitted to the following address:-

Complaints Officer  
Pharmaceutical Society of Ireland  
PSI House  
Fenian Street  
Dublin 2

### **Do I need to consult a solicitor?**

You do not need to retain legal representation in order to make a complaint. However, if the matters giving rise to your complaint suggest that an alternative legal remedy exists then you should consult a solicitor at the earliest opportunity to protect your interests. You should also advise the PSI if you are aware that the subject matter of your complaint is subject to any criminal or civil proceedings.

### **What happens next?**

When your complaint has been received, the PSI will:

- Write to you and tell you that your complaint has been received
- Send a copy of your complaint to the pharmacist or retail pharmacy business
- Give the pharmacist or pharmacy owner an opportunity to provide observations and comments in relation to your complaint within a certain period
- Send you a copy of the observations or comments received from the pharmacist or pharmacy owner for further comment
- Any further comments or observations received from you will be furnished to the pharmacist or pharmacy owner for further and final comment

The Preliminary Proceedings Committee will then consider your complaint and may request further information and/or documentation from you, the pharmacist or the retail pharmacy business.

### **What is the role of the Preliminary Proceedings Committee?**

The Preliminary Proceedings Committee (PPC) is comprised of 16 members and has a non-pharmacist majority. The PPC meets regularly to consider complaints made to the PSI.

The PPC decides if further action is warranted in relation to a complaint.

Before arriving at its advice the PPC will consider whether it has sufficient information available and whether the complaint is trivial, vexatious or made in bad faith.

When the PPC is satisfied that it has sufficient information, it will provide its advice to Council and may advise that:

- (i) There is not sufficient cause to warrant further action; or
- (ii) There is sufficient cause to warrant further action

**(i) There is not sufficient cause to warrant further action**

The PPC will give its advice to the Council of the PSI who will consider the advice of the PPC at the next available opportunity. The Council may decide to accept the advice of the PPC or it may come to a different view in relation to your complaint and decide that there is sufficient cause to warrant further action.

If the Council decides to take further action in relation to your complaint, then the matter will be referred back to the PPC for a decision as to whether the complaint should be referred to mediation or to a Committee of Inquiry.

If the Council decide to take no further action in relation to your complaint then the complaints process is at an end.

**(ii) There is sufficient cause to warrant further action**

If the PPC form the opinion that there is sufficient cause to warrant further action, then a decision will be made by the PPC to either refer your complaint to mediation or to a Committee of Inquiry.

The PPC will advise the Council of the PSI that sufficient cause exists to warrant further action and the Council will also be informed of the PPC's decision as to where your complaint has been referred i.e. Mediation or a Committee of Inquiry.

If a decision has been made by the PPC that further action is warranted, the Council accept that advice. They do not reconsider the complaint. It will automatically proceed to Mediation and/or Committee of Inquiry depending on the decision of the PPC as to where your complaint should be referred.

**What happens if my complaint is referred for resolution by Mediation?**

If it is decided that your complaint is one that could be resolved by mediation, we will write to you and explain how the process works. Both you and the pharmacist or pharmacy owner concerned will be requested to give your consent to the matter being resolved by way of mediation.

## **What happens at a Committee of Inquiry?**

There are two Committees of Inquiry:

- (i) The Professional Conduct Committee
- (ii) The Health Committee

The choice of committee will depend on the nature of the complaint. Complaints which concern matters of professional misconduct or poor professional performance will normally be referred to the Professional Conduct Committee. Complaints which concern impairment of a pharmacist's ability to practise because of a physical or mental ailment, emotional disturbance or an addiction to alcohol or drugs will normally be referred to the Health Committee.

If a decision is made to hold an Inquiry in relation to your complaint, it will normally take place within six months. A Committee of Inquiry can be comprised of up to seven people. A legal advisor, known as a Legal Assessor, will sit with the Committee. The Legal Assessor does not take part in the decision-making process, but gives the Committee advice and information on the law and procedure. The Health Committee will also sit with a registered medical practitioner with relevant expertise to advise the Committee in relation to each complaint referred to it. The practitioner must be present at the meetings of the Committee, but may not vote.

A hearing before a Committee of Inquiry is similar to a hearing before a court or tribunal. The Registrar of the PSI is responsible for presenting the evidence in support of the complaint. His legal representatives will open the hearing by presenting evidence and calling witnesses to give testimony. The pharmacist, pharmacy owner or his legal representative may cross-examine (question) the Registrar's witnesses on their evidence. The Committee may also ask questions. After the Registrar's legal team has completed the presentation of its evidence, the pharmacist or pharmacy owner or legal representative may call witnesses and/or make submissions to the Committee. A stenographer will be present to record the evidence and to produce a transcript of the Inquiry.

Inquiries conducted by the Professional Conduct Committee will normally be held in public. This means that members of the public (including the press) can attend. Inquiries conducted by the Health Committee will normally be held in private. An application to hold an Inquiry in private or in public as the case may be can be made by the Complainant or by the pharmacist or the pharmacy owner concerned. Such an application will be granted where the Committee is satisfied that it would be appropriate to agree to the request.

At the conclusion of the Inquiry, the Committee will make a decision as to whether the complaint has been substantiated. The Committee will prepare a report setting out the subject matter of the complaint, the evidence presented and the Committee's findings.

### **What sanctions may be imposed if a complaint is substantiated?**

The Committee's report will usually be considered by the Council of the PSI at its next meeting following the completion of the Inquiry. If the Committee finds that the complaint against the pharmacist or pharmacy owner has been substantiated, the Council of the PSI will impose one or more of the following sanction(s) on the pharmacist or pharmacy owner:-

- Admonish or censure the pharmacist or pharmacy owner
- Attach conditions to the registration of the pharmacist or retail pharmacy business
- Suspend the registration of the pharmacist or retail pharmacy business for a specified period
- Cancel the pharmacist's registration or that of the registered retail pharmacy business
- Prohibit the pharmacist or pharmacy owner from applying to restore their name to the Register for a specified period

### **If I make a complaint will I have to attend a hearing?**

When you make a complaint about a pharmacist or retail pharmacy business, and the PPC decides to refer the case for an Inquiry, we may need to meet with you and take a witness statement. It is likely that you will be required to give evidence at the Inquiry. Committees of Inquiry are entitled to issue subpoenas to compel Complainants and witnesses to give evidence at an Inquiry. Committees of Inquiry also have the authority to compel the production of any documentation required for the purposes of the Inquiry.

### **Interim suspension of registration**

If an allegation is serious enough to suggest that there is a risk to the health and safety of the public which is of such magnitude that a pharmacist's or retail pharmacy business' registration should be suspended pending the conclusion of the Inquiry process, the Council of the PSI may apply to the High Court for an interim order to suspend registration.

### **What happens if I withdraw my complaint?**

You may apply to withdraw your complaint at any stage prior to the conclusion of a hearing conducted by a Committee of Inquiry. You may, for example, be satisfied with the response received from the pharmacist or pharmacy owner. The Committee considering your complaint may, with the Council's agreement, decide that no further action is to be taken or it may proceed as if your complaint has not been withdrawn. This may occur in circumstances where the complaint gives rise to issues which the Committee believes should be pursued in the public

interest. The PSI has a statutory obligation to act in the best interests of public safety even if a Complainant would prefer that it did not investigate matters further.

### **How long will it take to deal with my complaint?**

We understand that making a complaint can be stressful, so we will try to consider your complaint as quickly as we can. However, some complaints are complex and it may take some time to gather all of the information that is needed to reach a fair decision. The PSI will keep you informed at every decision-making stage that affects your complaint.

### **Keeping your information confidential**

Please be aware that when we are considering your complaint, we will need to tell the pharmacist or pharmacy owner that you have made a complaint and we will need to provide them with a copy of your complaint. Otherwise any information provided to us will be maintained in confidence, in accordance with Data Protection legislation.

If you wish to discuss any aspect of the complaints procedure, you can contact the Pharmaceutical Society of Ireland by letter, telephone, fax, or email as follows:

Complaints Officer  
Pharmaceutical Society of Ireland  
PSI House  
Fenian Street  
Dublin 2

Tel: 01 218 4000  
Fax: 01 283 7678  
E-mail: [complaints@thePSI.ie](mailto:complaints@thePSI.ie)

We regret that we cannot accept complaints made over the telephone. All complaints must be received in writing.

***NOTE: While the above is a summary of the provisions of the Pharmacy Act 2007, it does not purport to be a legal interpretation of the Act.***

## **Other regulatory bodies**

Organisations that can consider complaints for other health professionals are listed below.

### **Doctors**

Professional Standards Department  
Medical Council  
Kingram House  
Kingram Place  
Dublin 2

Tel: (01) 498 3100

Web: [www.medicalcouncil.ie](http://www.medicalcouncil.ie)

### **Dentists**

Dental Council  
57 Merrion Square  
Dublin 2.

Tel: (01) 676 2069

Web: [www.dentalcouncil.ie](http://www.dentalcouncil.ie)

### **Nurses and Midwives**

An Bord Altranais  
18/20 Carysfort Avenue  
Blackrock  
Co. Dublin

Tel: (01) 639 8500

Web: [www.nursingboard.ie](http://www.nursingboard.ie)

### **Other Health and Social Care Professionals**

CORU  
13-15 The Mall  
Beacon Court  
Bracken Road  
Sandyford  
Dublin 18.

Tel: (01) 2933160

Web: [www.coru.ie](http://www.coru.ie)

### **Healthcare Services**

Health Service Executive  
Oak House  
Millenium Park  
Naas  
Co. Kildare.

Tel: 1890 424 555

Web: [www.hse.ie](http://www.hse.ie)

### **Miscellaneous Public Bodies**

Office of the Ombudsman, Ireland.  
18 Lower Leeson Street  
Dublin 2

Tel: (01) 6395600

Lo Call 1890 223 030 (from outside 01 area)

Web: [www.ombudsman.gov.ie](http://www.ombudsman.gov.ie)

### **Financial Service Providers (Including Health Insurance Companies)**

Office of the Financial Services Ombudsman  
3<sup>rd</sup> Floor  
Lincoln House  
Dublin 2

Tel: (01) 6620899

**Lo Call: 1890 882 090**

Web: [www.financialombudsman.ie](http://www.financialombudsman.ie)