

Re: Assisted Decision-Making (Capacity) Act 2015 - a Guide for Health and Social Care Professionals

Submission from the Pharmaceutical Society of Ireland - the Pharmacy Regulator

Introduction

The Pharmaceutical Society of Ireland (PSI) is the statutory body, established by the Pharmacy Act 2007, to regulate the practice and profession of pharmacy having regard to the need to protect, maintain and promote the health and safety of the public.

The PSI welcomes this opportunity to make a submission to the HSE's consultation on *Assisted Decision-Making (Capacity) Act 2015 - A Guide for Health and Social Care Professionals (March 2017)*.

The Draft Guide

As a public body, the PSI supports the underlying philosophy and spirit of the Assisted Decision-Making (Capacity) Act 2015 (the Act); that each person has the right to make decisions about their own lives. The PSI also welcomes the guiding principles of the Act, whereby people who may have difficulty making and communicating decisions are supported. The PSI believes that the Guide for Health and Social Care Professionals (the Guide), will support healthcare practitioners and other health/social care professionals in their ongoing professional efforts to ensure that the beliefs and values of all persons, particularly those persons who may lack decision-making capacity, are properly taken into account in reaching best-interest outcomes.

The PSI is of the opinion that the flexible 'functional' definition of capacity as presented under the Act, and supported in the Guide, will be of assistance to pharmacists in assessing a person's capacity in relation to the particular decision being made (i.e. 'issue-specific') and at the time the particular decision is to be made (i.e. 'time-specific').

The Expanding Role of Pharmacists in Ireland

The pharmacy profession has changed and evolved in recent years, with community pharmacies providing patient consultation rooms, supporting health information campaigns and successfully delivering public health initiatives such as vaccination programmes and the administration of medicines for the purpose of saving life in emergency situations. In hospitals, pharmacists have successfully contributed to antimicrobial stewardship and infectious disease care and emerging advanced practice within multidisciplinary teams. The drafting of this Guide, therefore is very timely. The PSI believes that the ongoing evolution in the scope of practice of patient-facing pharmacists will be supported by this guidance, particularly as regards the often difficult area of working to support people who may lack decision-making capacity.

The PSI also believes that the Guide will also provide a robust ethical framework for those pharmacists working with a patient's Decision-Making Assistant/Decision-Making Representative/Co-Decision-Maker (as defined under the 2015 Act) and will support the pharmacist in recognising the role of these assistants/representatives as expert and committed partners in the care of the particular person.

A recent UK study¹ has identified that pharmacists have a particular interest in guidance on how to support patient carers. It has been shown that community pharmacists often see the carer alone (unlike other healthcare professionals) and that pharmacists commonly work in isolation without a multidisciplinary team with whom to discuss the professional dilemmas which can arise in practice. In this context, the PSI believes that the draft HSE Guide will assist pharmacists in assessing a person's capacity as provided for under the Act as well as providing a robust and welcome framework within which to establish strong and constructive, as well as mutually-supportive, relationships with individual patient representatives.

Many pharmacists also have responsibilities in the delivery of pharmacy services to patients living in residential care settings for older people. Previous PSI communication² has stated that the "provision of pharmacy services to these patients must ensure that they receive the same level of care as those patients who attend personally at the pharmacy practice." The PSI welcomes the draft HSE Guide which we believe will support pharmacists in caring for people in residential care settings who may lack decision making capacity.

Pharmacists and the Assisted Decision-Making (Capacity) Act 2015

The PSI recently published a report '[Future Pharmacy Practice in Ireland Meeting Patients' Needs](#)'. This report found that pharmacists are the most accessible health practitioner in Ireland, with approximately 2 million people visiting a pharmacy monthly. Such data infers that pharmacists interact with a broad range of patients, and their carers, on an ongoing basis and, thus, issues around capacity and assisted decision making are a reality for practising pharmacists.

The PSI believes that the inclusion of *Appendix 2 – Guide to a Functional Approach to Assessing Capacity* in the draft Guide, in addition to the checklist presented on page 54, will help inform pharmacists when making assessments concerning the decision-making capacity of those patients for whom they share care.

Recommendation 6 of the PSI's report *Future Pharmacy Practice in Ireland Meeting Patients' Needs* states;

"Pharmacists should be integrated into building the capacity for patients' self-care and self-management of chronic diseases, including helping patients manage their medicines. This could be provided through structured patient education and medicines management programmes to at-risk chronic disease patients."

¹ Smith, F; Jamieson, E; O'Neill, R; Craigie, J; Edwards, S; Soni, A; Barnett, N; (2016) Supporting family carers of older people in community pharmacy: a review of guidelines and qualitative study. Pharmacy Research UK: London.

² The Pharmaceutical Society of Ireland (2010) Letter to Superintendent Pharmacists Re: Responsibilities to patients living in residential care settings for older people.

The report also highlighted the need for pharmacists to support the building of people's own capacity for self-care and self-management so that all persons engaging with health services, including all types of pharmacy services, are enabled and empowered to look after their own health and wellbeing. The PSI believes that the draft HSE Guide will provide Irish pharmacists with a valuable and relevant resource through which they can better, and more holistically, support all persons in their care.

The PSI Code of Conduct for Pharmacists

The PSI's statutory Code of Conduct for Pharmacists (the Code) is currently undergoing review. The draft HSE Guide is therefore timely and of benefit to PSI as we undertake our review of the Code. We believe that the Guide will inform this review and will assist in achieving the desired outcome of a Code that supports a balanced approach by pharmacists in their interactions with patients; whereby inequalities and disadvantages are addressed while difference and diversity are valued.

The PSI is also of the view that the Guide provides for a paradigm of care which enables and supports patients to exercise their individual abilities and have their rights vindicated to the maximum extent possible. We also strongly support the intention that the publication of the final Guide will help eliminate scope for, even inadvertent, violations of peoples' rights to self-determination by healthcare professionals as well as preserving each individual's entitlement to their own human agency.

In conclusion, the PSI welcomes the publication of the draft HSE Guide for Health and Social Care Professionals (March 2017). If you would like the PSI to provide any additional input or feedback in the further development of this Guide we would be happy to help. We look forward to seeing the final document.

PSI - The Pharmacy Regulator

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