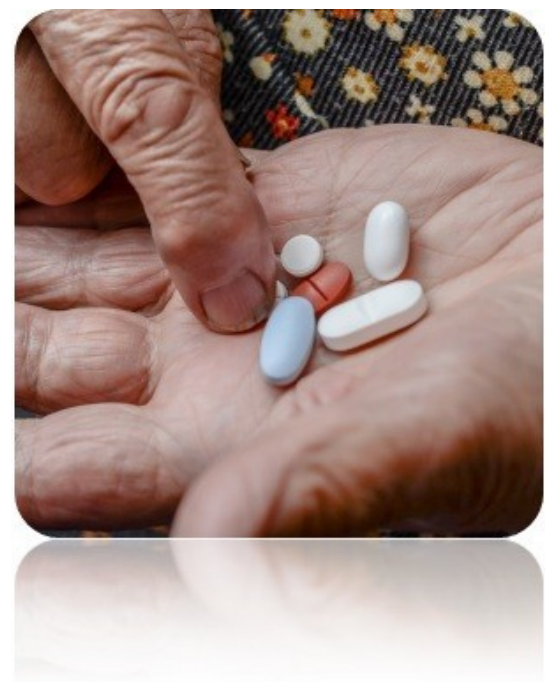


Guide to assist you in making a complaint about a pharmacist or pharmacy



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About this guide

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 make a complaint to the Pharmaceutical Society of Ireland (PSI), the pharmacy regulator. It is the role of the PSI to consider complaints made about a pharmacist or a pharmacy and to take action, if necessary, to address the matter.

This guide explains the PSI's complaints and disciplinary process, including what complaints can be dealt with by the PSI, how to make a complaint, and what happens after you make a complaint.

You will find an explanation of some of the specialist words we use at the back of this guide on page 15.

The Pharmaceutical Society of Ireland

This Pharmaceutical Society of Ireland (PSI) is the statutory regulator of pharmacists and pharmacies in Ireland. The PSI regulates the profession and practice of pharmacy in the interest of patient safety and public protection.

Pharmacists who want to practise in Ireland must be registered with the PSI and pharmacies must also register with the PSI to operate. You can check the registration status of a pharmacist or pharmacy in the public online registers on the PSI website, www.psi.ie.

The details of the complaints and disciplinary process and the role of the Pharmaceutical Society of Ireland is contained in the Pharmacy Act 2007 (as amended¹). Please note that references to the Pharmacy Act 2007 throughout this document means the Pharmacy Act

¹ The Pharmacy Act 2007 has been amended by a number of Acts including the Regulated Professions (Health and Social Care)(Amendment) Act 2020.

(as amended). This guide is not a legal interpretation of the legislation. You can access [further information](#) on the PSI website.

What you should know about making a complaint

What can I do if I am unhappy with the treatment I receive from a pharmacist or pharmacy?

It is a good idea to speak first with the pharmacist or pharmacy owner. Most complaints can be resolved directly with your pharmacist. However, if you are concerned about the behaviour, conduct, practice or health of a pharmacist, or if you are not satisfied with the treatment you received in a pharmacy, you can make a formal complaint to the PSI.

The purpose of the PSI complaints process is to consider your complaint and any information that the pharmacist or pharmacy owner provides and decide whether any further action is needed.

Who can complain?

Anyone is entitled to make a complaint, including patients, employers and other health professionals. Someone can also complain on your behalf, with your consent. The Registrar of the PSI may also make a complaint about a pharmacist or pharmacy.

What type of complaints will the PSI consider?

The complaints screening committee, called the Preliminary Proceedings Committee, consider complaints against **registered pharmacists** that deal with one or more of the following:

- professional misconduct;
- poor professional performance;
- impairment of the registered pharmacist's ability to practise because of a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs;
- failure to obey the conditions attached to the pharmacist's registration;

- failure to comply with an undertaking or to take agreed action following a request from a Committee of Inquiry under Section 46 of the Pharmacy Act 2007;
- failure to comply with certain provisions of the Health (Pricing and Supply of Medical Goods) Act 2013;
- failure to comply with any duties imposed by section 18(1)(A) of the Pharmacy Act 2007 which relate to the Health (Pricing and Supply of Medical Goods) Act 2013;
- failure to comply, as a pharmacist, with provision(s) of the following Acts or any statutory instruments made under any of these Acts: the Poisons Acts 1961 and 1977, the Misuse of Drugs Acts 1977 to 2017, the Animal Remedies Acts 1993 and 2006, the Irish Medicines Boards Acts 1995 and 1996, the Health (Pricing and Supply of Medical Goods) Act 2013²;
- failure to comply, as a pharmacist, with provision(s) of the European Communities (Animal Remedies)(No 2) Regulations 2007 (S.I. 786 of 2007)³;
- breaching a provision of the Pharmacy Act 2007 or any statutory instrument made under the Pharmacy Act 2007;
- a prohibition imposed against the pharmacist providing one or more kinds of health or social care⁴ in the State or outside the State⁵;
- a restriction imposed on the pharmacist's ability to provide one or more kinds of health or social care in the State or outside the State⁶;
- conviction in the State or outside the State for indictable offences.

² This ground of complaint was inserted into the Act by a provision of the Regulated Professions (Health & Social Care)(Amendment) Act 2020. This provision commenced on 13 February 2021.

³ This ground of complaint was inserted into the Act by a provision of the Regulated Professions (Health & Social Care)(Amendment) Act 2020. This provision commenced on 13 February 2021.

⁴ Health or social care means the health or social care that the person provides or has provided in his or her capacity or former capacity as either a dentist, a designated profession within the meaning of section 3 of the Health and Social Care Professionals Act 2005, a medical practitioner, midwife, nurse or a pharmacist.

⁵ This ground of complaint was inserted into the Act by a provision of the Regulated Professions (Health & Social Care)(Amendment) Act 2020. This provision commenced on 13 February 2021.

⁶ This ground of complaint was inserted into the Act by a provision of the Regulated Professions (Health & Social Care)(Amendment) Act 2020. This provision commenced on 13 February 2021.

The PSI will consider complaints against **registered pharmacies** if:

- the pharmacy owner, partner, employee or representative of the pharmacy owner has been convicted of certain offences listed in Section 36(1)(a) of the Pharmacy Act 2007;
- the pharmacy owner, partner, employee or representative has been convicted of any other offence in the State or outside the State or has committed misconduct in the State or outside the State that would cause the Council of the PSI to refuse an application for registration;
- the pharmacy owner has failed to comply, in his/her capacity as a pharmacy owner, with provision(s) of the following Acts and any statutory instruments made under any of these Acts: Poisons Acts 1961 and 1977, the Misuse of Drugs Acts 1977 to 2017, the Animal Remedies Acts 1993 and 2006, the Irish Medicines Boards Acts 1995 and 1996, the Health (Pricing and Supply of Medical Goods) Act 2013 or the European Communities (Animal Remedies)(No 2) Regulations 2007 (S.I. 786 of 2007)⁷;
- the pharmacy owner has failed to comply with any of the duties referred to in section 18(1)(A) of the Pharmacy Act 2007 imposed on the pharmacy owner by regulations made under section 18 which relate to the Health (Pricing and Supply of Medical Goods) Act 2013;
- the pharmacy owner has breached a provision of the Pharmacy Act 2007, including any statutory instruments made under the Act⁸.

Are there any complaints the PSI cannot consider?

The PSI cannot consider complaints about:

- professionals who are not pharmacists;

⁷ This ground of complaint was inserted into the Act by a provision of the Regulated Professions (Health & Social Care)(Amendment) Act 2020. This provision commenced on 13 February 2021.

⁸ This ground of complaint was inserted into the Act by a provision of the Regulated Professions (Health & Social Care)(Amendment) Act 2020. This provision commenced on 13 February 2021.

- businesses that are not pharmacies;
- commercial matters, such as pricing or non-payment of rent on commercial premises;
- employment issues, such as hours of work or contracts of employment.

It is also not possible for the PSI to:

- give you legal advice or representation;
- help you make a claim for compensation, or award compensation;
- provide or arrange medical treatment or counselling for you;
- ask a pharmacist on your behalf to do something;
- force a pharmacist or pharmacy owner to apologise to you;
- give you an explanation of what happened.

How do I make a complaint?

Your complaint must be in writing. We cannot accept complaints made over the telephone. You may fill in and sign a copy of the PSI **complaint form** and return it by post or scanned by email to the PSI. The complaint form is available on the PSI website, www.psi.ie. You can also telephone the PSI office and a complaint form will be sent out to you. Your complaint in writing must have your signature.

You will need to include:

1. your full name, address and daytime telephone number;
2. as much information about the circumstances of your complaint as you can, including names, dates and places;
3. as much information about the pharmacist or pharmacy as you can, such as name and place of work;
4. any supporting documents that you have, including copies of prescriptions or letters;

5. the name and contact details of anyone, such as a witness, who can confirm the matters you describe in your complaint.



Send your complaint form or letter and your supporting documents by:



- email to complaints@psi.ie, or
- post to Complaints Officer, Pharmaceutical Society of Ireland, PSI House, 15-19 Fenian Street, Dublin 2, D02 TD72.

Do I need a solicitor?

You do not need a solicitor to make a complaint.

Can the PSI help me make my official complaint?

We cannot make the complaint for you, but we will assist you as best we can with your questions about the process, what making a complaint means, how to make it and what might happen after you make a complaint. If you want to discuss the complaints procedure, please contact us.

You may find it useful to speak with someone in a patient advocacy or support group, who can help and support you with making a complaint to the PSI. You will find a list of patient groups at the back of this guide.

What happens after I make my complaint?

When the PSI receives your written complaint, we will:

- write and tell you that we have received it;
- send a copy of your complaint to the pharmacist or pharmacy;
- give the pharmacist or pharmacy owner an opportunity to provide comments in relation to your complaint;

- send you a copy of the response of the pharmacist or pharmacy owner for further comment;
- send any further comments that you make to the pharmacist or pharmacy owner for their final comment.

Sometimes we receive complaints that relate to the work or the responsibility of another organisation. When this happens, we have a duty to let them know about it. For example, if your complaint raises a concern about the protection of children or a vulnerable person, we are obliged to tell the relevant authority such as the HSE and the Gardaí.

Who will examine my complaint?

The Preliminary Proceedings Committee (PPC) of the PSI will consider your complaint and may ask for more information from you, the pharmacist or the pharmacy owner.

The PPC consists of up to 16 members who meet regularly to consider complaints. The role of the PPC is to decide whether further action is necessary in relation to complaints received. Most of the committee members are not pharmacists.

When the PPC has reviewed the information, it will advise the Council of the PSI what steps to take.

1. The PPC may decide there is a case for further action and refer your complaint to either a Committee of Inquiry or to mediation. There is more information about these in this guide.
2. The PPC may decide there is insufficient cause to take further action. If the Council agrees, the complaints process ends, and no further action will be taken on your complaint. If the Council does not agree, it will send your complaint back to the PPC, who will refer the complaint to mediation or to a Committee of Inquiry.

What happens if my complaint is referred to mediation?

We will write to you and explain how the process works. You can also view the mediation guidelines on our website, www.psi.ie, in the *Making a Complaint* section.

Mediation is a confidential process where a neutral third party (a mediator) sits down with both sides to the complaint to help resolve the matter and to agree an outcome suitable to everyone. Mediation can only take place where the Preliminary Proceedings Committee has decided that further action is required.

Both you and the pharmacist or pharmacy owner must agree to the complaint being resolved using mediation. If either side does not agree to mediation, the PPC will refer the complaint to a Committee of Inquiry instead. Also, if mediation is unsuccessful the complaint will be referred to a Committee of Inquiry.

What happens if my complaint is referred to a Committee of Inquiry?

There are two Committees of Inquiry:

1. The **Professional Conduct Committee** usually deals with complaints about professional misconduct or poor professional performance.
2. The **Health Committee** usually deals with complaints about impairment of a pharmacist's ability to practise due to a physical or mental ailment, emotional disturbance or an addiction to alcohol or drugs. However, it can also deal with complaints about professional misconduct, poor professional performance and other grounds of complaint.

There are at least three people who sit on a Committee of Inquiry. The Professional Conduct Committee and Health Committee will have a legal assessor to advise the Committee about law and procedure but will not take part in decisions. The Health Committee also has a registered medical doctor with relevant expertise to advise the Committee, but the doctor will not take part in decisions.

How does the inquiry work?

Before the inquiry:

- solicitors for the PSI will examine your complaint, gather relevant documents, interview witnesses and take witness statements;
- the person who makes the complaint is generally asked to give a witness statement. You will have a chance to look at the statement and make any changes before it is signed. You may also be asked to attend the inquiry and give evidence in person;
- the solicitors will often ask an independent expert pharmacist to review the complaint and all the documents. Once all this has been done, a date will be set for the hearing.

At the inquiry:

- A hearing before a Committee of Inquiry is similar to a hearing before a court or tribunal. Both sides may present evidence, call witnesses and cross-examine (question) each other's witnesses. The Registrar of the PSI is responsible for presenting the evidence in support of your complaint.
- A stenographer or a logger will record the evidence and produce a transcript (written record) of the inquiry.
- A hearing before a Committee of Inquiry may be held remotely, in appropriate circumstances. This means that the hearing takes place in a "virtual" setting over the internet using technology. For more information on hearings that take place remotely, please refer to the Complaints section of our [website](#).
- Any person who is asked to give a witness statement, or to give evidence at an inquiry, may have a friend or family member with them for support, although this person may not always be allowed to sit in on/attend the meeting/inquiry, as the information may be confidential.

Are inquiries held in public or private?

Inquiries conducted by the Professional Conduct Committee are normally held in public. This means that members of the public (including the news media) may attend. Inquiries conducted by the Health Committee are normally held in private. However, the pharmacist, pharmacy owner or you can ask for an inquiry to be held in public or private and the Committee may agree to this. Inquiries may be held on site at PSI House, or remotely using technology, depending on the circumstances.

Do I have to attend the hearing?

If you make a complaint to the PSI, it is likely that you will have to give evidence at the inquiry. Committees of Inquiry have the right to issue a witness summons (legal orders) to require you or other witnesses to give evidence at an inquiry or to produce any documents that the Committee of Inquiry asks for to assist them in making a decision.

What happens if I withdraw my complaint?

You may withdraw your complaint at any stage of the complaints process, for example if you are satisfied with the response received from the pharmacist or pharmacy owner. The Committee considering the complaint may, with the Council's agreement, decide that no further action is needed, or it may decide to go ahead with the complaint. This may happen if your complaint involves issues which the Committee believes should be addressed in the public interest. By law, the PSI must act in the interest of public safety even if you would prefer that it did not investigate further.

What happens after the inquiry?

The Committee will decide if the allegations against the pharmacist or pharmacy are proven. The allegations against the pharmacist or pharmacy owner must be proven beyond a

reasonable doubt. The Committee will then prepare a report setting out the complaint, the evidence presented and the findings, together with its reasons. The report may also include other matters. The Council of the PSI will consider the report and decide what sanction to impose.

What sanctions may be imposed?

If the Committee of Inquiry finds that a complaint has been proven, the Council of the PSI must do one or more of the following:

- admonish or censure the pharmacist or pharmacy owner;
- attach conditions to the registration of the pharmacist or pharmacy;
- suspend the registration of the pharmacist or pharmacy for a set time;
- cancel the registration of the pharmacist or pharmacy;
- forbid the pharmacist or pharmacy owner from applying to restore their name to the Register for a specified time.

The pharmacist or pharmacy owner has 30 days to apply to the High Court to have the decision to impose the sanction cancelled. After this time, the PSI must apply to the High Court to confirm the sanction in all cases which do not involve the sanction of admonishment or censure. Admonishments and censures take effect once the 30-day period has expired, provided no application to cancel the sanction decision is lodged in the High Court within that 30-day period. All other sanctions will only take effect when the High Court confirms it.

You will find an explanation of some of the specialist words we use on page 15.

Other information you should know

How long will it take to deal with my complaint?

We understand that making a complaint can be difficult, 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 the information the Committee of Inquiry needs to reach a fair decision. As much as possible, we will keep you informed at each stage of the complaints process.

Can the PSI suspend a pharmacist's or a pharmacy's registration before an inquiry?

If your complaint suggests that there is a serious and immediate risk to the health and safety of the public, the Council of the PSI can ask the High Court to suspend the registration of a pharmacist or pharmacy until the complaint process is over.

Will the information I give be kept confidential?

We have to tell the pharmacist or pharmacy owner that you have made a complaint and give them a copy of your complaint and any other information you provided. Apart from that, we will keep any information you give us confidential in line with data protection legislation. If your complaint results in an inquiry, it may be held in public.

Can I contact the PSI for advice?

We will assist you as best we can with your questions. We also suggest that you contact a patient advocacy or support group for help. You will find a list of useful contacts at the back of this guide.



Email: complaints@psi.ie

Telephone: (01) 218 4000

Fax: (01) 283 7678

Address: Complaints Officer, Pharmaceutical Society of Ireland, PSI House,
15 -19 Fenian Street, Dublin 2, D02 TD72

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

Some words explained

Admonish

To reprimand firmly

Allegation

The charge or charges faced by the pharmacist or pharmacy owner because of the complaint

Censure

To criticise strongly

Conditions

The PSI Council can impose a sanction where conditions are attached to a pharmacist's registration, including restrictions on how they can practise as a pharmacist

Evidence

What a witness says at the inquiry and the documents including photographs and videos that are brought before an inquiry

Expert Pharmacist/Witness

An independent pharmacist or other person who may be called by either side of a complaint at an inquiry

Health Committee

The Committee of Inquiry which deals with complaints about the impairment of a pharmacist's ability to practise because of a physical or mental ailment, emotional disturbance or addiction to alcohol or drugs

Indictable offence

An indictable offence is a criminal offence that may be tried by a jury in court

Inquiry

A hearing similar to a hearing before a court or tribunal

Legal Assessor

A barrister or solicitor who advises the Committees of Inquiry

Poor professional performance

Any failure to meet the standards of competence that would be reasonably expected of a registered pharmacist. Any such failure must be serious.

Preliminary Proceedings Committee

The committee that considers or screens all complaints received by the PSI and advises the Council on the action to take

Professional Conduct Committee

The Committee of Inquiry which deals with complaints about professional misconduct or poor professional performance

Professional misconduct

Behaviour that goes against the code of conduct for registered pharmacists or that involves fraud, dishonesty or other unacceptable behaviour. (Professional misconduct is defined in full in the Act. The legislation is available online on the PSI [website](#).)

Registrar

The Registrar, sometimes called the Chief Executive Officer (CEO), of the Pharmaceutical Society of Ireland (PSI) presents the evidence in support of the complaint

Remote Hearing

A hearing which take place virtually, i.e. over the internet, using technology and where the parties can

see and hear each other.

Sanction

The type of penalty that may be imposed on a pharmacist or pharmacy

Statutory Instrument

Orders, regulations, statutory rules and by-laws which are made under law are statutory instruments

Stenographer/Logger

A person who records everything which is said during an inquiry

Useful contacts



Public and Patient Advocacy and Support Services

Citizens Information Board

Telephone: 0761 07 4000

Web: www.citizensinformationboard.ie

Dignity 4 Patients

Telephone: (041) 984 5761/ (086) 165 4111

Web: www.dignity4patients.org

Healthcomplaints.ie

This website provides information on how to make a health complaint or give feedback about health services in Ireland.

Web: www.healthcomplaints.ie

Irish Advocacy Network

Telephone: (01) 8728684

Web: www.irishadvocacynetwork.com

Irish Patients Association

Telephone: (087) 659 4183

Web: www.irishpatients.ie

Sage Advocacy

Tel: (01) 536 7330

Web: <https://www.sageadvocacy.ie>

Other Regulators and Public Bodies

CORU – Regulator of Health and Social Care Professionals

Telephone: (01) 293 3160

Web: www.coru.ie

Dental Council – Regulator of Dentists

Telephone: (01) 676 2069

Web: www.dentalcouncil.ie

Health Service Executive (HSE) – Healthcare Services

Telephone: 1850 24 1850

Web: www.hse.ie

Medical Council of Ireland – Regulator of Doctors

Telephone: (01) 498 3100

Web: www.medicalcouncil.ie

Nursing and Midwifery Board of Ireland – Regulator of Nurses and Midwives

Telephone: (01) 639 8500

Web: www.nmbi.ie

Office of the Ombudsman

Telephone: (01) 639 5600 /LoCall: 1890 223 030 (from outside 01 area)

Web: www.ombudsman.gov.ie

Office of the Ombudsman for Children

Telephone: (01) 865 6800

Web: www.oco.ie

Office of the Financial Services Ombudsman

Tel: (01) 662 0899 /LoCall: 1890 882 090

Web: www.financialombudsman.ie