

Consultation Report:

Consultation on the Proposed Rules to Amend the PSI (Fees) Rules 2014

Version 1

29 May 2020

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Introduction

This report summarises the feedback received during the public consultation (21 – 26 May 2020) on the proposed Rules to amend Pharmaceutical Society of Ireland (Fees) Rules 2014, as amended. It also includes the outcome of the online survey. The PSI Council agreed that the consultation period should be abridged to 3 working days in recognition of the desirability of bringing these amended Rules into effect as soon as possible.

Background

The PSI Council proposed changes to the existing statutory rules which set out the fees payable by retail pharmacy businesses for continued registration. This was proposed as part of on-going initiatives to meet challenges arising in the context of the COVID-19 emergency.

In responding to the current COVID-19 public health emergency, protective and emergency measures have been put in place by pharmacies in order to help deal with the crisis. The measures which pharmacies have had to take in order to manage the situation, and to protect the public and their staff members, have had an impact on the finances of some pharmacies.

In order to help mitigate any immediate cash flow issues at individual pharmacy level, the PSI Council proposed an amendment to the Pharmaceutical Society of Ireland (Fees) Rules 2014 to permit the granting of a deferral of continued registration fees which are due to be paid by registered pharmacies, for a specified period of time, during the ongoing Covid-19 public health emergency. If the amended Rules come into effect, pharmacies may apply for a deferment of fees due to be paid up to 31 July 2020. Any such deferred fees will not then fall due until 30 September 2020.

The proposed Rules to amend Pharmaceutical Society of Ireland (Fees) Rules 2014 as amended (see Appendix C) were presented to Council who approved the proposed Rules for public consultation on 19 May 2020.

About the Consultation

The public consultation opened on 21 May 2020 and closed on 26 May 2020.

The consultation was notified to PSI registrants in a Covid-19 email update and notified more broadly to the public on the PSI website. It was also notified through social media.

A group of targeted stakeholders (see Appendix A) were also made aware of the consultation through email.

Response to the Consultation

In total **n=73** responses were received to the public consultation. All responses were received through the online survey.

Responses are in the form of a survey which included yes/no answers and a free-text comment box which respondents could use to respond in their own words: an estimation of the number of submissions touching on the main themes was conducted and is included below.

56.36% of the respondents agreed with the proposed change to the statutory rules.

A number of themes emerged as a result of the survey, and this report identifies the main themes and provides further information to address the issues arising (please see Appendix B).

The Survey

Prior to completing the survey, respondents were asked to review the draft Pharmaceutical Society of Ireland (Fees)(Amendment) Rules 2020 and to respond to the four questions outlined below:

Please note that responses are anonymous, except where the respondent wished to be identified.

Survey Question 1

Respondents were required to answer this question¹ before progressing through the remainder of the survey as it pertained to data protection and freedom of information.

This survey is voluntary and can be completed anonymously. By completing it you are agreeing to allow your responses to be processed and analysed by the PSI for the purpose of seeking feedback on the PSI's (Fees) Rules 2014. A consultation report will be compiled and this report will be published on the PSI website in due course. The information you provide to this survey will be stored in a secure and confidential manner by the PSI, it will only be used for the purposes outlined above and it will be deleted in line with the PSI's record retention policy. The PSI uses SurveyMonkey to gather feedback to our public consultations. Full details of how your information is processed via SurveyMonkey is documented in this privacy policy. Submissions made to public consultations carried out by the PSI are subject to the provisions of the Freedom of Information Act 2014. Do you agree to the terms above? By selecting 'Yes' you are confirming you consent to providing your answers to the questions in this survey.

¹ As all respondents wishing to partake in the survey were required to answer this question (n=73). By answering 'no' the respondent was blocked from continuing the survey and instructed to contact PSI should they wish to participate further.

N=73

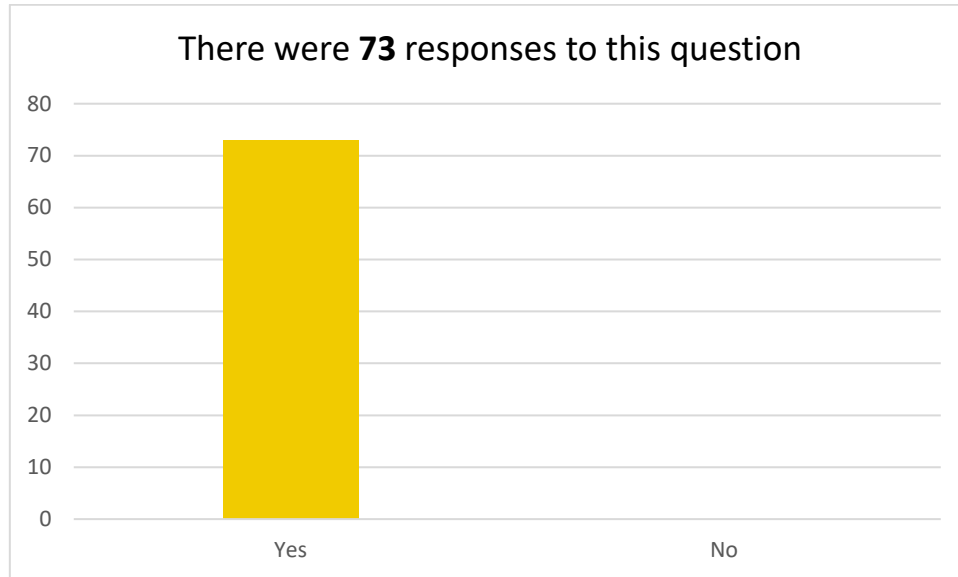


Figure 1: All respondents wishing to partake further in the survey were required to select 'Yes' (Survey Question 1)

Survey Question 2

Respondents were asked if they agreed with the proposed PSI (Fees) (Amendment) Rules 2020.

There were **55** responses to this question, 56.36% agreed and 43.64% disagreed with the proposed rules. The breakdown of responses are indicated in the graph below.

N=55

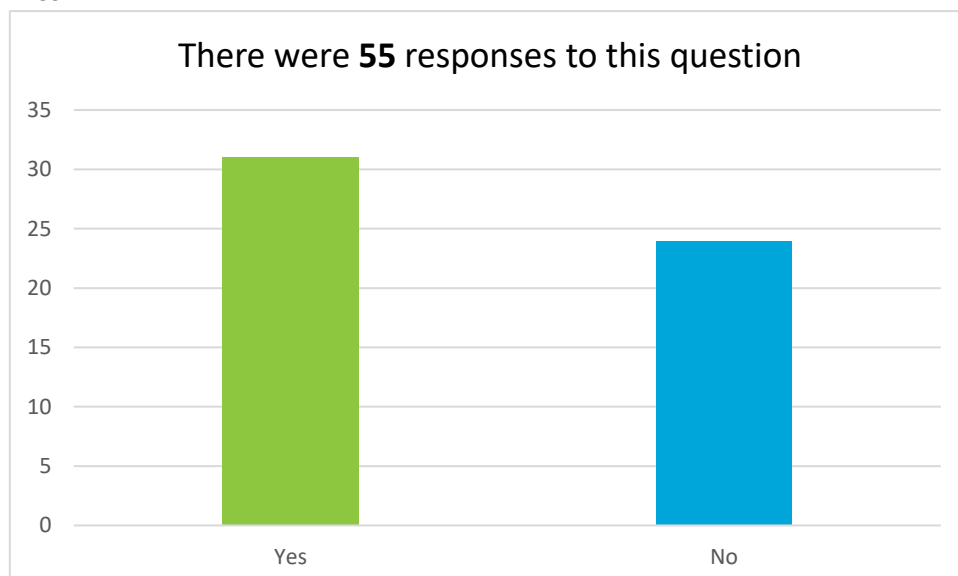


Figure 2: Breakdown of agreement with proposed rules (Survey Question 2)

Survey Question 3

Respondents were asked if they have any further comment to make in respect of the proposed Rules.

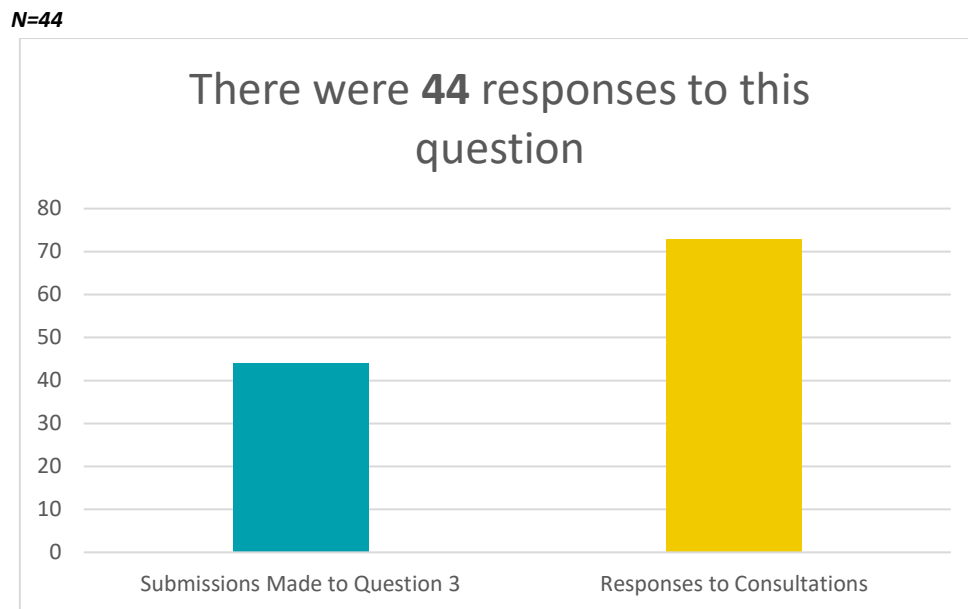


Figure 3: Do you have any further comments to make in respect of the proposed rules (Survey Question 3)

There were **44** comments submitted, all of which can be viewed at Appendix D.

Survey Question 4

Respondents were asked if they were responding on behalf of an organisation, to provide their name.

Six respondents elected to identify an organisation they were responding on behalf of. They were as follows:

1. Veterinary Council of Ireland
2. CarePlus Pharmacy
3. Colleran's Pharmacy Ltd Charlestown Co Mayo
4. Burkes Pharmacy
5. James Cassidy, Siopa an Cheimiceora Gaoth Dobhair
6. Niall O'Sullivan Pharmacy Group

Survey Conclusion

We have noted all responses with thanks. The feedback and comments are being provided to the Council of the PSI for its consideration.

Appendix A - List of Targeted Stakeholders

	Targeted Stakeholders
1.	All Retail Pharmacy Businesses on the PSI register as at 21 May 2020 (approximately 1950)
2.	Department of Health
3.	Health Service Executive (HSE)
4.	Irish Pharmacy Union (IPU)
5.	Veterinary Council of Ireland (VCI)
6.	The Dental Council
7.	Medical Council of Ireland (MCIRL)
8.	Nursing and Midwifery Board of Ireland (NMBI)
9.	The Health and Social Care Regulator (CORU)

Appendix B - Thematic Discussion

Background

Questions one and four of the consultation survey were in relation to data protection and respondent organisations and question two did not provide for free comments to be made by respondents. Hence these questions are not included in this thematic discussion.

In respect of question three, 44 comments were received in total. The key themes identified for this question are outlined below.

All comments received are available for review in full under Appendix D.

Discussion

The main themes and suggestions of the 44 responses are described and addressed below.

1. Reduction of Registration Fees for Retail Pharmacy Businesses

40.91% of responses raised concerns as to the cost of registration fees for Retail Pharmacy Businesses generally. A preference for fees to be reduced as opposed to deferred for 2020 were also highlighted.

PSI Response: While these responses are understandable, they relate to a broader concern which is not the subject of this proposed amendment. The proposal is limited to a temporary deferral of the continued registration fee for retail pharmacies only, in the current circumstances related to Covid-19. Therefore, these responses are not directly relevant to the proposed amendment.

2. Waiving of registration fees for Retail Pharmacy Businesses for 2020 and/or until the COVID-19 pandemic is declared over

27.27% of responses raised concerns over the pandemic continuing to have a significant impact on the financial circumstances of Retail Pharmacy Businesses

PSI Response: While these responses are understandable, they relate to a broader concern which is not the subject of this proposed amendment. The proposal is limited to a temporary deferral of the continued registration fee for retail pharmacies only, in the current circumstances related to Covid-19. Therefore, these responses are not directly relevant to the proposed amendment.

3. Support for amendment

11.36% of responses expressed support for the amendment citing it as reasonable, proportionate or proactive measure.

PSI Response: These responses are noted.

4. Review of Pharmacist Fees

9.1% of responses stated that the registration fees of pharmacists should be reviewed also.

PSI Response: While these responses are understandable, they relate to a different concern which is not the subject of this proposed amendment. The proposal is limited to a temporary deferral of the continued registration fee for retail pharmacies only. Therefore, these responses are not directly relevant to the proposed amendment.

5. Other

11.36% of responses suggested that the amendment didn't go far enough; that the crisis will not be over by 2020; that the deferral is taking place during the quietest time of the year; that the majority of fees are paid in November; and, that fees should be abolished in their entirety.

PSI Response: While these responses are understandable, they relate to a range of broader concerns which are not the subject of this proposed amendment. The proposal is limited to a temporary deferral of the continued registration fee for retail pharmacies only. Therefore, these responses are not directly relevant to the proposed amendment.

Appendix C – Consultation Draft of Proposed Rules to amend Pharmaceutical Society of Ireland (Fees) (Amendment) 2020



STATUTORY INSTRUMENTS.

S.I. No. [•] of 2020

PHARMACEUTICAL SOCIETY OF IRELAND (FEES) (AMENDMENT) RULES 2020

S.I. No. of 2020

PHARMACEUTICAL SOCIETY OF IRELAND (FEES) (AMENDMENT) RULES 2020

The Council of the Pharmaceutical Society of Ireland, in exercise of the powers conferred on the said Society by section 11 of the Pharmacy Act 2007 (No. 20 of 2007) (as adapted by the Health and Children (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 219 of 2011)), with the consent of the Minister for Health, hereby makes the following rules: -

1. (1) These Rules may be cited as the Pharmaceutical Society of Ireland (Fees) (Amendment) Rules 2020.

(2) The Principal Rules, the Pharmaceutical Society of Ireland (Fees) (Amendment) Rules 2015 (S.I. No. 238 of 2015), the Pharmaceutical Society of Ireland (Fees) (Amendment) Rules 2016 (S.I. No. 311 of 2016), the Rules of 2017 and these Rules may be cited together as the Pharmaceutical Society of Ireland (Fees) Rules 2014 to 2020.

2. In these Rules—

“Principal Rules” means the Pharmaceutical Society of Ireland (Fees) Rules 2014 (S.I. No. 378 of 2014);

“Rules of 2017” means the Pharmaceutical Society of Ireland (Fees) (Amendment) Rules 2017 (S.I. No. 99 of 2017).

3. Rule 3(1) (as amended by Rule 3(a) of the Rules of 2017) of the Principal Rules is amended—

(a) by substituting for the definition of “Act” the following:

“‘Act’ means the Pharmacy Act 2007 (No. 20 of 2007), as amended by the European Communities (Recognition of Professional Qualifications relating to the Profession of Pharmacist) (No. 2) Regulations 2008 (S.I. No. 489 of 2008), the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24 of 2010), the Health (Pricing and Supply of Medical Goods) Act 2013 (No. 14 of 2013), the Health Identifiers Act 2014 (No. 15 of 2014), the European Union (Amendment of the Pharmacy Act 2007) Regulations 2015 (S.I. No. 86 of 2015), the Professional Qualifications Regulations, the Data Protection Act 2018 (No. 7 of 2018) and the Emergency Measures in the Public Interest (Covid-19) Act 2020 (No. 2 of 2020);”, and

(b) by substituting for the definition of “Retail Pharmacy Businesses Rules” the following:

“‘Retail Pharmacy Businesses Rules’ means the Pharmaceutical Society of Ireland (Retail Pharmacy Business) (Registration) Rules 2008 (S.I. No. 495 of 2008);”.

4. The Principal Rules are amended by inserting after Rule 5 the following Rule:

“Deferment of payment in respect of continued registration of retail pharmacy businesses due to Covid-19

5A. (1) Subject to paragraph (2), and notwithstanding Rule 5 of these Rules and Rule 4(3)(b) of the Retail Pharmacy Businesses Rules, in the exceptional circumstances arising from the Covid-19 emergency, from the coming into operation of this provision until 31 July 2020, the Council may, on request, grant a pharmacy owner an extension for the payment of a fee in connection with an application made within that period for the continued registration of a retail pharmacy business.

(2) An extension under paragraph (1) shall permit the pharmacy owner to pay the prescribed fee no later than 30 September 2020.

(3) In paragraph (1), ‘Covid-19 emergency’ means the situation resulting from the spread in the State of the disease caused by infection with the virus SARS-CoV-2, being a disease specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981), or any variant of the disease so specified as an infectious disease in those Regulations.”.

I, SIMON HARRIS, Minister for Health, consent to the making of the foregoing Rules.

L.S. GIVEN under my Official
Seal, [DATE] [MONTH]
2020.

SIMON HARRIS,
Minister for Health.

L.S. GIVEN under the Official Seal of the Council of the
Pharmaceutical Society of Ireland,
[DATE] [MONTH] 2020.

JOANNE KISSANE,
President.

NIALl BYRNE,
Registrar.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Rules amend the Pharmaceutical Society of Ireland (Fees) Rules 2014 to allow for the payment of fees in relation to the continued registration of certain retail pharmacy businesses to be deferred for a specified period of time, due to the Covid-19 pandemic.

These Rules may be cited as the Pharmaceutical Society of Ireland (Fees) (Amendment) Rules 2020.

Appendix D – Responses to Consultation

Comment number	Comment
1.	They should be waived for 2020
2.	I don't think it is fair for pharmacy owners who have already paid. The proposal should benefit all pharmacy owners equally and a reduction in fees is much more appropriate and necessary.
3.	Fees for Pharmacists should be reviewed too.
4.	I find it strange that it only affects fees due up to July when the majority pay their fees in November. I also feel it's a wasted gesture as it just delays an inevitable payment and really fees should be reduced or better still abandoned this year meaning next payment would not be due until November 2021
5.	The pharmacy registration fees are far too high and put an added financial burden on small community pharmacy owners. They were increased just before the economic crash in 2008 and need revising downwards
6.	In the absence of other financial supports for pharmacies I think this is a good measure. However i do think that while deferral is a welcome option I also feel that a reduction in fees for this year would go further to help struggling pharmacy businesses
7.	I feel very strongly that deferring fees is just kicking the problem down the line. Community pharmacy during the pandemic have had to make substantial financial investments - without any input from government - just to keep operating for the good of our patients and communities. Our front of shop business has been decimated due to the lack of people allowed through our doors. Deferral of fees is just a token gesture in my opinion - cancellation of fees for the duration of the pandemic needs to be done immediately to help relieve the financial burden
8.	I think this is a positive, proactive measure.
9.	The current fee for registration of a Retail Pharmacy Business is too high. This has always been the case. A Retail Pharmacy Business is more than just a retail business and the attitude of the PSI to the professional healthcare aspect of the operation has always been offensive to me. At this time, when Retail Pharmacy Business owners, previously community pharmacists, have done as much as possible to continue to provide a safe and vital service to their customers, previously patients, a deferral of excessive fees for a few months is exactly the type of dismissive gesture pharmacists are, unfortunately, accustomed to.
10.	Registration Fees should be cancelled for 2020 to take some pressure off pharmacists at this difficult time. As a locum pharmacist my hours have been greatly reduced as a result of COVID 19 it would be great to have one less expense at this time.
11.	Remove the fee for the duration of Pandemic ! The fee is ridiculously high in normal times but it is obscene at this time
12.	Pharmacists and pharmacy staff have shown themselves to be of a continuing high standard, from the start of the Covid19 pandemic in Ireland (and before). It is important that this effort is recognised by the PSI, as has been recognised by Minister Harris. The rules do not go far enough. It is more appropriate to waive/refund all fees for the calendar year 2020, in recognition of the greatly increased costs for pharmacies and pharmacists in providing a high standard of service in the nationwide response to Covid19. It is also an appropriate opportunity to reduce fees for pharmacists and pharmacies in addition to a complete review of the PSI's expenditure and reserves, not just for 2020.

13.	There should be more than just fee deferral. Many organisations are taking a hit to their incomes I don't see why the PSI shouldn't also. As a locum pharmacist my income has been catastrophically hit both on the rate front (rates are a third of this time last year) and on the availability of work (an average of one day per week and no more available days until July). There is no mention of a reduction in my fees though. How are you going to continue to attract the top students in Ireland to do Pharmacy at rates barely above the wages an electrician earns?
14.	The amendment doesn't go nearly far enough
15.	Rather than being deferred, the fees should be cancelled for 2021.
16.	Deferral of fees will only push the problem further down the road. Pharmacies should be granted a waiver on fees for the duration of the emergency similar to what is proposed for commercial rates.
17.	Don't just delay it. That is of no benefit. The fee should be waived completely for this year. It has always been too high in comparison to other healthcare professions. Pharmacists and pharmacies do not get any benefit at all from the PSI for this money... Only the constant threat of inspection and censure. Pharmacies have ploughed tons of money into keeping open in this pandemic. Without help. We've kept open throughout the pandemic, helping the public, offering an ear, putting ourselves in harms way - maybe despite having sick, elderly or immunocompromised family members at home. We've been delivering medication out of our way after a long day of work. Staff and locums have been working at night behind closed doors trying to catch up on the backlog of scripts coming from GPs every day. The PSI, meanwhile, have been working from home throughout this time.
18.	I think Pharmacies are sufficiently funded to be able to pay registration fees without needing assistance.
19.	This crisis will not be over by September 2020. This should be discussed and tackled now rather than having to go through this process again. If pharmacies start dropping off the register due to unpaid fees, the PSI itself will become nonviable.
20.	Satisfactory
21.	Deferral of retail pharmacy fee appears reasonable and proportionate in acknowledging the current challenges faced by many retail pharmacies.
22.	FEES SHOULD BE REDUCED
23.	Deferral for three months during the quietest time of the year? Another example of the PSI having zero appreciation of what community pharmacy is like.
24.	Well done. It is great to see something finally being done to alleviate the stress on hardworking small pharmacy businesses. Would it be too much to ask for a discount for some of those who are struggling financially...??
25.	Income is down, costs of protecting staff and public has escalated, future is uncertain. We require a REDUCTION of registration fees not postponement. Are we expected to pay two registration fees in 2021 if we are still open ?
26.	Abolish the fee we have been overpaying for years and Shrewsbury road was taken in a land grab and it belonged to us
27.	Reduction of fees would be much more beneficial than deferral. Maybe one individual fee included with each business fee?
28.	Deferred fee payment! It's like a loan shark giving you a extra week, the full amount is still due! I'd propose you'd reduce the fee in line with economic retardation , this will reduce the burden and properly assist business
29.	Reduction or removal of fee

30.	Why does it cost 60e to stay on the register as a teacher and 400e as a pharmacist. Why are we subject to the world's most expensive register retention fee given the UK is approx 200. How much money do you actually need in your current account?
31.	Yes I think it should also extend to professional registration fees for pharmacists which should also be reviewed
32.	Fees are astronomical and should be reduced by minimum 50%
33.	I think PSI fees are in no way justified. We have paid enough for the last number of years. I propose Pharmacy Premises fee -€400- Pharmacists fee - €200- Thank you
34.	Fees are way too high. Comparable bodies, example opticians, pay far less.
35.	The proposal is a joke. The fees for both pharmacies and pharmacists should be cancelled completely for 2020.
36.	fees are ridiculous in relation to other countries. time for them to be cut back not deferred.
37.	The fees are too high and the level at which they were introduced was too high to start with
38.	The fees should be waived and not deferred
39.	Rather than postpone fees, the fees should be reduced as they are excessive by any standard and very inflexible with regard to amendments that may arise in the course of running a pharmacy
40.	I would suggest that this is an opportune time to review the fees currently charged to Retail Pharmacy Businesses and to Pharmacists. I feel the fees currently being charged were excessive even before the demands of Covid 19 were placed upon us all. A deferral is welcome but a reduction for 2020 and ongoing would be expected.
41.	In any reasonable assessment, an exceptionally well funded PSI would waive rather than defer fees especially when formally acknowledging the once in a lifetime financial pressures facing pharmacies at this time in your own review. When calling for relief from rates and other govt charges, financial support schemes to ensure we are still available to provide services in the future etc, it is surely reasonable given the huge reserves possessed by our regulator, that the PSI would play their part and waive fees for one year given the extraordinary challenges faced by the profession. It would be even more welcome if our fees could be reviewed and brought in line with our counterparts in similar EU countries - in times of crisis we should not have to bear such punitive registration fees and a level similar to UK would bring much needed relief to the sector and should still be more than ample to fund effective regulation.
42.	I'm not sure who may benefit from this as the main fees are paid in November? Trying to remain relevant maybe?
43.	I feel the fees are way too high in general. €2,135.00 recurring each year is way out of kilter with any comparable regulator in the EU.
44.	Deferral isn't enough. The fees should be suspended for a year for pharmacies that have been negatively financially impacted by the crisis (increased costs and/or reduced turnover).