

## PHARMACEUTICAL ASSISTANTS – INFORMATION NOTE

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### Historical Background

Under the provisions of the Pharmacy Act 2007 (the Act) (as amended) a “pharmaceutical assistant” means *“a person who before the coming into operation of section 4(1) of this Act was competent, under section 19 of the Pharmacy Act, (Ireland) Amendment Act 1890 to transact the business of a pharmacist in his or her temporary absence”*.

Under Section 19 of the Pharmacy Act, (Ireland) Amendment Act 1890 it is provided that *“ the Council may cause examinations to be held at such times and in such manner as may be prescribed by them from time to time for the purpose of examining assistants to pharmaceutical chemists and such assistants as shall pass such examination shall be competent to transact the business of a licentiate of the Pharmaceutical Society in his temporary absence but shall not be entitled to conduct or manage a business or to keep open shop on their own account.”* The old Pharmaceutical Society of Ireland was responsible for the conduct of such examinations.

By virtue of section 30(1) of the Act, a person whose name is entered in the register of pharmaceutical assistants is permitted to act on behalf of a registered pharmacist during the temporary absence of the registered pharmacist.

The current position regarding scope of practice and what constitutes temporary absence is based on the Code of Practice governing the temporary absence clause of the Pharmacy Act (Amendment) Act 1890 as agreed with the Pharmaceutical Assistants Association following discussions that took place in 1994.

### Education and Training

Since the inception of the qualification of “Pharmaceutical Assistant (PA)” in 1890, the training appears to have been delivered in two particular formats.

Between 1890 and 1958, it is understood that no individual distinct course was provided for the PA qualification. Students registered to undertake the pharmaceutical licence course were also entitled on completion of that course to sit the “Examination for the Qualification of Assistant to Pharmaceutical Chemist”. An individual who was not successful in the pharmaceutical licence

examination could sit the PA examination and/or continue to repeat the pharmaceutical licence examination until successful. The then course of training was delivered on a primarily vocational basis with part time/evening academic attendance requirements prior to the student being eligible to sit either of the prescribed professional examinations. In this scenario it was conceivable, and in many cases a reality, that an individual could qualify as a PA and subsequently take the examination to qualify as a Registered Chemist.

Between 1950 and 1960, the training to become a pharmacist consisted of a five year course consisting of a "First Professional" academic year followed by three years apprenticeship in a pharmacy and a "Second Professional" academic year, the successful completion of which required the passing of the final pharmaceutical licence examination. The training to become a Registered Pharmaceutical Chemist from circa 1960 to 1977 consisted of a three year Academic degree undertaken at third level, followed by a one year practical training/apprenticeship position.

When the envisaged transfer of pharmacist education to University was imminent, the Council in 1958 decided to establish an independent parallel course leading to the qualification of an "Assistant to a Pharmaceutical Chemist". Between circa 1960 and 1982, an individual wishing to train as a PA, would after having achieved leaving certificate/matriculation level:

- serve an apprenticeship to a registered pharmaceutical chemist for a period of not less than three years, with formal notification to the old PSI, prior to the commencement of the period of tutelage and following its completion. Any changes to the tutelage placement would also have to be notified to the old PSI.
- On completion of this apprenticeship, the student was required to attend an academic course for a period of one academic year and was required to pass an examination, which included practical examinations in some subjects, as prescribed by the Pharmaceutical Society of Ireland.<sup>1</sup>

On the current Register of Pharmaceutical Assistants the earliest qualification held by a PA dates from 1961.

In 1979 the last persons to be examined as Pharmaceutical Assistants commenced practical training.

The last course of academic training delivered for Pharmaceutical Assistants under the meaning of Section 19 of the Pharmacy Act 1890 commenced in October 1982 with the last examination in this regard held in 1985<sup>2</sup>.

A Preliminary/Apprenticeship Register and a Register of Pharmaceutical Assistants was maintained by the PSI at that time.

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<sup>1</sup> IPJ April 1985 p112

<sup>2</sup> IPJ November 1981 p443

## Temporary Absence Agreement of 1994

In 1994 the Council of the old PSI, together with the Executive Committee of the Pharmaceutical Assistants Association<sup>3</sup> negotiated an Agreement and a draft Code of Practice governing Temporary Absence Clause to standardise interpretation of the provision "temporary absence" , with the final meeting held between the PSI and the Pharmaceutical Assistants Association (PAA) on the 4<sup>th</sup> August 1994 .

The agreement between the old PSI and the PAA sought to set out a mutual understanding of what the 1890 Act provided for, and was a statement of intent as to how the two parties considered "temporary absence" should be understood.

In summary the main provisions of the 1994 Agreement, are:

- The PA who will be performing professional duties of a pharmacist in his/her temporary absence shall be employed in the pharmacy concerned on a permanent basis for not less than 15 hours per week;
- The PA shall be entitled to cover short absences, such as lunch hours, two half days or one day off per week, unscheduled short absences and the standard annual leave of the pharmacist;
- The maximum number of days which the PA could cover in the temporary absence of the pharmacist should not exceed 14 calendar days in any single absence.

## Current Legislative Framework

The Act (as amended) and the Regulations made thereunder create a clinical governance structure and framework within which each registered retail pharmacy business (RPB) must comply and operate. It creates distinct pharmacist roles within the RPB practice which may be summarily described as follows:

- The "**Superintendent Pharmacist**" is the individual registered pharmacist who, having not less than three years whole-time practice experience as a pharmacist in a retail pharmacy business, is in personal control of the pharmacy and as such is responsible for the overall professional and clinical management of the pharmacy. This pharmacist is in personal control of the management and administration of the sale and supply of medicines, and may operate in this capacity for more than one pharmacy practice at a given time. (*ref. Sn 27(b), 28(a) and 29(b) of the Pharmacy Act 2007*)
- The "**Supervising Pharmacist**", who must also have not less than three years post-registration practice experience, is the individual registered pharmacist who is in whole-time charge of the operation of the individual pharmacy business. This pharmacist is responsible for all the on-going operations of the pharmacy, even when absent and has

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<sup>3</sup> Record of meeting with PAA 22/4/1994 M. Redmond, Solicitor is recording as stating the representatives of the PAA were empowered to reach agreement in principle but any draft Code when prepared in its totality would have to go back to the membership for approval.

a reporting relationship to the superintendent pharmacist. The pharmacist fulfilling this role may operate in this capacity for one pharmacy only at a given time and is required to have his or her name conspicuously displayed at the pharmacy premises concerned. (*ref Sn 27(c), 28(b) and 29(c) of the Pharmacy Act 2007*). The Superintendent pharmacist has legislative and professional obligations to ensure that all staff under his /her management have the requisite knowledge , skills, including language skills and fitness to perform the work for which they are, or are to be responsible. (*ref. regulation 5(1)(h) of The Regulation of Retail Pharmacy Businesses Regulations 2008*)

- The “**registered pharmacist**” is that pharmacist who, either personally or under whose personal supervision the sale and supply of medicinal products in the pharmacy is conducted. No post-registration experience is laid down for this pharmacist unless he or she is acting as the Superintendent Pharmacist and/or the Supervising Pharmacist for the particular retail pharmacy business.

In all cases, the registered pharmacist(s) operating in a pharmacy that delivers pharmacy care and services are required to comply with all legislative requirements, including the Code of Conduct for pharmacists, any guidance given by the Regulator and appropriate internal policy procedures and protocols. Such pharmacists are also personally accountable for all professional practices and activities overseen or carried out by him or her in the conduct of the business.

Under Section 26 of the Act, it is an offence to carry on a retail pharmacy business other than in accordance with the conditions set down in each of sections 27, 28 or 29 of the Act (depending on the type of pharmacy owner i.e. natural person, limited company, representative).

In all instances, irrespective of the pharmacy ownership structure, the sale and supply of medicinal products must be carried out by or under the personal supervision of a registered pharmacist at all times. (*ref. Sn 27(d),28 (c)and 29(d)*)

Section 30 of the Act provides that no offence is committed under Section 26 of the Act where a registered pharmaceutical assistant acts on behalf of a registered pharmacist during the temporary absence of the registered pharmacist.

A Pharmaceutical Assistant is permitted therefore, to carry out the activity of a registered pharmacist in the temporary absence of that pharmacist insofar as the sale and supply of medicinal products in a retail pharmacy business are concerned (vide Sn 27(d), 28 (c) and 29(d) of the Act) but not those functions that would be specifically associated with the roles of Superintendent and/or Supervising Pharmacist.

Pharmaceutical assistants are not currently subject to Fitness to Practise provisions outlined in Part 6 of the Act.