



**Minutes for Public Council Meeting No. 79**

**Thursday 26 January 2017**

**PSI House, Fenian Street, Dublin 2**

The public session of the 79<sup>th</sup> meeting of the Council of the Pharmaceutical Society of Ireland, established under the Pharmacy Act, 2007 commenced at 11:40am on Thursday, 26<sup>th</sup> January 2016 at PSI House, Fenian Street, Dublin 2.

**Present:** Dr. Ann Frankish, President, Mr. Rory O'Donnell, Vice-President, Ms. Mary Rose Burke (from 12:25pm) Ms. Nicola Cantwell, Mr. Richard Collis, Mr. Fintan Foy, Dr. Paul Gorecki, Ms. Joanne Kissane, Mr. Graham Knowles, Ms. Deirdre Larkin, Ms. Caroline McGrath, Mr. Shane McCarthy, Mr. Edward McManus, Prof. Kieran Murphy, Mr. Pat O'Dowd (from 13:30pm), Ms. Muireann Ni Shuilleabháin, Asst. Prof. Sheila Ryder, Mr. Paul Turpin and Ms. Ann Sheehan.

**PSI Staff:** Mr. Niall Byrne, Registrar/Chief Officer, Dr. Cheryl Stokes, Mr. John Bryan, Dr. Lorraine Horgan, Ms. Damhnait Gaughan, Ms. Debbie Chappat, Ms. Ruth Bailly, Ms. Caroline Mellows (for part), Ms. Eileen Troy (for part) and Ms. Ciara Dooley (for part).

**Public Gallery:** The President welcomed the attendees in the public gallery.

**A. Apologies**

Apologies had been received from Dr. Chantelle Macnamara and Mr. Hugo Bonar.

**B. Declaration of Interests**

Under item B of the Council Agenda, the President drew Council members' attention to their obligations under paragraph 9 of Schedule 1 to the Pharmacy Act 2007, which deals with the necessary disclosure of certain interests by members of the Council. Those requirements are also reflected in the Code of Conduct adopted for Council members which requires that Council members *"be honest and open with regard to conflicts of interest (either real or perceived). Members must not use their position for personal gain in either business, political or social relationships. Therefore, a member who has, or may be perceived to have, such a personal interest in a particular matter under consideration should declare that interest, withdraw from all discussions relating to it and take no part in any vote on such matter."*

### **C. Draft Minutes of Public Council Meeting No 75**

The President noted that the draft minutes of Public Council Meeting Number 78 had previously been circulated to Council members. One addition had been suggested by a Council Member to Agenda items K1 and K2 on Mediation. The President read out the suggested text to be added:

*'Mr Bonar also stated that were the registrant and the registrar agreeable to go to mediation, in the context of all evidence being available as a result of an inspection, that such a situation could be resolved by mediation.'*

Some Council members also believed that the minutes did not accurately reflect discussions on whether to have a fee review in 2017 which had taken place under agenda item J3 Approval of the PSI Funding Review at the previous Council meeting. During the discussion which followed, Council members agreed that there was a misunderstanding regarding the precise nature of the Council decision on a review and ensuing interpretation and implementation of that decision and as such, Council members agreed to discuss this matter further under Agenda Item J1, the Report from the Administration and Finance Committee, and postpone the approval of the minutes until after that agenda item.

The Registrar responded to queries from Council members regarding the EFQM Model, indicating that a budget of €10,000 had been allocated to this project. He also advised Council that a call-over system for complaints was being developed and that the Executive endeavors to circulate Council documentation as and when ready, however as the agenda is set seven days in advance of the meeting, that this is the current timeline in operation for dissemination of information. The President also responded to a query regarding the level of registration fees.

### **D. Office of the Registrar**

#### **D1. Report of the Registrar**

Mr. Niall Byrne, Registrar and Chief Officer, addressed the Council and gave an overview, by means of a presentation, of the key updates and significant recent developments. The Council had previously been circulated with the Registrar's Report which contains high level Departmental and Unit updates together with key strategy and policy updates.

Following Mr. Byrne's presentation, the President welcomed queries from Council members. A Council member queried whether the Internal Audit Report on Fitness to Practise and Complaints, which is due to be considered by the Audit Committee in March would be brought to Council. Dr Cheryl Stokes, Head of Corporate Governance and Public Affairs outlined that Internal Audit Reports are reviewed by the Audit Committee who in turn present a report to Council through the Chair of the Audit Committee outlining the findings from the internal audit. She indicated that she would raise Council's request with the Audit Committee.

A Council member queried whether call-over meetings were held with Chairs of Disciplinary Committees and respondents in attendance, to which Mr. John Bryan, Head of Regulation clarified

that there would be a sitting of the Disciplinary Committees for call-overs at which chairs and respondents would be present. The Registrar also clarified, following a question from Council, that statistics on inquiries and complaints would be included in the 2016 Annual Report, in line with previous years.

Following a question on what progress had been made with regard to the definition of temporary absence, the Chair of the Registration and Qualification Recognition (RQR) Committee, Mr. Graham Knowles, advised Council that following the public consultation on the proposed draft Rules relating to Temporary Absence, findings were being analysed and a report would be presented at the first meeting of the RQR Committee in February. He indicated that the PSI had received over 500 responses to this consultation and proper due diligence was required.

## **D2. Corporate Strategy**

In his address to Council, the Registrar indicated that work was underway on the new PSI Corporate Strategy. A meeting was held between four Council members and members of the Executive on the 25<sup>th</sup> January with a second meeting envisaged next week. Mr. Byrne also highlighted that in line with the Code of Practice for the Governance of State Bodies, issued by the Department of Public Expenditure and Reform, that the PSI Corporate Strategy needed to be considered by the Minister for Health over a twelve-week period in advance of final approval of the Council, which necessitates the Corporate Strategy being submitted in August to the Minister. Mr. Byrne indicated that a broad outline of the PSI Corporate Strategy would be presented at the March 2017 Council meeting with the intention to have a well-developed draft version for the June Council meeting. The Registrar indicated that the timing for the development of the strategy is tight and as such, an additional special Council meeting may be needed over the course of the next five to six months. The Registrar advised Council that for now the schedule of Council meetings would remain as agreed at the December meeting.

Council members suggested the possibility of a strategic away day to input into the strategy and queried whether the use of mediation in seeking resolutions will be covered in the strategy. The Registrar assured Council that the strategic process is intended to cover all matters relating to the PSI's statutory functions. All of PSI's regulatory functions will be considered during the formulation of the PSI's Corporate Strategy with a view to ensuring the maximisation of service delivery to the requisite standard expected by the public of PSI as a regulatory body.

One Council member expressed concern that significant funding amounts were spent to remedy outcomes through inquiries in cases where mediation could prove a more cost-effective solution. The President of the Council assured Council members that this matter was being looked into.

## **E. Corporate Governance and Public Affairs**

### **E1. Report from the Audit Committee**

There was no meeting held since the last Council meeting on the 8<sup>th</sup> December.

## **E2. Appointments to PSI Committees**

### **a) Advisory Committee**

The Chair of the Nominations Sub-Group, Mr. Shane McCarthy, advised Council that Martin Higgins was being nominated for re-appointment to the Audit Committee with his term of office being extended until 15 December 2018. A biography of Mr. Higgins was circulated to all Council members.

**Decision: Mr Martin Higgins was re-appointed to the Audit Committee on the proposal of Mr. Paul Turpin and seconded by Ms. Ann Sheehan.**

### **b) Disciplinary Committee**

The Chair of the Nominations Sub-Group, Mr. Shane McCarthy, advised Council that Ms. Ann Sheehan was being nominated for appointment to the Health Committee, following the expression of interest from lay members of Council. Mr. McCarthy explained that Ann Sheehan was nominated for appointment to the Committee, to ensure the Committee was quorate pending the conclusion of the expression of interest process undertaken by the PSI, last November. He indicated that following the conclusion of the review of applications that nominations to the Disciplinary Committees, will be presented at the next Council meeting.

**Decision: Ms Ann Sheehan was appointed to the Health Committee on the proposal of Mr. Rory O'Donnell and seconded by Dr Paul Gorecki.**

## **E3. Appointment of scrutineer for the purposes of the election of Council members**

The President, Dr Ann Frankish, addressed the Council indicating that at the last Council meeting on the 8<sup>th</sup> of December 2016, Council approved the appointment of Cicely Roche as scrutineer for the purposes of the election of pharmacist members of Council in April 2017. Unfortunately, Cicely Roche is now unavailable to act as scrutineer due to other work commitments. To this effect, Council members were asked to consider the appointment of Mr. John Bourke as scrutineer for the purposes of the election.

**Decision: Mr John Bourke was appointed as scrutineer on the proposal of Mr. Shane McCarthy and seconded by Ms Joanne Kissane.**

## **F. Professional Development and Learning**

### **F1. Report of the Professional Development and Learning Committee**

There was no meeting held since the last Council meeting on the 8<sup>th</sup> December.

### **F2. IIOP Process for Accreditation of CPD Programmes**

The Chair of the Professional Development and Learning Committee, Prof Kieran Murphy, addressed the Council stating that Council members had been circulated with a proposal regarding an updated Process for the Accreditation of Continued Professional Development (CPD) Programmes which are

commissioned under the Department of Health work programme. The process, which was initially approved by Council on 2<sup>nd</sup> October 2014, has been revised to include a mechanism for continued accreditation where providers have already undergone a full accreditation process for the relevant programme at an earlier stage. The Professional Development and Learning Committee are very supportive of the revised process, which has also been updated to reflect the introduction of the Pharmaceutical Society of Ireland (Continuing Professional Development) Rules 2015 (S.I. 553/2015). Council members queried whether any progress was made on the proposal to assign European Credit Transfer and Accumulation System (ECTS) credits to CPD programmes. Ms Caroline Mellows, from the Education and Registration Department, advised Council that while the complexity of this proposal situates it beyond the scope of the revisions to the accreditation process, it is an issue that the PSI and Irish Institute of Pharmacy are considering and one that may be appropriate to include in the terms of reference for any upcoming review.

**Decision:** Council approved the updated Process for Accreditation of CPD Programmes which are commissioned under the Department of Health Work-Programme on the proposal of Ms. Caroline McGrath and seconded by Mr Graham Knowles.

#### **G. Inspection and Enforcement**

##### **G1. Report of the Inspection and Enforcement Committee**

There was no meeting held since the last Council meeting on the 8<sup>th</sup> December.

##### **G2. Update on the roll out of the Pharmacy Assessment System**

The Head of the Regulation Department, Mr John Bryan, provided a verbal update on the roll out of the Pharmacy Assessment System. Mr. Bryan stated that the self-assessment system was issued to all pharmacies between October and December 2016 encouraging all pharmacies to implement a cycle over the next five months. A short video has been uploaded to the website to assist pharmacists in implementing the self-assessment system. Mr Bryan also advised Council that roadshows are planned for March in Kilkenny, Cavan, Ballina, Killarney and Limerick. He informed Council that the Inspection and Enforcement Unit will be conducting advisory visits to pharmacies beginning in February to respond to queries regarding the pharmacy assessment system. Mr Bryan stated that, regrettably, visits to individual pharmacies could not be notified but the Inspection and Enforcement Unit will be providing notification of when they are present in an area and will be available to take telephone calls from supervising pharmacists whom they may not have seen during their visits.

*\*The meeting of the Council was adjourned for lunch at 12:42pm and reconvened at 13:35pm.*

#### **H. Pharmacy Practice Development**

##### **H1. Report from the Pharmacy Practice Development Committee**

There was no meeting held since the last Council meeting on the 8<sup>th</sup> December.

## **I. Registration and Qualification Recognition**

### **I1. Report from the Registration and Qualification Recognition Committee**

There was no meeting held since the last Council meeting on the 8<sup>th</sup> December.

## **J. Administration and Finance**

### **J1. Report of the Administration and Finance Committee**

The Chair of the Administration and Finance Committee, Mr. Shane McCarthy, addressed the PSI Council stating that Council members had been circulated with a report from the Administration and Finance Committee following its meeting held on 19<sup>th</sup> January 2017. Mr McCarthy advised the Council that there were two issues which arose from this report:

#### **1. Fee Review**

Mr McCarthy updated the Council on discussions emanating from the last two Administration and Finance Committee meetings and re-emphasised that the PSI was currently operating a large budgeted deficit for 2017. Mr McCarthy also referred to the Committee's recommendation to Council at its December 2016 meeting to conduct a fee review and the Council decision on this matter.

In the discussion that followed, Council members had differing views on the decision made at the last meeting concerning the carrying out of a funding review which would comprise a fee review, or the carrying out of a fee review first, followed by a funding review. While some believed a fee review was agreed for 2017, others thought that a core funding review followed by a fee review had been the agreed course of action. The Council sought the views of the Executive in relation to this matter. Council was informed that a fee review would provide limited information in the absence of a more comprehensive core funding analysis. Some Council members expressed their concern that the PSI was operating a budgeted deficit for 2017 and potentially also for 2018 and referred to the previous advice of the Administration and Finance Committee in this regard.

Mr Byrne assured the Council that the Executive at all times seeks to implement decisions of Council as efficiently and as effectively as possible. The Executive's understanding from the discussion at Council and the ensuing decision at the December meeting was that Council had agreed to progress with a comprehensive core funding review that would incorporate a fee review. Mr Byrne advised that it would be in the best interests of the PSI to conduct a core funding review in order to understand the resource requirements necessary to deliver upon the PSI's core functions to the requisite standard and in the public interest. He added that should a fee review proposal be presented to the Department of Health, that it would be highly advisable to situate such a proposal within a wider core funding review report in order to provide a comprehensive argument as to why a fee adjustment may be necessary. The Registrar considered that the Department of Health would no doubt seek clarification on core funding requirements should a fee adjustment proposal be received in isolation.

Given the apparent confusion surrounding the Council decision and the minutes of the December meeting in this regard, the Council agreed that it would be necessary to reconsider this matter and to make a decision on the required course of action to be followed. The Registrar asked that in order to ensure that the Council had as full information as possible on which to base its decision, that the Head of Operations, Dr Lorraine Horgan, would explain the steps and timelines for both the fee review process and for the core funding review process.

Dr Horgan explained that in the case of a standalone fee review, the review would be available for consideration at the June Council meeting. In the event of there being a proposed fee change, a public consultation could then be conducted over the summer and revised fees signed off by Council at the end of September, subject to approval by the Department of Health and of the Minister. If a core funding review was established, the review recommendations would come before Council at its September meeting following which there would be a public consultation in the event of a fee change being proposed. This process would conclude by April/May 2018. Dr Horgan also explained how a core funding review would also encompass a fee review.

A number of Council member agreed that it would be more beneficial to have a hybrid of a fee and core funding review to provide the contextual analysis and environmental factors supporting Council's evidence-based decision-making as to appropriate funding levels, including the fee levels. One Council member cautioned that fees can be influenced by factors external to the organisation and that a core funding review would highlight these issues.

Council confirmed its decision to operate a budgeted deficit in 2017 and the potential for a budgeted deficit in 2018 as well as the need to remain within the budgeted deficit figure which should not be exceeded.

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| <b>Decision</b> | <b>The Council voted and agreed by majority decision that:</b> <ul style="list-style-type: none"><li>- <b>A core funding review, incorporating a fee review, will take place in 2017 and will be reported at the September Council meeting. In the event of a fee change being proposed as a result of the review, a public consultation would then follow with a view to the entire process having concluded by May 2018.</b></li><li>- <b>In agreeing these steps, Council reiterated its decision to operate a budgeted deficit in 2017 and the potential for a budgeted deficit in 2018.</b></li></ul> |
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## **2. Value for Money Report**

The Chair of the Administration and Finance Committee, Mr McCarthy, indicated that the Administration and Finance Committee had been provided with a report for noting prepared by the Executive in accordance with the PSI's Procurement Policy on a value-for-money (VFM) review of a recently concluded contract for services. Mr McCarthy advised Council that the Committee had not been in a position to accept the Executive's report and had referred the matter to the Council. Council noted that the report would be discussed at the private session of its meeting later in the day.

The Council approved the minutes of the public session of the Council meeting held on 8<sup>th</sup> December 2016.

**Decision:**        **The minutes of Council meeting number 78 were approved on the proposal of Dr Paul Gorecki and seconded by Mr Fintan Foy.**

**Council Business**

**K1. Council Members' Time**

The President addressed Council and advised that no Council member had notified their intention to speak during this agenda item.

**The meeting ended at 2:30pm.**

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**President**

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**Date**