



***Minutes for Public Council Meeting No. 95
Thursday 21st March 2019
PSI House, Fenian Street, Dublin 2***

The public session of the 95th meeting of the Council of the Pharmaceutical Society of Ireland, established under the Pharmacy Act 2007, commenced at 08:30am on Thursday, 21st March 2019 at PSI House, Fenian Street, Dublin 2.

Present: Mr. Rory O'Donnell, President, Mr. Hugo Bonar, Mr. Graham Knowles, Ms. Veronica Treacy, Mr. Shane McCarthy, Mr. Michael Lyons, Mr. Paul Turpin, Ms. Ann Sheehan, Assoc. Prof. Sheila Ryder, Ms. Fiona Walsh, Ms. Mary Rose Burke, Ms. Joanne Kissane, Ms. Muireann Ní Shuilleabháin, Ms. Dorothy Donovan, Dr. Ailis Quinlan, Mr. Pat O'Dowd, Ms. Nicola Cantwell, and Mr. Seán Reilly and Dr. Paul Gorecki.

PSI Staff: Mr. Niall Byrne, Ms. Louise Canavan, Mr. John Bryan, Dr. Lorraine Horgan, Dr. Cora Nestor, Ms. Damhnait Gaughan, Ms. Aoife Mellett, Mr. Mark O'Riordan, Ms. Ruth McDonnell, Mr. Éanna O Lochlainn. Other PSI staff members also attended for part of the meeting.

Public Gallery: The President, Mr. Rory O'Donnell, welcomed the attendees in the public gallery.

A. Apologies

Apologies had been received from Ms. Marie Louisa Power and Mr. Fintan Foy.

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."

No conflicts of interest were declared.

C. Draft Minutes of Public Council Meeting No. 94

The President noted that the draft minutes of public Council meeting, number 94 had previously been circulated to Council members, and that one amendment had been received.

Decision: **The Council approved the minutes, as amended, of the public session of Council meeting number 94, held on the Thursday, 14th of February, on the proposal of Mr. Hugo Bonar, and seconded by Mr. Sean Reilly.**

D. Reports and Updates from the Registrar.

D1. Presentation of Annual Report and Financial Statement

The Registrar provided Council with an overview of the PSI Annual Report, and Financial Statements, for the year ending 31 December 2018. Two memorandums had been circulated to Council in advance of the meeting, seeking Council's approval for the Annual Report and the Financial Statements, to be submitted to the Minister for Health. The Registrar pointed out one error contained in the memorandum regarding the Financial Statements, and which did not alter the headline figures contained therein.

Mr Michael Lyons noted that the Financial Statements indicated there appeared to be a fall in inspection and enforcement related costs, and queried whether this had impacted on enforcement related activities. Mr. John Bryan, Head of Regulation, informed Council that the apparent fall in costs arose from a hiatus in spending, whilst a contract with an external service provider used by the inspection and enforcement unit, was currently being tendered for.

D2. Recommendation from the Audit and Risk Committee

Mr. Paul Turpin, Chair of the Audit and Risk Committee, informed Council that the Committee had reviewed the 2018 Annual Report and Financial Statements at its meeting on 11 March 2019. He informed Council that due to the delay in the sanctioning by the Department of Health of new posts at the PSI previously approved by Council, and lower

than budgeted expenditure on legal costs, the PSI was showing a surplus in 2018. Mr Turpin informed Council that the Audit and Risk Committee had met with the External Auditor at the Committee's meeting, and that he had raised a matter of emphasis, but not significant emphasis, with the Committee in relation to the pre-existing superannuation scheme and how it was being accounted for.

Mr. Turpin stated, that the Audit and Risk Committee, following consideration of the Financial Statements for the year ending 31st December 2018, was content to recommend the Statements for approval to Council.

Mr Graham Knowles noted that an issue appeared to have been identified with regard to the recognition from the balance sheet to the profit and loss account of registration fee income. Mr. Turpin confirmed that this was correct and that it related to the management of deferred income accounts. He confirmed that measures had been put in place to address the matter. Mr. Pat O'Dowd praised the efficient stewardship of PSI finances, and in particular, the work done by the PSI's Legal Affairs Manager. Dr. Paul Gorecki asked for clarification as to whether the PSI Registrar was also the PSI's Accounting Officer. The Registrar confirmed that the Pharmacy Act 2007 did not confer this particular legal responsibility on the PSI Registrar.

D3. Approval of Annual Report and Financial Statements

The President asked Council to approve the 2018 Annual Report and Financial Statements for submission to the Minister for Health.

Decision: Council agreed to approve the 2018 Annual Report and Financial Statements for submission to the Minister for Health, on the proposal of Dr. Ailis Quinlan, and seconded by Mr. Pat O'Dowd.

The President asked for Council's approval to sign on Council's behalf, the Letter of Representation to the External Auditor.

Decision: Council agreed to approve the signing by the President, on Council's behalf, the Letter of Representation to the External Auditor, on the proposal of Ms. Mary Rose Burke, and seconded by Dr. Paul Gorecki.

D4. Approval of (1) process for recognition of UK/NI Annex V (Professional Qualifications Directive 2005/36/EC) Qualifications, post 29 March in the event of a no deal Brexit, including approval of (2) draft amending Registration Rules.

Ms Damhnait Gaughan, Head of Education and Registration, briefed Council on planning and proposed action in the event that on 29 March 2019 the UK is no longer a member of the European Union (EU), and no transition arrangement applies.

The PSI currently operates three routes of qualification recognition, namely, national, EU, and Third Country with United Kingdom, including Northern Ireland (UK/NI) qualifications currently processed through the EU route. Post 29 March 2019 should there be a no deal Brexit, these applications will be processed through the Third Country Qualification Recognition Route (TCQR). Given the likely number of applications for qualification recognition, based on current UK/NI applications, the PSI would be likely to receive following a no deal Brexit, the current TCQR process will not be a suitable method by which to process these applications. Challenges would arise, in terms of timeliness, efficiency, and efficacy.

Ms Gaughan informed Council that the proposal presented was to have a mechanism in place whereby recognition/registration of pharmacists presenting with a qualification obtained in the UK/NI, could be progressed against objective criteria, which would satisfy Council, as to the equivalence of the qualification held, and thereby assure that Council fulfilled its patient safety, and public protection remit while, at the same time, recognising and pragmatically processing applications in a timely manner.

To this end, Council was asked to decide, that if circumstances occur where a no deal Brexit transpires, that it adopts a policy position as outlined in the accompanying Briefing Paper in respect of recognition of qualifications presented for assessment under the Third Country Recognition Route. In addition, to facilitate this appropriately, Council was asked to approve amendments to the PSI (Registration) Rules 2008, as amended. Council was asked to approve these amending rules to the effect that

- The word “shall” be changed to “may” in Rule 18(2) on the basis that the Act does not require all TCQR applications to be processed through an examination framework.
- Rule 18(3) be amended to provide for certification of qualification to be issued when a qualification is recognised under Rule 18(1).

All TCQR applications coming via this route would have to submit more documentation than

currently required, including syllabi and transcripts. This would allow objective assessment as to whether the qualification held, was previously an Annex V qualification listed in the Professional Qualifications Directive 2005/36/EC, as amended.

Ms. Gaughan informed Council that it was being proposed that in circumstances where the qualification was deemed to be a qualification formerly listed, or a UK/NI equivalent to a qualification formerly listed in Annex V, that the €1500 fee for recognition, would not be levied by the PSI. Once recognised as equivalent, and subject to minor amendments proposed to the Registration Rules coming into effect, the qualification would be recognised, and certification would be issued under Rule 18(3), which would clear the way for an application registration with the PSI. Council were being asked to approve these amending rules.

Mr. Graham Knowles asked whether reciprocal arrangements were being put in place in UK. The Registrar clarified that no formal reciprocal arrangements were in place. However, PSI understood that the UK intended to recognise Annex V qualifications for a period of two years after departure, and then re-evaluate. Mr. Sean Reilly advised Council that it needed to be prudent and careful, and to this end should consider inserting what he termed, a sunset clause, into any amendment of the rules. Ms Gaughan informed Council that approximately 25 per cent of current PSI registrants, held a qualification obtained in the UK or Northern Ireland. Mr. Michael Lyons stated that current intelligence suggested that the percentage of Irish pharmacy students training in the UK was already decreasing. Mr. Sean Reilly urged Council to ensure the PSI undertake an information campaign for pharmacy students, about to, or intending to qualify in the UK/NI, to ensure they were fully informed of their options, and in a position to make an informed choice. This he said should take place at the earliest opportunity. He was supported in this view by the President.

Decision: Council agreed to approve the process for recognition of UK/NI Annex V (Professional Qualifications Directive 2005/36/EC) Qualifications, post 29 March 2019, in the event of a no deal, Brexit, including approval of the draft amending Registration Rules on the proposal of Ms. Mary Rose Burke, and seconded by Mr. Hugo Bonar.

E. Audit & Risk Committee

E1. Audit & Risk Committee Report to Council

Mr. Paul Turpin Chair of the Audit and Risk Committee informed Council that a copy of the Audit and Risk Committee Report to Council had been circulated in advance of the meeting. He outlined several of the matters considered at that meeting and invited questions from Council. Council had no questions.

F. Report from the Business Transformation Programme Board

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Deputising for the Board's Chair, Ms. Fiona Walsh informed Council that a copy of the of the Business Transformation Programme Board Report had been circulated to Council in advance of the meeting. She invited questions from Council. Council had no questions.

G. Items from the President.

G1. Approval of updated Corporate Governance Framework

The President informed Council that a copy of the updated drafted Corporate Governance Framework had been circulated to Council to review prior to the meeting. He invited questions from Council. Dr. Paul Gorecki noted in that in the diagram (figure 2) illustrating the PSI Governance Framework, that PSI advisory committees were incorrectly indicated as reporting to the President, whereas the advisory committees reported to Council. The President agreed that this was an error which needed to be corrected. The Vice President requested that Council be provided with a copy of the Governance Framework without track changes at the next Council meeting, and that approval of the Framework should be deferred until then. The Registrar agreed to this.

G2. Update on the Revision of Delegations of Council

The President provided a brief update on this matter and the Registrar elaborated, informing Council that advice had been sought from Senior Counsel on the current scheme of delegations of Council, as part of the review. The recommendation indicated that the PSI could streamline its approach to delegations. The Executive continued to progress the matter, and its intention was to return with the new scheme to Council at its next meeting, prior to which, the Performance and Resources Committee would review it. Mr Michael Lyons asked that there be sufficient information about delegated authorities available in relation to matters coming before the Council. The Registrar said he would discuss with him what might be useful, and that it was always his practice, in making a decision, to state where he was acting under delegated authority.

H. Council Members' Time

No item had been tabled for Council Members' Time.

The meeting concluded at 10:00am.

President

Date