



The Pharmaceutical Society of Ireland Learning Event Sessions 2014

Session Two

*Fitness to Practise - Part 6 of the Pharmacy
Act 2007
Complaints, Inquiries & Discipline*

Session Overview

- Legislative framework
- Who can complain and what can they complain about
- Life cycle of a complaint
- PSI obligations
- What to do if a complaint is made about you?

Legislative Framework

1. Statutory Process

- Part 6 Pharmacy Act 2007

2. Disciplinary apparatus

- Preliminary Proceedings Committee
- 2 Inquiry Committees
- Mediation
- Council

3. High Court Oversight

- Under Pharmacy Act 2007 - Sanctions require High Court Confirmation/ Section 45
- Judicial Review

Who can make a complaint and what can they complain about?

- Any person can make a complaint

Section 35 - Registered Pharmacist

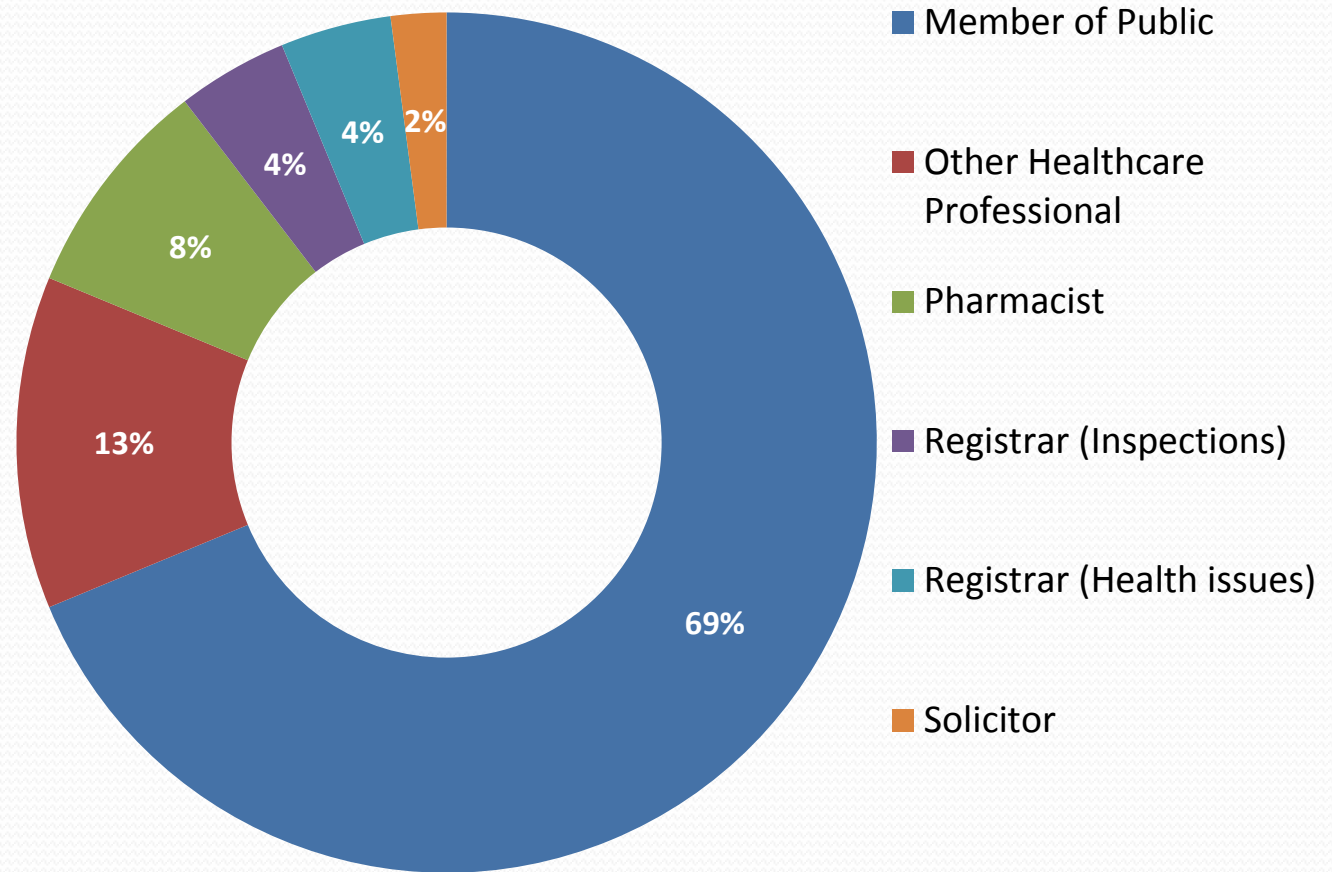
- Professional misconduct within/outside State
- Poor professional performance within/outside State
- Impairment of ability to practise because of a physical/mental ailment, emotional disturbance or an addiction to alcohol/drugs
- A failure to comply with a condition of registration
- A failure to comply with an undertaking or to take any action specified in a consent under section 46
- A contravention of this act or rules made by the Council under this Act
- A conviction in the state for an offence triable on indictment or a conviction outside the state for an offence consisting of an act or omission that, if done in the State, would constitute an offence triable on indictment

Section 36 – Retail Pharmacy Business –

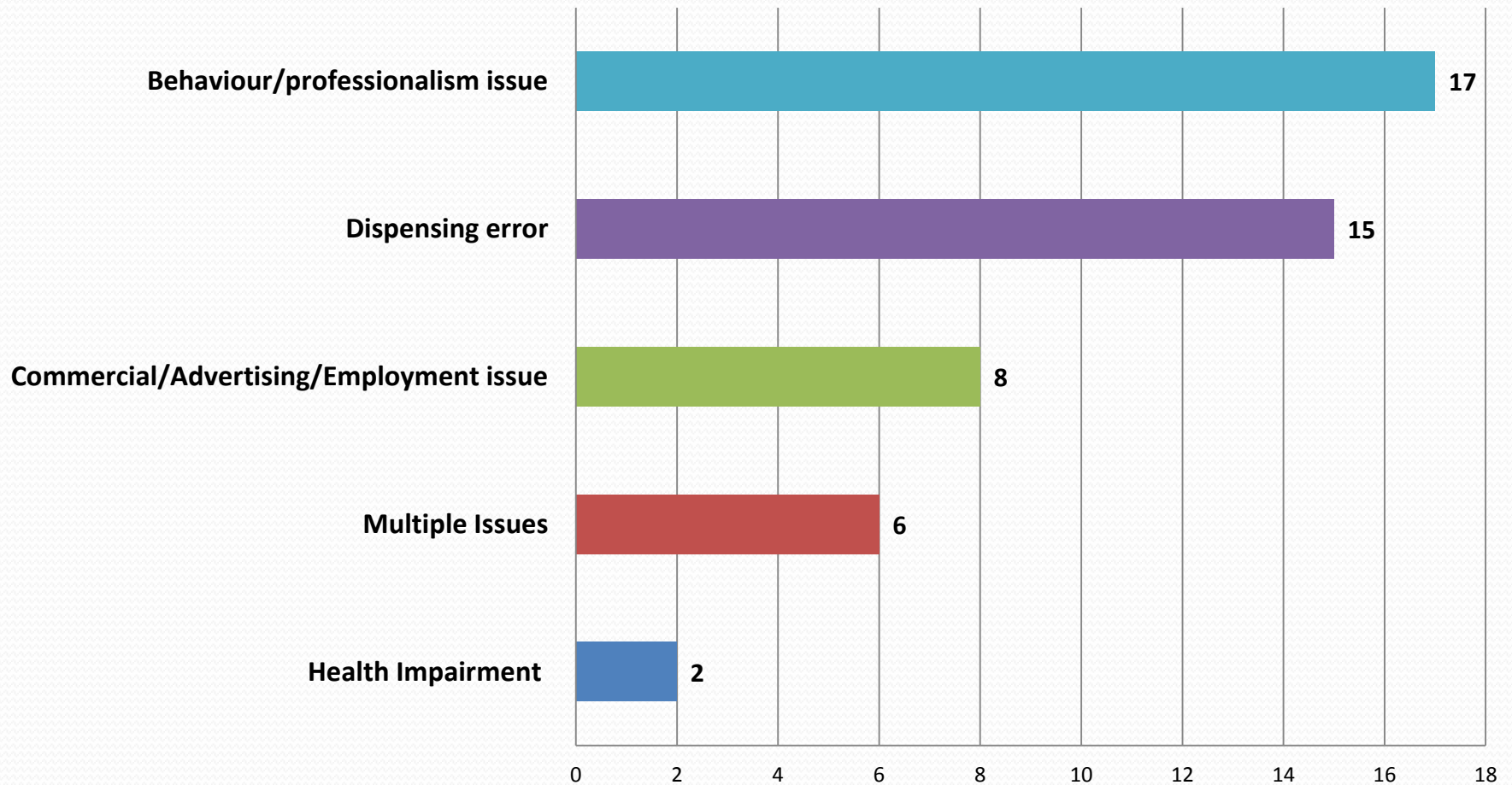
Pharmacy Owner/ Employee/ Partner of Pharmacy Owner / Representative has:

- been convicted of an offence under Pharmacy Act 2007, Regulations under the Pharmacy Act 2007, the Misuse of Drugs Acts, the Irish Medicines Board Acts, the Poisons Acts or the Animal Remedies Acts
- been convicted of any other offence or has committed misconduct and the nature that offence or misconduct is such that were the person applying for registration with the PSI the Council would be likely to refuse to register that person

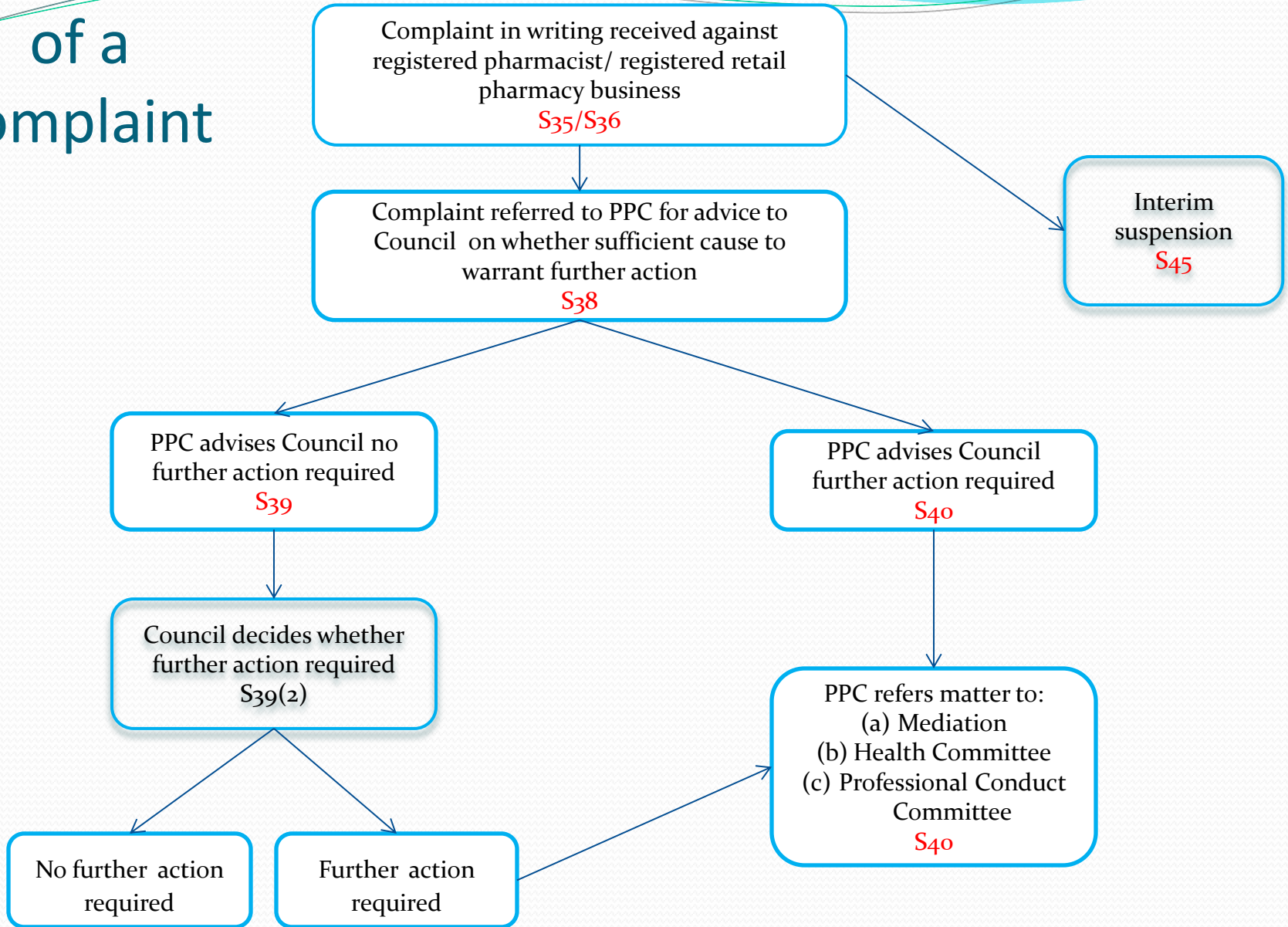
Breakdown of 48 Complaints by Source in 2013

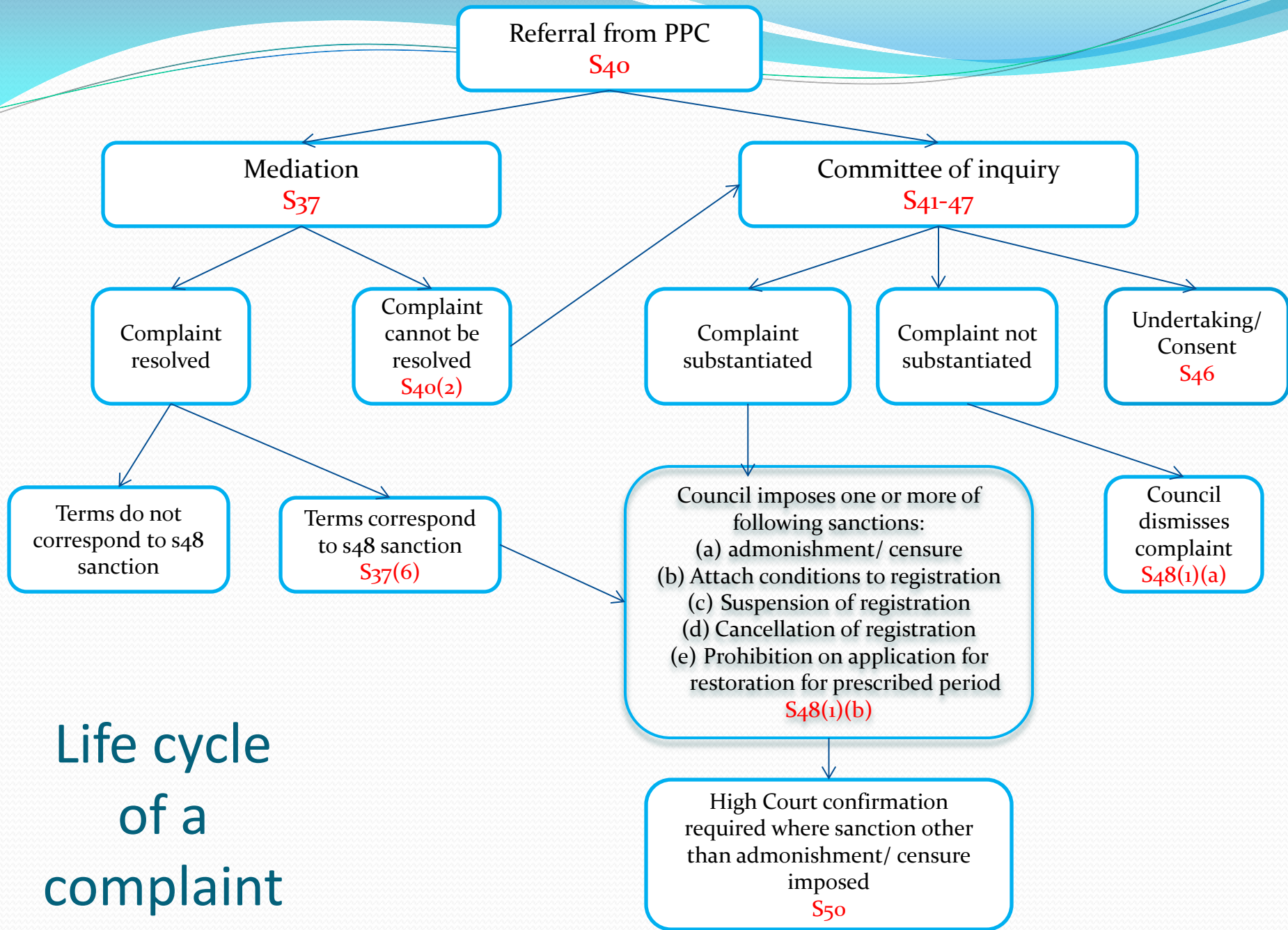


Categories of Complaints Received 2013



Life cycle of a complaint





Life cycle of a complaint

PSI Obligations

- Semi-judicial process: serious consequences for practitioners - constitutional right to earn a livelihood
- Reflected in procedures - Fair procedures and natural justice must be applied and be seen to be applied
- Balancing of rights – Rights of practitioner vs Public Interest
 - Primary obligation is the protection of the public
 - Pharmacist is entitled to know case against them and to answer that case
 - What is in decision maker's mind when making decision
 - Entitled to an unbiased hearing (actual or perceived)
 - Conflict of interest
 - Fitness to Practise Unit – What to expect

PPC/Council Decisions 2013

- 49 cases considered in 2013
- 35 no further action
- 4 complaints withdrawn

- 10 sufficient cause to take further action
 - 8 were referred to the Professional Conduct Committee.
 - 1 complaint was referred to the Health Committee.
 - 1 complaint was referred to Mediation.

Committee of Inquiry

- Public/private
- Quorum, Lay Majority
- Legal assessor/ medical practitioner
- Similar to court proceedings
 - Compel witnesses and documentation
 - Burden & Standard of proof
 - Evidence on oath
 - Costs
- Undertakings and Consents
- Report to Council

Outcomes of Fitness to Practise Inquiries 2013

- The PCC found 4 complaints to be substantiated in 2013.
- The PCC accepted Section 46 undertakings in dealing with 2 complaints.
- The PCC found 5 complaints not to be substantiated and the Council dismissed the complaints.

Sanctions 2013

Following Inquiry

4 Pharmacists were censured and had conditions attached to their registration.

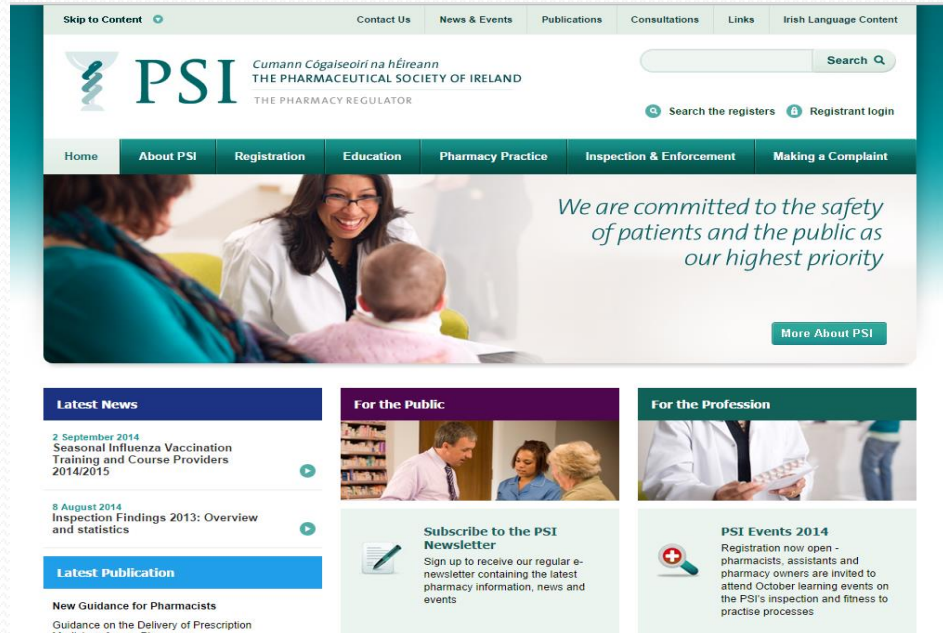
Section 46 Undertakings

2 Pharmacists consented to being admonished

What to do if you identify an error or receive a complaint

- Before it gets to PSI
 - Many complaints best resolved at local level – PPC Annual report
 - Error management system
 - Engagement with patient
 - Seek advice
- After referral to PSI
 - What is PSI concerned about
 - Understanding the process
 - Steps – legal advice etc.

Useful Resources



The screenshot shows the homepage of the Pharmaceutical Society of Ireland (PSI). The header includes navigation links: Skip to Content, Contact Us, News & Events, Publications, Consultations, Links, and Irish Language Content. The PSI logo is prominently displayed, along with the text 'Cumann Cógaiseoirí na hÉireann THE PHARMACEUTICAL SOCIETY OF IRELAND THE PHARMACY REGULATOR'. A search bar and links for 'Search the registers' and 'Registrant login' are also visible. A main navigation menu includes Home, About PSI, Registration, Education, Pharmacy Practice, Inspection & Enforcement, and Making a Complaint. The main content area features a banner with the text 'We are committed to the safety of patients and the public as our highest priority' and a 'More About PSI' button. Below the banner are three columns of content: 'Latest News' with two articles, 'For the Public' with a 'Subscribe to the PSI Newsletter' link, and 'For the Profession' with a 'PSI Events 2014' link.

- www.thePSI.ie
- info@thePSI.ie
- Email Query Service
- PSI Newsletter
- Pharmacy Practice Guidance
- Inspection Checklists & Advice
- Making a Complaint/FTP Process Guides