



AN RIALTÓIR CÓGAISÍOCHTA  
THE PHARMACY REGULATOR

Disciplinary Procedures

Publication and Disclosure Policy

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# Publication and Disclosure Policy

## 1 Introduction

The Pharmaceutical Society of Ireland (“the PSI”) is the independent statutory regulator of the pharmacy profession, established by the Pharmacy Act 2007 (“the Act”). It is charged with, and is accountable for, the safe and effective regulation of registered pharmacists and registered retail pharmacy businesses (“pharmacies”) in Ireland.

The legal framework established by the Act, including the disciplinary processes provided for under Part 6 of the Act<sup>1</sup>, aims to ensure that the pharmacists and pharmacies on its registers are fit to practise/operate as such.

The primary function of the PSI is to protect and to promote the health, safety and well-being of patients and the public.

It is the Council’s policy to operate the disciplinary processes established under Part 6 of the Act in the most transparent manner possible having regard to the public interest and the provisions of Part 6. In addition to protecting the health, safety and wellbeing of the public, the public interest requires that the PSI declares and upholds standards of practice and that it promotes confidence in the profession of pharmacy. Among the ways in which it achieves these aims is through the publication of the outcome of disciplinary proceedings. It is important also that the public and employers are aware that a pharmacist/pharmacy is subject to practice restrictions.

This document explains what publication will be made at each stage of the disciplinary process, sets out Council policy in determining for the purposes of Section 57 of the Act whether publication of sanction is appropriate in a given case and sets out the manner in which publication will be made. Public access to the disciplinary process varies depending on the stage of the process and is largely determined by the provisions of Part 6 of the Act. There are specific provisions in Part 6 which determine what information can be made available, when it can be made available and the extent of the publication.

The PSI maintains an online, publicly accessible register of pharmacists and retail pharmacy businesses. It also issues a newsletter. The outcome of Inquiries and notification of pending Inquiries together with general information about the complaints process is available on the PSI website at:

<http://www.thepsi.ie/gns/making-a-complaint/how-to-make-a-complaint.aspx>

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<sup>1</sup>Set out at Appendix A

## 2 Provision of Information - Different Stages of Complaint Process

### Receipt of Complaints

When a complaint is received it is given to all pharmacists, and the pharmacy owner where they may have had a role in the conduct complained about, to allow them make observations, should they so wish, in relation to the complaint. Any observations are then, save in exceptional circumstances, given to the complainant for their observations. Should the complainant make such further observations these are furnished to the pharmacist(s)/pharmacy owner for further and final comment. At this stage no information is given by the PSI to members of the public. The PSI will keep complainants informed of every step taken in the complaints process.

### Preliminary Consideration/Screening of Complaints

The Preliminary Proceedings Committee (PPC) advises the Council whether there is sufficient cause to warrant further action being taken in relation to a complaint.

Where the PPC decides to take further action in relation to a pharmacist/ pharmacy owner, the matter is then referred either for Inquiry (before the Health Committee or the Professional Conduct Committee depending on the nature of the complaint) or for mediation.

Where the PPC decides to take no further action in relation to a pharmacist or pharmacy owner the Council may agree or it may overturn the decision in relation to one or more of the pharmacist(s)/ pharmacy owner, in which case the matter is sent back to the PPC which will decide whether to refer the matter to Inquiry or for mediation. If the Council agrees with the Committee's advice and decides to take no further action in relation to a complaint then this is the end of the matter and the Part 6 complaint process is concluded. No details of the complaint are published.

The decisions of the PPC and of the Council are communicated to the parties to the complaint. There is no wider publication of the matter at this point. If a pharmacist requests a certificate of current professional status at any stage of the complaints process prior to a sanction being imposed by Council/the High Court, a certificate is issued confirming that there are no findings and no restrictions on practise in respect of the pharmacist. However, the certificate indicates that there is an ongoing investigative process. Normally, such a certificate is sent in draft form to the registrant, advising them that the certificate will issue in this format unless they instruct otherwise, within seven days.

Anonymised statistics in relation to the number and categories of complaints received and considered are reported in the Annual Reports of the Council and the Preliminary Proceedings Committee. Any relevant trends identified are referred to the Practice of

Pharmacy Development Committee to ensure that risks to the public identified through the fitness to practise process are communicated to the profession.

### Interim Suspension: Section 45

Section 45 of the Act provides that the Council of the PSI may apply to the High Court for an order suspending the registration of a pharmacist or pharmacy against whom a complaint has been made which suggests that there is a risk to the health and safety of the public of such magnitude that a pharmacist's or retail pharmacy business' registration should be suspended pending the conclusion of the Inquiry process.

Where the Council is considering whether to make such an application it will usually invite the pharmacist/pharmacy owner to the Council meeting at which this decision will be made. This is in order to allow them make submissions as to whether or not such a High Court application should be made. The Council may accept an undertaking that the pharmacist/pharmacy owner will not practise/operate pending conclusion of the disciplinary process. If an undertaking or High Court Order is made this has the effect of suspending a registration. The registration details of the pharmacist/pharmacy will be removed from the publicly accessible Register of Pharmacists or Retail Pharmacy Businesses pending the conclusion of the fitness to practise process.

Section 45 proceedings are conducted before the High Court in private. Accordingly the High Court will identify the parties to whom notice of the order can be made. In the past this has included the Minister for Health, employers and other specified relevant persons. It may also be necessary to notify regulators in other jurisdictions in which a pharmacist can or may wish to practise.

### Inquiry

There are two Committees which may hold Inquiries under Part 6 of the Act.

- The Professional Conduct Committee ("the PCC") – Inquiries conducted by the PCC will normally be held in public unless the pharmacist, pharmacy owner or complainant requests that the matter be heard in private and the Committee is satisfied that it would be appropriate to agree to that request.
- The Health Committee - Inquiries conducted by the Health Committee will normally be held in private unless the pharmacist, pharmacy owner or complainant requests that the matter be heard in public and the Committee is satisfied that it would be appropriate to agree to that request.

The choice of committee will depend on the nature of the complaint. Complaints which concern matters of professional misconduct or poor professional performance will normally be referred to the PCC, whereas complaints which concern impairment of a pharmacist's ability to practise will normally be referred to the Health Committee.

If a complaint is referred to Inquiry before the Professional Conduct Committee, the fact that an Inquiry will take place will be published on the PSI website<sup>2</sup> approximately seven days in advance of the Inquiry, together with the time and venue for the Inquiry. The press will also be notified by way of a media circular. Any person may attend a public Inquiry.

The identity of the pharmacist(s)/ pharmacy owner concerned will not be disclosed in advance of the Inquiry nor will the subject matter of the complaint be disclosed.

Where a complaint is to be heard before the Health Committee, no notification of the Inquiry will be published unless the Committee has granted a request for the matter to be heard in public in which case public notice will be as for Inquiries before the Professional Conduct Committee.

All documents submitted to the Committee of Inquiry are normally redacted to omit names of patients (other than the complainant), vulnerable witnesses and minors. The names of other witnesses including expert witnesses are not redacted unless there are valid reasons for doing so.

At the conclusion of an Inquiry before either the Health Committee or the Professional Conduct Committee, the relevant Committee will issue a report to the Council setting out its findings:

- In respect of each allegation, whether the facts are proven;
- In respect of each proven allegation, whether this amounts to professional misconduct, poor professional performance etc.;
- Any other matters the Committee wishes to bring to the attention of the Council (this will often include the Committee's recommendations regarding sanction); and
- Details of any consents or undertakings provided by the pharmacist or pharmacy owner under Section 46 of the Act.

The report of the Health Committee or the Professional Conduct Committee will be given to the pharmacist/pharmacy owner who will be invited to attend at the Council meeting at which the report will be considered and they may make submissions in relation to sanction. The report is not made publicly available at this point. There is no provision in the legislation for the report to be provided to the person who made the complaint, other than where the Registrar of the PSI is the complainant.

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<sup>2</sup> Appendix B.

## Mediation

Where the person making a complaint and the pharmacist/pharmacy owner about whom the complaint was made consent, the PPC may refer the complaint for mediation.

Where the parties to a complaint consent and, having regard to mediation guidelines issued by the Council under Section 37, the PPC may refer a complaint for resolution by mediation under Section 40 of the Act. Mediation is a confidential process and no information given during the course of mediation can be disclosed in any other proceedings, for example in a subsequent Inquiry before the PCC should the complaint not be resolved by mediation. The only record of the mediation will be the report prepared by the mediator for the Council setting out the terms of resolution or advising that it was not possible to resolve the complaint through mediation.

All records, reports, or other documents received by a mediator while serving in that capacity are confidential. All views expressed and admissions made during the course of a mediation are confidential.

Where the terms of resolution correspond to a sanction that the Council could impose following an Inquiry they will have the same status as if imposed following an Inquiry. High Court approval will be required where the sanction is greater than an admonishment or censure. Likewise the same notification and publication requirements will apply. Therefore under Section 57 of the Act the Council shall, if satisfied that it is in the public interest to do so, give public notice of the sanction imposed. The terms of resolution may also make provision for publication.

For further information in relation to the mediation process please see Council Mediation Guidelines at the following link:

<http://www.thepsi.ie/Libraries/Complaints/Final Version - Mediation Guidelines.sflb.ashx>

## Council decision on receipt of report from Committee of Inquiry or from Mediator

The Inquiry Committee's/mediator's report will usually be considered by the Council at its next private meeting following its receipt of the report. The pharmacist(s), pharmacy owner, and the Registrar may attend this meeting and make representations to the Council in relation to sanction and publication. Members of the public are not entitled to attend these Council meetings.

## Complaint not substantiated at Inquiry

Where the Council receives a report from a Committee of Inquiry indicating that the complaint has not been substantiated, the Council must dismiss the complaint. The outcome of the Inquiry will not usually be made public and consideration as to the publication of the outcome under Section 57 does not arise.



The Council will however give consideration to publishing the outcome of the hearing either at the request of the pharmacist or pharmacy owner or where the Registrar of the PSI has sought consent from the pharmacist or pharmacy owner and such consent has been provided.

### Complaint substantiated at Inquiry

Section 48 of the Act provides that if the Committee finds the complaint against the pharmacist or pharmacy owner has been substantiated, the Council of the PSI must impose one or more of the following sanction(s):-

- an admonishment or censure;
- the attachment of conditions to the registration of the pharmacist or retail pharmacy business, which may include restrictions on practice or, as the case may be, the carrying on of the business;
- the suspension of the registration for a specified period;
- the cancellation of the registration; or
- a prohibition for a specified period on applying for restoration to the Register.

### Complaint resolved by Mediation

Where a complaint is referred by the Preliminary Proceedings Committee for resolution by mediation, at the conclusion of that process, the mediator will prepare a report for the Council setting out the terms of resolution of the complaint. Where the terms consist of or include an outcome corresponding to one or more of the disciplinary sanctions set out in Section 48(1)(b) of the Act the Council will impose such sanctions.

## 3 Specific notification requirements relating to sanctions

### To pharmacist/pharmacy owner/complainant

Under Section 49 of the Act, as soon as practicable after deciding to impose a sanction, the Council must notify the pharmacist or pharmacy owner and the complainant of;

- The disciplinary sanction imposed;
- The reasons for the imposition of the sanction; and
- The date of the decision.

### To employers

Where a pharmacist is an employee and the Council knows the identity of the employer it must notify the employer of the imposition or removal/expiry of a sanction. It must also notify the employer of any corresponding action in another state of which it becomes aware.

## To the Minister for Health

Under Section 56 of the Act the Council must notify the Minister for Health of any sanctions imposed on a pharmacist, pharmacy owner, the removal of conditions or suspension or the restoration of registration. If the Council becomes aware of corresponding action in another state it must also notify the Minister of such action.

## 4 Publication of sanctions under Section 57 of the Act

Section 57 of the Act provides that the Council shall, if satisfied that it is in the public interest to do so, give public notice of:

- a. the cancellation of registration;
- b. the restoration of a registration;
- c. the suspension of a registration;
- d. the expiry of a suspension;
- e. the attachment of conditions to a registration;
- f. the removal of conditions from a registration;
- g. the prohibition for a specified period of a pharmacist or pharmacy owner from applying for restoration to the register;
- h. the admonishment or censure of a registered pharmacist or pharmacy owner; or
- i. any action in respect of which the Minister is required to be notified under Section 56(2).

Therefore in every case the Council will consider and may hear submissions from the pharmacist/pharmacy owner and the Registrar in relation to whether it is in the public interest to give public notice of the sanction imposed and secondly what form that publication should take. The Council must similarly give public notice if satisfied that it is in the public interest to do so, where it becomes aware of corresponding actions taken in another State. In these circumstances submissions will be sought from the pharmacist/pharmacy owner and the Registrar.

The extent of the publication deemed necessary in the public interest is also determined by the Council (see below).

## 5 When publication of sanctions takes place

Section 50 of the Act provides that a decision under Section 48 to impose publication deemed necessary in the public interest does not take place until after the sanction (if greater than an admonishment or censure) has been confirmed by the High Court.

## 6 Consents and Undertakings given to the Professional Conduct Committee/Health Committee

Section 46(1) of the Act provides that a Committee of Inquiry may, in dealing with a complaint, request the registered pharmacist or the pharmacy owner to do one or more of the following as appropriate:

- a. To undertake not to repeat the conduct to which the complaint relates;
- b. To undertake to attend specified educational courses, training or other means of improving his or her competence to practise or to carry on a retail pharmacy business;
- c. To consent to undergo medical treatment; or
- d. To consent to being admonished or censured by the Council.

If the undertakings are provided to the Committee of Inquiry, this is the end of the matter and there is no finding made against the pharmacist or pharmacy owner. The Committee will prepare a report setting out the subject matter of the complaint, the evidence presented (if any) and the undertakings accepted.

The report will be submitted to the Council, which cannot overrule the Committee on their acceptance of the undertakings. The Council cannot vary the terms of the undertaking/s provided.

If the pharmacist/pharmacy owner consents to being admonished or censured, then the Council must impose that sanction and must under Section 57 consider publication, ie whether it is in the public interest to give public notice of the admonishment or censure. Should the Council deem it in the public interest to do so, then it is a mandatory function and the Council are required to publish. The Notification of Publication<sup>3</sup> will be published on the PSI website. Submissions from the pharmacist/pharmacy owner and the Registrar will be sought.

The Council does not give consideration to the publication of the details of the other undertakings (if any) provided by the pharmacist or pharmacy owner to the Committee under Section 46 of the Act. The Council will however give consideration to publishing the outcome of the hearing to include the details of such undertakings either at the request of the pharmacist or pharmacy owner or where the Registrar of the PSI has sought consent from the pharmacist or pharmacy owner and such consent has been forthcoming.

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<sup>3</sup> Appendix C

## 7 Public interest considerations that the Council will consider in deciding whether to give public notice of sanctions

Some of the factors which may be taken into account by the Council in determining whether publication is in the public interest include:

- The need to protect patients and the public;
- Maintenance of public confidence in the profession of pharmacy;
- Promoting and upholding of standards in the profession of pharmacy;
- Educating the profession of the lessons to be learned from complaints so as to minimise the risk of recurrence;
- What publication is proportionate in the circumstances;
- Whether the Inquiry was held in public or private;
- Whether the particulars of the complaint are already in the public domain;
- The importance of putting some form of factual context in the publication so as to inform the profession and the public of the factors given rise to the complaint, the findings of the Committee of the and the sanction imposed;
- The view of the Council in terms of the gravity and nature of the conduct;
- The potential for harm to patients arising from the conduct the subject matter of the Inquiry;
- The privacy of parties involved in the hearing or external parties referred to in proceedings;
- The psychological impact of publication on the parties concerned; and
- Whether disproportionate reputational damage will be caused to the pharmacist.

The Council has a broad discretion under Section 57 as regards the content and form of publication and the above list is not exhaustive. The Council will consider any submissions made by the pharmacist/pharmacy owner concerned and the Registrar as to what publication is appropriate in the particular circumstances of a given complaint.

Usually where a complaint has been substantiated by the Professional Conduct Committee the Council will identify the pharmacist/pharmacy owner. It will publish the allegations proven at Inquiry and whether they amount to professional misconduct, poor professional performance etc., together with the sanction(s) imposed and reasons for same. The Council may publish the report of the Professional Conduct Committee. Publication can however be made anonymously in appropriate circumstances.

Where a complaint has been substantiated by the Health Committee, the Council must also consider whether publication of the outcome is in the public interest. Where the matter relates solely to health issues the Council will not usually give public notice of the sanctions. The publicly accessible register will indicate that a pharmacist's registration is subject to

conditions but not detail those conditions. Any written request for information regarding the conditions is required to be directed to the Registrar. The PSI will fully cooperate with any requests for information where the request is lawful, proportionate, fair and necessary in the public interest. Where a report from the Health Committee relates to conduct and health issues, the Council may consider redacting any reference to the impairment allegations from the notice. It may also decide to give public notice of the sanctions imposed but anonymise the identity of the pharmacist concerned.

Should an application to the High Court be necessary to confirm a sanction imposed (if greater than an admonishment or censure) the proceedings before the High Court are conducted in public whether or not the Inquiry was held in public and notwithstanding that the Council have decided that publication of the outcome is not in the public interest. Any application to the High Court in this regard may include a timeframe for the retention of the Notification of Publication on the website and on the online register.

## 8 Learnings

The Council may direct that a document containing learnings for the profession, arising from an Inquiry, be published on an anonymous basis in the e-newsletter and/or on the website.

## 9 Where it is published and for how long

### PSI Website

If the Council determine that the public interest warrants publication, the Notification of Publication (in the terms defined by the Council) will be placed on the PSI website under "Findings and Decisions" in the complaints section of the website. All Notifications of Publication relating to the outcome of fitness to practise matters are placed here.

The Notification of Publication will generally confirm the registrant's identity and registration number, the fact that an Inquiry took place by a Committee of Inquiry, the findings of the Committee, the sanction(s) imposed by the Council and the reasons for such sanction(s).

If the sanction arose on foot of an undertaking, as opposed to the complaint being substantiated, the publication will confirm this.

Notification of admonishment will ordinarily remain on the website for two years from the date of the Council decision and notification of censure will ordinarily remain on the website for three years from the date of the Council decision. Notification of conditions will remain on the website for a period of three years from the date of High Court approval or until the date of expiry of the conditions, whichever is the longer.

Suspension of Registration will be published under the Findings and Decisions section from the date of High Court approval for the duration of the suspension, or for a period of five years, whichever is the longer.

Where a pharmacist/ pharmacy owner has been erased from the relevant register this will remain on the website indefinitely.

A decision to prohibit a pharmacist applying for restoration to the register will be published under the Findings and Decisions section for

(a) the duration of the specified period barring an application for restoration to the register, or

(b) for five years, whichever is the longer.

These timeframes are for guidance only and the Council may consider alternative timeframes. It will consider any relevant submissions.

### E-Newsletter

The Council will generally give Notification of Publication in the same format as published on the PSI website in the e-newsletter which is circulated to members of the profession.

Council may direct that a learning document is to be published in the e-newsletter and/or on the website.

### Public Register

#### Admonishment/Censure

Notification of admonishment will ordinarily remain on the website for two years from date of the Council decision and notification of censure will ordinarily remain on the website for three years from date of the Council decision.

#### Conditions attached to registration

Conditions attached to registration will be visible on the public register for a period of three years from the date of High Court approval or until the date of expiry of the conditions, whichever is the later.

Conditions attached in relation to health matters will not be visible on the public register. The register will indicate that conditions have been attached. However, the details of the said conditions will not be provided. The register will note that any further queries should be directed to the Registrar.

#### Suspension of Registration

The name of a registrant who has been suspended will not appear on the public register for the duration of their suspension. Suspension of Registration will be published under the

Findings and Decisions section from the date of High Court approval for the duration of the suspension, or for a period of five years, whichever is the longer.

### Cancellation of Registration

The person or pharmacy will no longer appear on the public register.

For ease of reference a table is appended setting out the timeframe for retention of details in each of the website, public register and registration file<sup>4</sup>.

## 10 Statutory Notifications Required

Section 56(1) of the Act provides that the Minister for Health is advised as soon as practicable of any of the following: -

- (a) the cancellation of a registration;
- (b) the restoration of a registration;
- (c) the suspension of a registration;
- (d) the expiry of a suspension;
- (e) the attachment of conditions to a registration;
- (f) the removal of conditions from a registration;
- (g) the prohibition for a specified period of a pharmacist or pharmacy owner from applying for restoration to the register; or
- (h) the admonishment or censure of a registered pharmacist or pharmacy owner.

Section 56 (2) of the Act provides that if it comes to the Council's attention that any of the actions listed in Section 56(1) has been taken in relation to a pharmacist, pharmacy or pharmacy owner under the law of another state it shall also notify the Minister of that fact.

In the case of a pharmacist who is an employee and the Council of the PSI know who the employer is, it shall notify the employer of the fact that any of the actions listed in Section 56 (1) have been taken against that pharmacist either in this jurisdiction or another.

Any statutory notifications required will not take place until after the sanction imposed (if greater than an admonishment or censure) has been confirmed by the High Court.

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<sup>4</sup> Appendix E.

## 11 Directive 2005/36/EC on the Recognition of Professional Qualifications

The Council of the PSI is designated as the competent authority in Ireland for the purposes of Directive 2005/36/EC on the Recognition of Professional Qualifications, insofar as this Directive relates to pharmacists. Article 8 of Directive 2005/36/EC requires notification of disciplinary action or criminal sanctions or any other serious, specific circumstances to competent authorities in other Member States. Furthermore, in circumstances where disciplinary action has been taken, and if free movement of pharmacists is to be facilitated, relevant information should also be communicated to other Member States to ensure that there is no possibility of escaping the consequences of disciplinary action taken in one state by moving to another.

Directive 2005/36/EC is transposed into Irish law by way of two Statutory Instruments:

1. Statutory Instrument (S.I.) No. 139 of 2008 - Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations, 2008:

Under Regulation 28(2) of this Statutory Instrument, the PSI, as the competent authority, may receive requests, from the competent authorities in other Member States, for information relevant to the good conduct of pharmacists, as well as the absence of any disciplinary or criminal sanctions of a professional nature. Regulation 28(3) provides that where a competent authority holds such information and has been requested to provide it for the purposes of the Directive, the competent authority so requested shall provide this information, whilst respecting personal data protection legislation.

2. Statutory Instrument (S.I.) 489 of 2008 – European Communities (Recognition of Professional Qualifications Relating to the Profession of Pharmacist) (No. 2) Regulations 2008:

Regulation 10(3) of this Statutory Instrument amends the Pharmacy Act 2007 to provide that the functions of the Council of the PSI shall be performed in such a manner as to ensure that:

- (a) the relevant requirements of the EU treaties are met;
- (b) the relevant requirements of the Professional Qualifications Directive are met, in particular Article 44 of the said Directive; and
- (c) the confidentiality of information received is maintained.

Therefore, if a request is made of the Council of the PSI, as the competent authority for the profession of pharmacists, the Council must provide this information.

Where a request is made by a competent authority for a certificate of professional standing, and where a complaint has been substantiated, the certificate will indicate the fact of the Inquiry, the findings made and sanctions imposed, except in cases of an admonishment or censure, where 2/ 3 years respectively has elapsed.



Whilst the Pharmacy Act itself does not contain an express authority to notify competent authorities in other jurisdictions of the imposition of a sanction, Schedule 2 of the Act requires the Council to perform its functions as a competent authority in such a manner as to ensure the relevant requirements of the Directive are met.

Once a sanction has been imposed, the PSI will proactively notify competent authorities in jurisdictions in which the pharmacist is, has been or may wish to be registered. Regard will be had to where the pharmacist has previously worked and where they qualified as a pharmacist.

Notification of the imposition of a sanction on a registrant will be made to a limited audience i.e. the competent authority in the relevant jurisdictions in which the pharmacist is registered, has been registered or may wish to be registered. In Ireland, public notice of the sanction will only be made in accordance with Section 57 of the Pharmacy Act 2007, if the Council is satisfied that it is in the public interest to do so. However, the PSI has no control over how competent authorities in other jurisdictions treat information once they have received it.

### New obligation derived from Directive 2013/55/EU

Pursuant to Directive 2013/55/EU<sup>5</sup>, which amends Directive 2005/36/EC on the Recognition of Professional Qualifications, the Council is now required to:

- (a) inform the competent authorities of all other Member States, about the identity of any pharmacists whose registration has been restricted or prohibited, even temporarily<sup>6</sup>;
- (b) convey by way of alert via the Internal Market Information System (“IMI”)<sup>7</sup>; and
- (c) do so within three days of the date of adoption of the decision restricting or prohibiting registration<sup>8</sup>.

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<sup>5</sup> Directive 2013/55/EU of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market information System (“the IMI Regulation”).

<sup>6</sup> Article 56a of Directive 2013/55/EU.

<sup>7</sup> Article 56a(2) Directive 2013/55/EU.

<sup>8</sup> Article 56a(3) Directive 2013/55/EU.

This date of adoption will be the date of any High Court Order confirming a decision of the Council to restrict or prohibit a registrant's registration. The information that must be conveyed is as follows:

- (a) the identity of the professional;
- (b) the profession concerned;
- (c) information about the national authority or court adopting the decision on restriction or prohibition;
- (d) the scope of the restriction or prohibition; and
- (e) the period during which the restriction or the prohibition applies<sup>9</sup>.

## Transcripts

Transcripts before the Professional Conduct Committee are provided to the Registrar of the PSI and the Respondent(s) together with their legal representatives free of charge. Requests for transcripts from any other parties will be considered on a case by case basis. The transcript provided will take account of any redaction required.

Transcripts of hearings before a Health Committee are provided to the Registrar of the PSI and the Respondent(s) together with their legal representatives. Transcripts of proceedings before the Health Committee are not made available to any other party.

It has not been the practice of the Council of the PSI thus far to publish transcripts. The Council is not limiting itself from doing so in the future and acknowledges that the public interest may require such publication in certain circumstances.

## Employers

Prospective employers are required to check the PSI register and be satisfied as to a pharmacist's registration status before employing them. If an employer has a query as regards the registration status of a pharmacist they should make a written request to the Registrar of the PSI in the first instance. If it is the case that the PSI is not in a position to furnish any further information, written consent will be required from the individual concerned authorising the PSI to release the information sought.

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<sup>9</sup> Article 56a(2) Directive 2013/55/EU.

## 12 Conclusion

This document has been prepared by the Council to provide guidance on its publication policy. This document is not binding on the Council which retains its discretion in all cases under Section 57 of the Act. The document does not purport to be legal advice and any person engaged in a disciplinary process under Part 6 of the Act may wish to take independent legal advice. This policy document may be updated. It sets out the minimum considerations applied in determining the publication of fitness to practise information and does not take account of the individual circumstances pertaining in specific cases save for recognising that that is a valid factor to take into account.

All media queries should be directed to Dr Cheryl Stokes, Head of Communications and Public Affairs.

Appendix A – [Part 6 of the Pharmacy Act 2007](#)

## Appendix B – Sample Notification of Hearing



### Professional Conduct Committee Inquiry

An Inquiry concerning a Registered Pharmacist conducted by the Professional Conduct Committee of the PSI will take place on [DATE] at 10.00am in the offices of the PSI, PSI House, Fenian Street, Dublin 2 under Part 6 of the Pharmacy Act 2007.

## Appendix C – Sample Publication of Consent



### **IN THE MATTER OF PART 6 OF THE PHARMACY ACT 2007**

#### **AND [INSERT NAME OF PHARMACIST/PHARMACY] MPSI (REGISTRATION NO. INSERT)**

At a hearing of the Professional Conduct Committee/Health Committee held on [DATE], [NAME OF PHARMACIST] MPSI (Registration No. [INSERT]) consented under Section 46 [RELEVANT SUBSECTION OF S.46] of the Pharmacy Act 2007 to being [ADMONISHED OR CENSURED] by the Council of the PSI. Following the submission by the Professional Conduct Committee of its Report to the Council of the PSI, the Council at its private meeting on [DATE] [admonished/censured] [NAME OF PHARMACIST] MPSI.

The reasons for the Council decision were as follows:

## Appendix D – Sample Publication of Sanction



### IN THE MATTER OF PART 6 OF THE PHARMACY ACT 2007

**[INSERT NAME OF PHARMACIST/PHARMACY] MPSI (Registration No.)**

Following the submission of a report of the Professional Conduct Committee, the Council, at its meeting on [DATE], decided to [censure/admonish/other] and [attach the following conditions<sup>10</sup>] to the registration of [NAME] in relation to the findings of [PROFESSIONAL MISCONDUCT AND/OR POOR PROFESSIONAL PERFORMANCE] by the Professional Conduct Committee in its report dated [DATE] which are set out in *Appendix 1* attached to this notice:

*That conditions be attached to [INSERT NAME OF PHARMACIST] registration as a pharmacist as follows:-*

- 1.
- 2.
- 3.

**The reasons for the Council decision were as follows:**

**[INSERT]**

#### **Appendix 1**

#### **Findings:**

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<sup>10</sup>Such conditions having been subsequently confirmed by the High Court pursuant to Section 52 of the Pharmacy Act 2007 on [INSERTDATE].

**[INSERT FINDINGS AS PER PROFESSIONAL CONDUCT COMMITTEE REPORT]**



## Appendix E – Table of Publication Timeframes (for guidance only)

<b>Sanctions</b>	<b>Website</b>	<b>Online Register</b>
<b>Admonishment</b>	2 years	2 years
<b>Censure</b>	3 years	3 years
<b>Conditions</b>	3 years from date of High Court approval, or the date of expiry of the conditions, whichever is the later	3 years from date of High Court approval, or the date of expiry of the conditions, whichever is the later
<b>Suspension</b>	From the date of High Court approval for the duration of the suspension, or for a period of 5 years, whichever is the later	Entry removed from online register for the duration of the suspension, or for a period of 5 years, whichever is the later
<b>Erasure</b>	Indefinitely	Entry removed from online register
<b>Decision to prohibit a pharmacist applying for restoration to the register</b>	From the date of High Court approval for the duration of the specified period barring an application for restoration to the register, or for a period of five years, whichever is the longer	Entry removed from online register

