



Report of the Professional Conduct Committee to
the Council of the Pharmaceutical Society of Ireland
in relation to a complaint made pursuant to Part 6 of
the Pharmacy Act 2007.

Introduction - Summary Details

Registered Pharmacist:	Ms Rhona Duffy
Registered address:	
Pharmacist Registration Number:	MPSI 7668
Complaint Reference(s):	623.2021
Date of Application:	19 October 2022
Public/Private Hearing:	Private
Meeting Format:	Held fully remotely using MS Teams
Members of Committee:	Mr Dermott Jewell Mr Sean Reilly MPSI Ms Lorraine Gannon
Legal Assessor:	Mr Nicholas Butler S.C
Appearances:	
For the Registrar:	Zoe Richardson, Partner, Fieldfisher LLP Dena Keane, Solicitor, Fieldfisher LLP
For the Registrant:	Conor Heaney, Conor Heaney Solicitors
Registrant in attendance:	Yes
Witnesses (if applicable):	Not applicable
Other Attendees:	Niamh Kelly-Leahy, D. O'Malley Stenography
In Attendance from the PSI:	Des Butler, Regulatory Solicitor, PSI Anna Malone, Regulatory Executive, PSI

1. Subject Matter of the Complaint and Proceedings

The complaint was received from [REDACTED] on 05 May 2021. The PPC considered the complaint and decided to refer it to the PCC on 12 August 2021 and referred to this Committee pursuant to section 40(1)(b)(i) of the Pharmacy Act 2007 on the grounds of Poor Professional Performance.

2. Applications

In the course of an especially convened callover, the Committee convened to consider an application made pursuant to Section 46 of the Pharmacy act 2007 regarding the complaint made by [REDACTED] in respect of Ms Rhona Duffy registration number 7668.

The allegations against the Registrant are those as contained in the complaint and which is detailed in full in the transcript of the hearing. The complaint arose from a dispensing error whereby, instead of supplying Elocon cream on foot of a prescription, Ms Duffy, the superintendent and supervising pharmacist on duty, supplied Efudix. The creams were stored in alphabetical order and the error was not picked up in the final check. The complainant described suffering from pain subsequently, [REDACTED] need for further medical attention, the cost associated with this and being unable to work for a period. Ms Duffy apologized appropriately as soon as she learned what had happened and described in detail the steps she took to minimize the risk of a recurrence and what she had learned from the episode.

3. Submissions

During the hearing on the 19th of October 2022, the Registrant invited the Committee to make the following request pursuant to S46 on the 2007 Act and offered the following undertakings: -

1. To undertake not to repeat the conduct to which the complaint relates, specifically that Ms Duffy will: -

- a. Adhere to, and follow all Standard Operating Procedures in Ms Duffy's workplace as they relate to the labeling, dispensing and counseling of medicines; and*
- b. Double check all medications against the relevant prescription prior to supply to a patient.*

EVIDENCE AND SUBMISSIONS

Ms Richardson informed the Committee that the Registrant was inviting the Committee to request the Undertakings pursuant to Section 46 of the 2007 Act.

Ms Richardson on behalf of the Registrar set out the background of the complaint and opened the complaint, the response on behalf of Hilltop Pharmacy and the reflective document from the Registrant of the 18th of October 2022.

The Registrant is the owner of Hilltop Pharmacy and was at the time of the incident the Superintendent and Supervising Pharmacist there.

Ms Richardson also opened the complainants' telephone response and subsequent email of the 17th of October in which she accepted undertakings by way of resolution and improvement rather than punishment. The complainant did express [REDACTED] opinion that, the proposed undertakings were weak in terms of preventing re-occurrence and put forward suggested additional corrective actions for consideration. Ms Richardson read these into the record. Ms Richardson considered that some of these actions were addressed in the reflective statement and the remaining actions were matters conducted by the PSI through its inspectorate and through Learning Documents issued post complaint hearings.

Ms Richardson communicated to the Committee that the Registrar was not objecting to the Registrant's application but that she did consider that the addition of Admonishment would be appropriate when the Committee was considering the serious nature of the error and its impact upon the complainant. Mr. Heaney, on behalf of the Registrant, responded to matters raised by Ms Richardson, the engagements with the complainant and the matter of sanction.

4. Legal Assessors Advice

The Committee received legal advice from the Legal Assessor. In summary, he set out the provisions of Section 46 of the 2007 Act and the PSI Procedures of the Professional Conduct Committee. If a request was made by the Committee and acceded to by Ms Duffy that would end the Inquiry process. The Committee would then report to the Council in the usual way. The Council would note the undertakings and consent and impose any sanction consented to. He compared that with any outcome based on adverse findings against the Registrant and the sanctions which the Committee could recommend and the Council could impose in those circumstances. He then highlighted the factors to be considered by the Committee. The submissions made had all been relevant and should be considered. In making its decision the Committee should consider the seriousness of the allegation and Ms Duffy's response to it. It was important for the Committee to be satisfied that it had sufficient knowledge and insight into all aspects of the complaint and Ms Duffy's response if section 46 were to be invoked. The public interest was a paramount consideration, not only in terms of protecting the public from the risk of similar errors in the future but also to promote and maintain public trust in pharmacists and in the way they are regulated by the PSI when complaints are made. Finally, the Legal Assessor emphasised the need to provide adequate reasons for the Committee's decision.

Neither the Registrar nor the Registrant took issue with the Legal Assessor's advice.

5. Decision of the Committee

The Committee considered the Core Book and in particular the documents identified herein, and having heard the submissions of the parties, and taken legal advice from the Legal Assessor, made a request pursuant to Section 46 of the 2007 Act to the Registrant in the following amended terms:

1. *To undertake not to repeat the conduct to which the complaint relates, specifically that Ms Duffy would: -*
 - a) *adhere to and follow all standard operating procedures in Ms Duffy's workplace as they relate to the labelling, dispensing and counselling of medicines, and*
 - b) *double-check all medications against the relevant prescription prior to supply to a patient.*

2. *To consent to being admonished by the Council in relation to the subject matter of the complaint.*

REASONS OF THE COMMITTEE SEEKING UNDERTAKINGS PURSUANT TO S.46(1) OF THE 2007 ACT IS THE FOLLOWING:-

- a) The Committee notes that the Registrant, who is registered since 2004, has had no previous complaints raised against her in that time.
- b) The Registrant immediately responded to the complaint, contacted the complainant and sincerely apologised for her error. She had shown significant insight and took steps to ensure that it does not occur again.
- c) The Registrar is not objecting to the Registrant's application. The Committee note the additional suggested measures of undertaking and learning from the Complainant. In this context, the Committee also considered a further undertaking in the form of a requirement to undergo further training targeted on the shortcoming that gave rise to this complaint. On these questions, the Committee is satisfied that the remedial steps already taken and the terms of the undertaking and consent requested adequately and appropriately address what happened. On this basis, it is satisfied to leave any need for further education or retraining for Ms Duffy to decide.
- d) The Committee does consider that admonishment is warranted, especially in circumstances where the Registrant is owner, Superintendent and Supervising pharmacist at Hilltop Pharmacy; where there must be consideration of the serious nature of the drug involved in this error and the effect on the complainant, who described a painful experience, the need for further medical attention and associated cost and being unfit to work for two weeks.

- e) The Committee considers that the steps taken to remediate and improve the stocking system at the pharmacy, together with the review of SOP's and additional staff training illustrate the insight and focus of the Registrant toward ensuring similar dispensing errors are mitigated to the fullest extent at the Pharmacy.
- f) The Registrant has confirmed that she agrees to the Undertakings and to Admonishment by Council pursuant to Section 46(1)(a) and Section 46(1)(d) of the 2007 Act.
- g) The Committee did not consider that any greater knowledge of or insight into what had happened would be gained if the Inquiry proceeded.
- h) The undertakings and consent fulfil all the purposes of a sanction in the event that the Inquiry proceeded and adverse findings were made. No greater public protection or deterrence would be achieved by a full inquiry, adverse findings and a sanction.
- i) The Undertaking and consent represent an appropriate, fair and proportionate response to the complaint in all the circumstances. As requested and received by the Committee are extensive and protect the public.

STANDARD AND BURDEN OF PROOF

This did not apply in circumstances where the Committee accepted the Amended Undertakings pursuant to Section 46(1) of the 2007 Act.

FINDINGS OF THE COMMITTEE

The Committee made no findings in circumstances where it requested the Amended Undertakings pursuant to Section 46(1) of the 2007 Act, which Amended Undertakings were given by the Registrant and the Inquiry has ended pursuant to Section 46(1)(a) and Section 46(1)(d) of the 2007 Act.

STATEMENT OF SECTION 46 UNDERTAKINGS GIVEN UNDER AFFIRMATION TO THE COMMITTEE

Ms Duffy gave the Undertakings and consent to Admonishment.

And the Committee so reports to Council.

SIGNED:



Dermott Jewell, Chairperson

DATE: 2nd November 2022