

9th July 2009

**Re: Responsibilities of Superintendent Pharmacists under
The Pharmacy Act 2007**

I am writing to you in your capacity as superintendent pharmacist and in the context of your responsibilities as such a pharmacist under the Pharmacy Act 2007. I would like to express my appreciation of your assistance and support in the implementation of the Pharmacy Act 2007.

As you are aware, that part of the retail pharmacy business that consists of the management and administration of the sale and supply of medicinal products is under your personal control and in completing the necessary application form¹ in respect of the relevant retail pharmacy business(es) for which you are responsible, you have undertaken to discharge that responsibility. Furthermore, you have undertaken that the retail pharmacy business(es) concerned will be conducted in full compliance with the provisions of the Pharmacy Act 2007 and with any Regulations, Codes of Conduct, Statutory Rules and professional guidelines as may, for the time being, be in force.

As the superintendent pharmacist for the retail pharmacy business(es) concerned, you are responsible for ensuring that –

- (a) all legal and professional standards are met, not just by you personally, but also by any other pharmacist (including any supervising pharmacist) and any other staff that may be engaged and/or employed in any of the retail pharmacy businesses for which you are acting as the superintendent pharmacist;
- (b) the certificates of registration for each of the relevant retail pharmacy businesses, for which you are responsible, are conspicuously displayed at the premises concerned and likewise that the relevant certificate of registration for the relevant supervising pharmacists are similarly conspicuously displayed;
- (c) the sale and supply of all medicinal products is carried out by or under the personal supervision of a registered pharmacist and that no such sale or supply may take place in circumstances other than under the personal supervision of such pharmacist;

¹ See also the form, provided for in Section 28a of the Pharmacy Act 2007, containing a statement that must be signed by the pharmacist and on behalf of the corporate body conducting the retail pharmacy business(es).

- (d) the prescribed² ongoing, contemporaneous and retrievable record of any other registered pharmacist, responsible for the retail pharmacy business or for the personal supervision of the sale and supply of medicinal products at the premises (i.e. the duty register) is maintained;
- (e) the custody and supply of controlled drugs under the Misuse of Drugs Acts 1977 to 2006 are carried out in full compliance with the relevant regulations in force under those Acts and that the necessary records and accountability requirements are being met;
- (f) the supply of prescription-only medicinal products is made only in compliance with the Medicinal Products (Prescription and Control of Supply) Regulations 2003 to 2008;
- (g) in the case of those medicinal products containing paracetamol, that the requirements of Regulation 13 of the above prescription Regulations³ are being fully complied with;
- (h) adequate procedures and arrangements (including pharmacist personnel) are in place for the review of medicine therapy and for the counselling of patients in the supply of medicinal products on foot of prescriptions⁴ and that your supervising pharmacists are ensuring that this requirement is being met on an ongoing basis;
- (i) adequate procedures and arrangements are in place for counselling in the supply of non-prescription medicinal products⁵ and that your supervising pharmacists are ensuring that this requirement is being met on an ongoing basis;
- (j) when sections 63 to 65 of the Pharmacy Act 2007 commences, no beneficial interest in a medical practice contrary to the provisions of section 63 of the Act should exist and that no improper recommendations or arrangements of the kind described in section 64(1) of the Act, which are contrary to the provisions of that section 64, should exist in respect of any retail pharmacy business for which you are responsible.

The above are but a few of the matters that have to be taken into account in the discharge of your responsibility as a superintendent pharmacist in the context of the retail pharmacy business(es) for which you are responsible.

In order that you may effectively discharge your responsibility, it is important that you should familiarise yourself with all the professional and legal requirements as they apply to medicinal products and to the conduct of a retail pharmacy business. It is also essential that you ensure that appropriate and relevant policies and procedures are in place in order to make it clear that it is your expectation and requirement that all of the retail pharmacy businesses for which you are responsible are conducted fully in accordance with those requirements and nothing less.

On the basis of the content of this letter you will appreciate the importance of the role and responsibility of the superintendent pharmacist and in particular where a retail pharmacy business is being carried out by a corporate body. Under the Act, where a corporate body is concerned the responsibility, for ensuring compliance with the requirements relating to the conduct of the retail pharmacy business, rests with you insofar as the sale and supply of medicinal products in the retail pharmacy business(es) are concerned.

² Regulation 5(1)(c) of the Regulation of Retail Pharmacy Businesses Regulations 2008 (S.I. No. 488 of 2008).

³ These requirements relate mainly to quantitative restrictions in respect of each supply.

⁴ Regulation 9 of the Regulation of Retail Pharmacy Businesses Regulations 2008.

⁵ Regulation 10 of above Regulations.

It is therefore appropriate that you should ensure that all persons holding positions of responsibility, in any corporate body for which you are the superintendent pharmacist, are fully aware of this position. For that reason I suggest that you should bring the contents of this letter to the attention of all such personnel in order that there is full understanding of the responsibilities attaching to the role of the superintendent pharmacist under the Act.

One final point you should note is that the implementation of Part 6 of the Pharmacy Act 2007, dealing with professional conduct and fitness to operate pharmacies, is scheduled to commence shortly. You will be informed of the details in due course.

With kind personal regards,

A handwritten signature in cursive script, appearing to read "Ambrose McLoughlin".

Dr. Ambrose McLoughlin
Registrar/CEO