

9th July 2010

**Re: Superintendent Pharmacists and Companies Conducting
Retail Pharmacy Businesses**

Dear Pharmacy Owner/Superintendent Pharmacist

It has come to the attention of the Pharmaceutical Society of Ireland (PSI) that there appears to be a serious misunderstanding in relation to the essential link that must exist between the corporate body (i.e. the company) carrying on a retail pharmacy business and the Superintendent Pharmacist (being the pharmacist referred to in section 28(a) of the Pharmacy Act 2007).

The position is that in order for a company to lawfully carry on a retail pharmacy business under the Pharmacy Act 2007, the company must be satisfied that the part of the business that consists of the management and administration of the sale and supply of medicinal products is under the personal control of a pharmacist who, together with the company, has signed the statement specified in section 28(a) of the Act and which statement has been provided to the Registrar, as required by the Act. Should the pharmacist concerned die or resign his or her position with the company, the company concerned is no longer in a position to lawfully trade in medicinal products or to lawfully conduct a retail pharmacy business.

It is important to note that a Superintendent Pharmacist is not legally in place until the signed statement specified in section 28(a) of the Act has been provided to the Registrar.

If the Superintendent Pharmacist, for whatever reason, ceases to be engaged in that role, the company concerned is no longer in a position to lawfully trade in medicinal products or to conduct a retail pharmacy business. It is imperative, therefore, that both companies and Superintendent Pharmacists understand and appreciate the implications of this situation and that they should both plan their activities and operations in a manner that will ensure that this position will not arise. If such plans (including essential succession planning) are not in place, it is inevitable that a company will be obliged to cease its activities in respect of medicinal products (or to close) until a replacement Superintendent Pharmacist can be installed and is notified to the PSI.

In the event that such an eventuality were to arise due to actions on the part of the pharmacy owner or on the part of the Superintendent Pharmacist, it is possible that the person(s) responsible would be referred for investigation under Part 6 of the Act. This could particularly be the case if some patients were to be denied access to medicines or prescription records due to the unavoidable closure of a pharmacy or pharmacies.

If the sale and supply of medicinal products continues in the absence of a duly appointed Superintendent Pharmacist, the pharmacy owner may be prosecuted for breach of Section 26(2) of the Pharmacy Act 2007 and may also be subjected to disciplinary proceedings under Part 6 of the Act.

I trust this clarifies matters for you and your advisors.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. McLoughlin', written in a cursive style.

Dr. Ambrose McLoughlin
Registrar and CEO