

E PRACTICE BY A **PHARMACIST** OF HIS/HER **PROFESSION** MUST BE
MAINTAINING AND IMPROVING THE HEALTH, WELLBEING, **CARE** AND
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R **PROFESSION** MUST BE DIRECTED TO MAINTAINING AND IMPROVIN

CODE OF CONDUCT

FOR PHARMACISTS



PSI

THE PHARMACEUTICAL
SOCIETY OF IRELAND

Cumann Cógaiseoirí na hÉireann

THE PHARMACY REGULATOR

FOREWORD

The Pharmacy Act 2007 has brought significant and important changes to the regulation of pharmacy and pharmacists in Ireland, including the adoption of a statutory Code of Conduct for pharmacists.

Under the Act, it is a duty of the Pharmaceutical Society of Ireland (PSI), as the pharmacy regulator, to draw up a code of conduct for pharmacists. During 2008 the draft code underwent extensive consultation with the pharmacy profession and sector, and the wider public, as well as submission to the Competition Authority for its opinion, as per the statutory requirement. Following approval by the Minister for Health and Children, Ms. Mary Harney TD on 14 November 2008, this Code was laid before the Houses of the Oireachtas in February 2009.

Every pharmacist has an obligation to comply in full with the statutory Code of Conduct. Superintendent and supervising pharmacists have vitally important roles and are expected to ensure and support compliance with the Code. This six-principle Code is a critical element of the new professional regulatory system. It is a public declaration of the principles and ethical standards which govern pharmacists in the practice of their profession, and which the public, patients, other healthcare professionals and society generally require and expect from professional pharmacists as key frontline health professionals. Every pharmacist and pharmacy in the country should regularly consult this important document and ensure that their professional practice is guided and supported by these six principles.

The health, wellbeing, care and safety of their patients is the primary concern of every pharmacist and this is now clearly mandated. Every pharmacist has a responsibility to enhance and improve the reputation and status of the profession, and this Code enables and empowers all in the profession.



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PSI Registrar/CEO

INDEX OF CONTENTS

The Nature & Purpose of the Code of Conduct

Principles of the Code of Conduct

Legislative Background

The Operation and Application of the Code of Conduct

Principle One

Principle Two

Principle Three

Principle Four

Principle Five

Principle Six

THE NATURE & PURPOSE OF THE CODE OF CONDUCT FOR PHARMACISTS

As healthcare professionals, practising pharmacists are required not only to display full technical competence in their chosen profession but also to behave with probity and integrity and to be accountable in this regard for their actions (or omissions). The qualities of competence, probity, integrity and accountability which a pharmacist must demonstrate are underwritten by a Code of Conduct to which all pharmacists must subscribe. This Code of Conduct is a public declaration of the principles and ethical standards which govern pharmacists in the practice of their profession. A person dealing with a pharmacist (whether as a patient, a healthcare professional or a member of the general public) is entitled to expect that a pharmacist will conduct himself/herself in accordance with the principles laid down in the Code of Conduct. The Code of Conduct is one of a number of regulatory devices employed by the PSI so as to ensure that any person employing the services of a pharmacist can expect to encounter the highest professional standards in the delivery of pharmacy care, treatment or service.

This Code of Conduct sets out the core principles in accordance with which pharmacists must act and by which they will be judged whilst so acting in the provision of their professional services. The Code of Conduct sets out the principles for professional practice and behaviour which patients, members of the public, other healthcare professionals and society generally require and expect from pharmacists who are registered with the PSI. The Code of Conduct also provides support and guidance to pharmacists as they discharge their professional duties. Pharmacists are expected to exercise their professional judgement in the light of the principles set out in the Code of Conduct.

Every pharmacist is personally responsible under the Code of Conduct for his/her own acts or omissions. Pharmacists may also be responsible under the Code for the acts or omissions of persons operating in the area of pharmacy under their direction, control or supervision.

PRINCIPLES OF THE CODE OF CONDUCT

The Code of Conduct comprises and is contained in the six principles as follows:

- 1. The practice by a pharmacist of his/her profession must be directed to maintaining and improving the health, wellbeing, care and safety of the patient. This is the primary principle and the following principles must be read in light of this principle.**
- 2. A pharmacist must employ his/her professional competence, skills and standing in a manner that brings health gain and value to the community and the society in which he/she lives and works.**
- 3. A pharmacist must never abuse the position of trust which they hold in relation to a patient and in particular, they must respect a patient's rights, including their dignity, autonomy, and entitlements to confidentiality and information.**
- 4. A pharmacist must conduct himself/herself in a manner which enhances the service which their profession as a whole provides to society and should not act in a way which might damage the good name of their profession.**
- 5. A pharmacist must maintain a level of competence sufficient to provide his/her professional services effectively and efficiently.**
- 6. A pharmacist must be aware of his/her obligations under this Code and should not do anything in the course of practising as a pharmacist, or permit another person to do anything on his/her behalf, which constitutes a breach of this Code or impairs or compromises his/her ability to observe this Code.**

For the purposes of this Code of Conduct, a patient includes a person or persons who stand in such a degree of relationship to a pharmacist that the pharmacist ought to reasonably apprehend that such a person or person's health, wellbeing and care are likely to be affected by the acts or omissions of that pharmacist.

LEGISLATIVE BACKGROUND

The Pharmacy Act 2007 ('the Act') requires and enables pharmacists to practise in their profession in a regulated, controlled and safe environment in a manner that is focussed on the safety and interests of their patients.

Section 7(2)(a)(iii) of the Act requires the PSI to draw up a Code of Conduct for pharmacists. The Code of Conduct applies to all pharmacists whether they practise in community, hospital, industry, regulatory or administrative environments or in any other form of professional practice.

It is the responsibility of all pharmacists to make every reasonable effort to ensure that everything that they do (or that is done under their supervision, or in their name, by any other individual under their jurisdiction) conforms with the principles laid down in the Code of Conduct.

Pharmacists should note that Section 33 of the Act defines "professional misconduct" inter alia as "*any act, omission or pattern of conduct that – is a breach of the Code of Conduct for registered pharmacists...*". If there is a finding of professional misconduct against a pharmacist, then under Section 48 of the Act, the Council can impose certain penalties on the offending pharmacist including; admonishment or censure, the attachment of conditions to the registration of the pharmacist, the suspension of registration for a specified period, the cancellation of registration, a prohibition for a specified period on applying for restoration to the register.

THE OPERATION AND APPLICATION OF THE CODE OF CONDUCT FOR PHARMACISTS

The following part of the document is illustrative rather than prescriptive. It seeks to establish some practical conduct templates for pharmacists in respect of each of the six principles of the Code of Conduct. These templates are intended to direct and guide pharmacists on the proper use of the Code in terms of their relationships and interactions with patients, other healthcare professionals (including fellow pharmacists), pharmacy students, employees (including fellow employees), employers, their Regulatory Authority (PSI) and the general public.

It sets out some of the main practical considerations which pharmacists should take into account when applying the principles of the Code of Conduct. The guidance notes are neither exhaustive nor exclusive. Every circumstance in the professional life of a pharmacist is governed by the application of the principles of the Code of Conduct. Decisions must be made on a case-by-case basis. The professional conduct of a pharmacist in any given situation will be judged by a reference to the principles set out in the Code of Conduct.

PRINCIPLE ONE

“The practice by a pharmacist of his/her profession must be directed to maintaining and improving the health, wellbeing, care and safety of the patient. This is the primary principle and the following principles must be read in light of this principle”

In order to fulfil his/her obligations under this principle a pharmacist should:

- › Ensure the health of the patient is their primary focus.

- › Be cognisant of the wellbeing of the patient, including non-medical holistic needs.

- › Endeavour to ensure the safety of the patient in all circumstances by decision-making, which may at times conflict with the stated requirements of the patient.

- › Provide a proper standard of practice and care to those for whom they provide professional services.

- › Use their professional skills, competence and specialised knowledge about medicines, health-related products, medicinal and non-medicinal therapies for the benefit of patients.

- › Not purchase or supply any product, including a medicinal product, where there is reason to doubt its safety, efficacy or quality or where a product may impose a hazard to a patient’s health or wellbeing.

- › Encourage the rational and proper use of medicines.

- › Ensure suitable controls and accountability mechanisms are in place, appropriate to the area of practice, to govern the management of the supply and distribution of medicinal products which have a potential for abuse or dependency.

- › Promote compliance with effective medicine and treatment regimes, and seek to address issues that may impinge on a patient obtaining the best result from his treatment.

- › Ensure that all professional activities undertaken are covered by appropriate professional indemnity arrangements.

- › Ensure that in instances where they are unable to provide prescribed medicines or pharmacy services to a patient they must take reasonable action to ensure these medicines/ services are provided and the patient’s care is not jeopardised.

- › Honour commitments, agreements and arrangements for the provision of professional service having due regard to their competence and other options for assistance available to a patient.

This list is neither exhaustive nor exclusive

PRINCIPLE TWO

“A pharmacist must employ his/her professional competence, skills and standing in a manner that brings health gain and value to the community and the society in which he/she lives and works”

In order to fulfil his/her obligations under this principle a pharmacist should:

- › Be cognisant of societal requirements for the provision of pharmacy service.

- › Ensure discriminatory practices are not demonstrated towards any class of patient or sector of the community.

- › Support positive changes in the healthcare system.

- › Actively influence and participate in health policy development, review and revision.

- › Safeguard society as a whole by ensuring that the protection of vulnerable individuals is given due significance and any cases of mistreatment or abuse referred to the appropriate authorities.

- › Take care when disposing of medicinal products and hazardous substances.

- › Raise concerns with the appropriate authority if policies, systems, working conditions or the actions, professional performance or health of others compromise patient care or public safety.

- › Support the advancement of knowledge and practice by conducting and supporting research and development and promoting pharmacy education and training, wherever possible.

- › Comply with medicines legislation, the directive of the Irish Medicines Board and law enforcement agencies including An Garda Síochána and Customs and Excise.

- › Support cost-effective therapies and prudent use of healthcare resources.

- › Ensure all information provided to the public is legal, truthful and rational.

- › Serve the patient and public interest and never improperly confer an advantage or disadvantage on any individual.

This list is neither exhaustive nor exclusive

PRINCIPLE THREE

“A pharmacist must never abuse the position of trust which they hold in relation to a patient and in particular, they must respect a patient’s rights, including their dignity, autonomy, and entitlements to confidentiality and information”

In order to fulfil his/her obligations under this principle a pharmacist should:

- › Ensure the position of trust they hold in respect of a patient is never abused.

- › Ensure the patient is treated with courtesy, dignity, integrity and honesty.

- › Ensure that the patient receives all his/her entitlements.

- › Ensure the patient’s confidentiality and privacy is respected.

- › Avoid arrangements with prescribers, other pharmacists or other healthcare professionals that could affect any individual’s independent professional judgement or interfere with the patient’s right to choose a treatment, care or pharmacy service.

- › Recognise and endeavour to avoid conflicts of interest and declare any personal or professional interests to those who may be affected.

- › Not accept inducements, gifts, offers or benefits that could be reasonably perceived as affecting their independent professional judgement.

- › Ensure that their professional judgement is not impaired by personal or commercial interests including incentives, targets or similar measures.

- › Seek to involve patients in decisions regarding their health and should explain options available to help patients make informed decisions regarding service and treatment options.

- › Not allow their personal views to prejudice care and treatment of patients.

- › Provide honest, relevant, accurate, current and appropriate information to patients regarding the nature, cost, value and benefit of medicines, health-related products and services provided by them.

- › Comply with all relevant laws, regulations, rules, professional standards.

- › Recognise the entitlement of the patient to appropriate information and disclose material risks associated with medication therapy.

- › Ensure the patient is at all times acknowledged as a person.

This list is neither exhaustive nor exclusive

PRINCIPLE FOUR

“A pharmacist must conduct himself/herself in a manner which enhances the service which their profession as a whole provides to society and should not act in a way which might damage the good name of their profession”

In order to fulfil his/her obligations under this principle a pharmacist should:

- Respect the expertise and care delivery of other healthcare professionals.

- Work effectively with other healthcare individuals.

- Practice within relevant legislative and professional regulatory guidance.

- Accept responsibility for all of his or her professional activities, and for all activities undertaken under their direct supervision.

- Report and make disclosures to relevant authorities on matters affecting or having the potential to impact on patient safety and wellbeing.

- Endeavour to ensure that each patient is assisted in a manner which facilitates the care and treatment that they may be receiving from another recognised healthcare professional.

- Not practise under conditions which compromise their ability to exercise their professional judgement and integrity or the quality of their practice.

- Ensure that information obtained in the course of professional practice is used only for the purpose for which it was obtained.

- Maintain patient confidentiality unless detrimental to a patient’s safety and welfare, and ensure that all persons who operate under their direction and supervision conserve this confidentiality.

- Be aware of the limitations of their professional knowledge and refer patients to other appropriate healthcare avenues when required.

- Respond honestly, openly and courteously to complaints and criticisms.

- Co-operate with inspections and investigations into their or another healthcare professional’s fitness to practise, and the operation of a retail pharmacy business.

- Respect the integrity, skills and expertise of colleagues and other healthcare professionals, and maintain and promote professional relationships to ensure patients’ needs are met.

- Not impose conditions on other pharmacists or health professionals which compromise their professional judgement, integrity or quality of service or impinge on the ability to meet professional and legal obligations for patient care and safety.

- Disclose any concerns adversely affecting patient care and safety to the PSI.

This list is neither exhaustive nor exclusive

PRINCIPLE FIVE

“A pharmacist must maintain a level of competence sufficient to provide his/her professional services effectively and efficiently”

In order to fulfil his/her obligations under this principle a pharmacist should:

- Maintain, develop and update competence and knowledge of evidence-based learning, which includes CPD (Continuing Professional Development) and CE (Continuing Education).

- Ensure reasonable due care and expertise is employed before providing a product or service.

- Seek all relevant information required to assess the patient's needs and where necessary refer the individual to other relevant health professionals, services and organisations.

- Communicate and work effectively with patients and others health professionals, and ensure individuals who work and deliver patient care under their supervision and direction have sufficient competence and communication skills.

- Undertake regular reviews, audits and risk assessments, both to improve quality of service and to inform learning requirements and possible deficits.

- Be accurate and impartial when teaching others and when providing or publishing information, to ensure they do not mislead others or make claims that cannot be justified.

This list is neither exhaustive nor exclusive

PRINCIPLE SIX

“A pharmacist must be aware of his/her obligations under this Code and should not do anything in the course of practising as a pharmacist, or permit another person to do anything on his/her behalf, which constitutes a breach of this Code or impairs or compromises his/her ability to observe this Code”

In order to fulfil his/her obligations under this principle a pharmacist should:

- Ensure he/she displays awareness, application and adherence to the principles of the Code.

- Ensure he/she is aware of all current regulations, standards and guidance governing the practice of pharmacy.

- Ensure active participation and interaction with the regulator.

- Display and perform appropriate stewardship in respect of the partnership management of a patient’s health needs.

- Ensure that clearly defined parameters and accountabilities are specified and understood by all individuals in the practice environment.

- Ensure that he/she is objective in behaviour and decision-making.

- Ensure that he/she takes account of the views of those under their jurisdiction, but reaches his/her own conclusions and decisions.

- Ensure that he/she does not impose any constraint, financial, tangible or intangible on any individual bound by these principles which would impact that person’s objectivity and judgement.

- Ensure that he/she practises, and encourages others to operate, in as open and transparent a manner as possible.

- Ensure that he/she promotes and supports the principles of the Code by leadership and by example.

- Ensure the maintenance of and adherence to a sound system of internal controls in the practice environment, to manage risk and promote safety.

- Ensure, in accordance with his/her role, that an optimal practice environment and required resources are evaluated and provided.

- Ensure that work practices inconsistent with professional practice as governed by the principles of the Code do not occur.

This list is neither exhaustive nor exclusive



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