

ANNUAL REPORT 2014 - 15



PHARMACY COUNCIL
OF NEW SOUTH WALES

PRESIDENT'S MESSAGE



*Pharmacy Council
of New South Wales*

The Pharmacy Council of New South Wales farewelled two of our original members who transitioned from the Pharmacy Board of NSW – our inaugural President Helen Dowling and our inaugural legal member Zoe Bojanac.

Both Helen and Zoe had finished their eligible terms and so bade farewell on 30 June 2015. We also welcomed Joyce Cooper and Penny Ho as our new Council members. Joyce and Penny commenced their terms on 1 July 2015, for a period of 3 years.

One priority from the 2014 strategic plan was to employ a Professional Officer, whose main roles would be to assist the Notifications and the Communications Committees, in managing complaints and in broadening and targeting our communications strategy, as part of the overall HPCA Communications Strategy. Katharina Nicholson commenced in this role early in 2015. This has given Council the ability to manage complaints in a more timely and efficient manner, and has contributed to the development of the Council newsletter and to formalising other avenues of communication with our stakeholders.

Through our Education and Research funding, the Council has provided grants to researchers in areas relevant to our legislative role. For example, in September 2015 a funding agreement was signed for research into, and the development of educational tools for, the teaching of ethics in tertiary institutions. Council will also be exploring the avenue of commissioned research in future years.

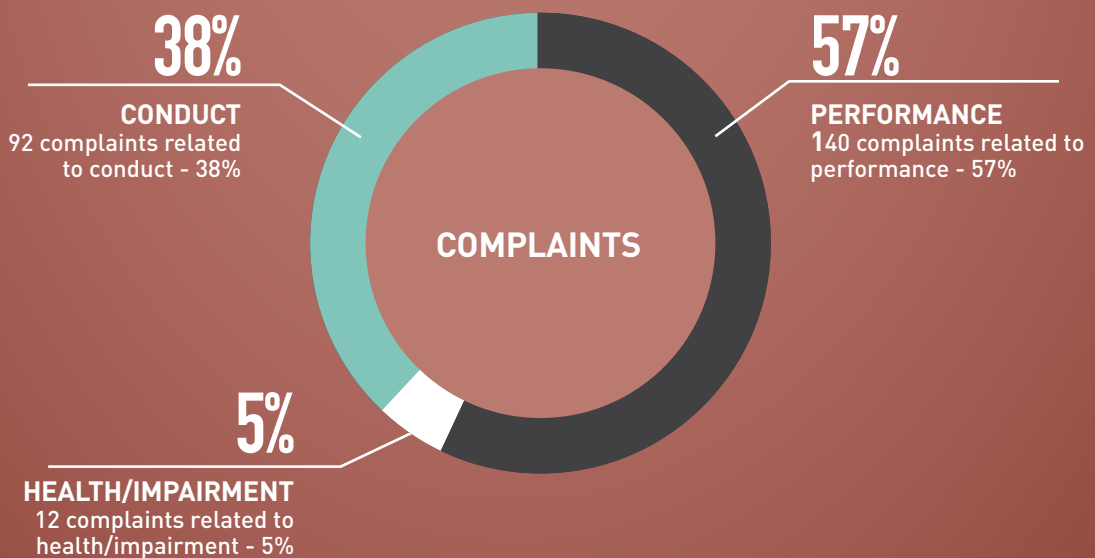
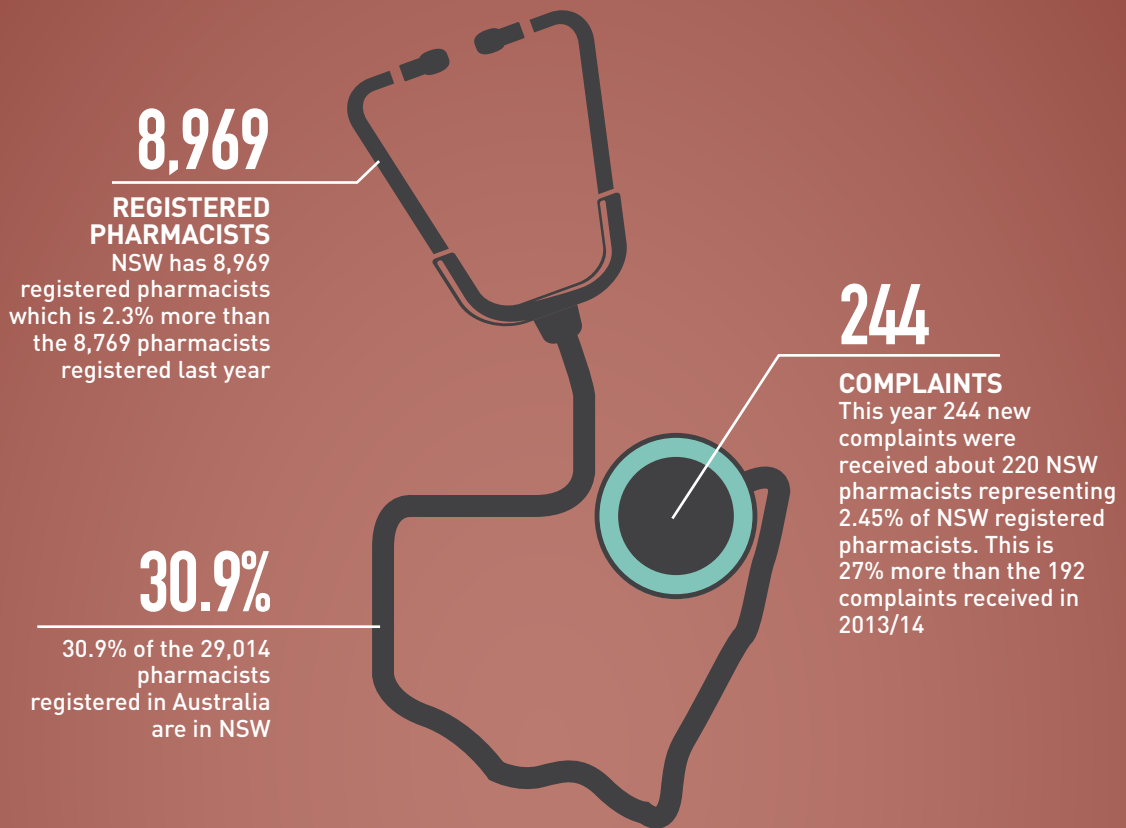
Council acknowledges the dedication of our staff. It is incredibly grateful for their commitment and enthusiasm in progressing changes in structure and procedures which have led to, and which will continue to lead to, overall improvements in the way in which Council conducts its legislated role.

(Ms) Alison Aylott

President
Pharmacy Council of NSW

REGULATION OF PHARMACISTS IN NSW IN 2014/15

YEAR IN SUMMARY



Regulation of Pharmacists in NSW in 2014/15

Year in summary

NSW has 8,969 registered pharmacists which is 2.3% more than the 8,769 pharmacists registered last year and 30.9% of the 29,014 pharmacists registered to practise in Australia.

This year 244 new complaints were received about 220 NSW pharmacists representing 2.45% of NSW registered pharmacists. This is 27% more than the 192 complaints received last year about NSW registered pharmacists in 2013/14.

Complaints about NSW pharmacists included:

- 92 related to conduct - 38%
- 140 related to performance - 57%
- 12 related to health/impairment - 5%.

12 mandatory notifications were received about 11 practitioners, that is 4.9% of total complaints about NSW pharmacists.

Complaints were received from:

- 91 patients 37.3%
- 35 relatives of patients or practitioner 14.3%
- 29 health professionals 11.9%
- 25 member of the public 10.2%
- 41 other agency 16.8%
- 12 pharmaceutical services 4.9%
- 3 employers 1.2%
- 2 self report 0.8%
- 6 other sources, including employee and anonymous source 2.6%.

Complaints management included the completion of:

- 2 Tribunals
- 1 Performance Review Panel
- 5 Performance assessments
- 9 Practitioner health assessments
- 14 Impaired Registrant Panels
- 12 Council Inquiries.

58 practitioners were monitored for compliance with orders/conditions in the reporting period.

213 complaints were closed during the year with outcomes including:

- 1 Registration cancellation or disqualification
- 1 Registration surrendered
- 16 conditions imposed
- 2 orders with no conditions
- 5 reprimands
- 3 cautions issued
- 15 counselling
- 1 referred to another body
- 123 no further action required
- 48 discontinued
- 5 withdrawn.

Council Membership

Section 41E of the Law prescribes that there are 10 members of the Pharmacy Council .

Five members are nominated by the Minister for Health and appointed by the Governor.

Five members are local pharmacists elected by local pharmacists.

The five Ministerial nominees appointed by the Governor:

- Mrs Helen Dowling BPharm, DipHosp Pharm (Admin), Grad Dip QlinHCare, CHP, FSHP, AICD - President
- Ms Terry Anne Maunsell BPharm FSHP – Practitioner Member
- Ms Zoe Bojanac LLB – Legal Member
- Ms Marilyn Starr – Community member
- Ms Carolyn Burlew BA, MPubAd, FAICD – Community Member

The five elected local pharmacist members:

- Ms Alison Joy Aylott BPharm, MPS – Deputy President
- Mr Adrian Wei-Chun Lee BPharm, MCom, FACP
- Mr Stuart Ludington BPharm, MPS
- Mr Paul Sinclair BPharm
- Mr Carl Cooper BA, MEd, GDip (Music Perf), BPharm, AACP

No new members were appointed during the year and no members retired during the year.

Members who served the maximum term and retired at the end of June 2015:

- Mrs Helen Dowling
- Ms Zoe Bojanac

Attendance at Council Meetings

The Pharmacy Council met on 19 occasions. Attendance at the meetings was as follows.

Member	Meetings Attended	Meetings Eligible to Attend
Ms Alison Aylott	17	19
Ms Zoe Bojanac	14	19
Ms Carolyn Burlew	16	19
Mr Carl Cooper	13	19
Mrs Helen Dowling	16	19
Mr Adrian Lee	16	19
Mr Stuart Ludington	19	19
Ms Terry Maunsell	16	19
Mr Paul Sinclair	17	19
Ms Marilyn Starr	17	19

Executive Officer

The Pharmacy Council is supported by Nina Beeston, Executive Officer and staff employed by the HPCA.

Committees of Council

Section 41F of the Law provides that the Council may establish committees to assist it with the exercise of its functions. Members of committees need not be Council members. The Pharmacy Council was supported by six committees during the reporting period with membership as follows.

Committee	Membership
<p>Notifications Committee</p> <p>This Committee reviews all new complaints in consultation with the HCCC. Complaints referred to the Council for management following consultation with the HCCC are dealt with according to the provisions of the Law.</p> <p>Meetings of this Committee are held on the third Thursday of each month. A senior officer of the HCCC also attends this meeting for the purposes of consultation with the Council.</p>	<p>Mr Stuart Ludington (Chair)</p> <p>Ms Alison Aylott</p> <p>Ms Zoe Bojanac</p> <p>Mrs Helen Dowling</p> <p>Ms Marilyn Starr</p> <p>Mr Adrian Lee</p>

Committees of Council (continued)

Committee	Membership
<p>Ownership Committee</p> <p>The Ownership Committee considers complex matters related to pharmacy ownership and makes recommendations to the Council about:</p> <ul style="list-style-type: none"> ▪ What action may be taken in response to breaches of the Law of a serious nature relating to ownership. ▪ Policy and procedural matters relating to pharmacy ownership. 	<p>Mr Carl Cooper (Chair)</p> <p>Ms Alison Aylott</p> <p>Mrs Helen Dowling</p> <p>Mr Stuart Ludington</p> <p>Ms Tuyet Wallis</p> <p>Ms Maria Watts</p>
<p>Communications Committee</p> <p>This Committee assists the Council to publish and distribute relevant information to pharmacists, consumers and other interested people via the Council’s Newsletter and to review, assess and determine the content of the Council’s website.</p> <p>The Communications Committee met on four occasions. In addition to formal meetings, the Committee consulted as necessary by emailed correspondence between meeting dates.</p>	<p>Ms Marilyn Starr (Chair)</p> <p>Ms Alison Aylott</p> <p>Mrs Helen Dowling</p> <p>Mr Stuart Ludington</p> <p>Ms Terry Maunsell</p>
<p>Policy, Practice and Legal Issues Committee</p> <p>This Committee ensures that the Council’s policies, procedures and guidelines are appropriate. It also formulates submissions in response to calls for stakeholder comment from pharmaceutical and related agencies and provides assistance with the review of any proposed legislative change.</p> <p>The Committee’s work was actioned by way of emailed consultation in lieu of formal meetings.</p>	<p>Ms Terry Maunsell (Chair)</p> <p>Ms Zoe Bojanac</p> <p>Ms Carolyn Burlew</p> <p>Mrs Helen Dowling</p> <p>Mr Adrian Lee</p>
<p>Finance Committee</p> <p>This Committee reviews, manages and makes recommendations to Council in relation to the following:</p> <ul style="list-style-type: none"> ▪ Council’s budget and financial reports. ▪ The Service Level Agreement between the HPCA and the Council ▪ Pharmacy premises application fees ▪ All other financial matters of relevance. 	<p>Ms Carolyn Burlew (Chair)</p> <p>Mr Paul Sinclair</p> <p>Mrs Helen Dowling</p> <p>Mr Adrian Lee</p> <p>Ms Terry Maunsell</p>
<p>Education and Research Committee</p> <p>Section 41S of the Law allows the Council to establish an Education and Research Account to provide funds for education and research purposes relevant to its regulatory functions and for meeting any associated administrative costs.</p>	<p>Mr Carl Cooper (Chair)</p> <p>Ms Carolyn Burlew</p> <p>Mrs Helen Dowling</p> <p>Ms Margaret Duguid</p> <p>Ms Terry Maunsell</p>

Regulatory Committees and Panels

Part 8 of the Law prescribes the committees and panels that support the Council in undertaking its regulatory activities. They include Assessment Committees, Impaired Registrants Panels and Performance Review Panels.

The Pharmacy Council was supported by 14 Impaired Registrants Panels and one Performance Review Panel during the reporting period with membership as follows:

Regulatory Committee or Panel	Membership	Hearings Attended
Impaired Registrants Panels	Mrs Anne Reynolds	14
	Dr John Adams	2
	Dr Alison Reid	9
	Dr Saw-Hooi Toh	3
Performance Review Panels	Ms Rosemary Kusuma	1
	Ms Zaheeda Patel	1
	Mr Jonathan Chen	1

Meetings and Conferences

The Pharmacy Council was represented at the following meetings and conferences during the reporting period.

Name	Attendance
Council Presidents' Forum – bi-monthly meetings Pharmacy Premises Registering Authorities of Australia (PPRAA) NRAS Stakeholder Forum	Ms Alison Aylott
HPCA Audit & Risk Committee HPCA Cost Allocation Steering Committee HPCA Project Steering Committee (PSC) HPCA Advisory Committee	Ms Carolyn Burlew
Council Presidents' Forum – bi-monthly meetings Council Presidents' meeting with Chairs of National Boards Pharmacy Premises Registering Authorities of Australia (PPRAA)	Mrs Helen Dowling
HPCA Audit & Risk Committee	Mr Adrian Lee
HPCA Audit & Risk Committee HPCA Cost Allocation Steering Committee	Mr Paul Sinclair
Pharmacy Premises Registering Authorities of Australia (PPRAA)	Ms Maria Watts

During the reporting period the Pharmacy Council provided input in response to calls for comment as follows.

Agency	Consultation
IPART	IPART Review of licensing reform
Ministry of Health	Part 8 National Law Review
AHPRA/ National Boards	Public consultation on draft Guidelines for the regulatory management of registered health practitioners and students infected with blood-borne viruses
Pharmacy Board of Australia	<ul style="list-style-type: none"> • Preliminary confidential consultation on PBA revised guidelines: Guidelines for dispensing of medicines, Guidelines on practice-specific issues, Guidelines on specialised supply arrangements, Guidelines for proprietor pharmacists • Public consultation on PBA revised guidelines: Guidelines for dispensing of medicines, Guidelines on practice-specific issues, Guidelines on specialised supply arrangements, Guidelines for proprietor pharmacists
Pharmacy Practitioner Development Committee (PPDC)	Review of competency standards
Ministry of Health (Pharmaceutical Services)	Consultation on NSW Pharmacist Vaccination Standards
Commonwealth Treasury	Competition Policy Review

Overseas Travel

There was no overseas travel during the reporting period.

Council Communications

The Pharmacy Council website is the principal medium used for communicating information to pharmacists, pharmacy owners, pharmacy students and the community. The website is updated regularly and includes links to other key bodies in the National Registration and Accreditation Scheme.

The Pharmacy Council also regularly distributes electronic newsletters to pharmacists with a principal place of practice in NSW, owners of NSW pharmacies and interested stakeholders. Further information is available on the Council's website www.pharmacycouncil.nsw.gov.au.

Remuneration

Remuneration for members of the Council is as follows:

President	\$33,264 per annum
Deputy President	\$22,176 per annum
Members	\$11,088 per annum

In addition, Council members receive sitting fees of \$462 per day and \$231 per half day for the conduct of Council Inquiries and attendance at committee meetings and other regulatory activities if held on a day other than the monthly Council meeting. Council members are reimbursed for expenses incurred when travelling on official business at Council direction.

Members of panels and Tribunals also receive remuneration and reimbursement of expenses.

Regulation of Pharmacy Businesses

Pharmacies	2014/2015	2013/2014
Number of registered pharmacies as at 30 June	1,926	1,891

Register of Pharmacies

Clause 14 of Schedule 5F of the Law requires the Council to keep a Register of Pharmacies. Changes to the Register of Pharmacies occurs upon the approval of applications to the Council, satisfactory inspection of premises where required and payment of the relevant fee.

The Council approved 345 pharmacy applications during the reporting period:

Applications	Approvals
Change of Pharmacy Ownership	125
Change of Pharmacy Name	88
Change of Pharmacy Address	66
New Pharmacy	51
Acquisition of a pecuniary interest in a pharmacy business by acquiring shares in a Pharmacist's Body Corporate and / or appointment of new director(s)	12
Copy of the Register of Pharmacies	1
Professional Services Room	1
Relocation of Professional Services Room	1

The Council received notices of closure of 16 pharmacies.

Offences under Schedule 5F of the Law

Schedule 5F of the Law sets out provisions related to the holding of pecuniary interests in pharmacy businesses and the responsibilities of pharmacy owners which, if contravened, may give rise to a Council initiated Local Court prosecution.

No Local Court prosecutions were conducted in the reporting period.

Pharmacy Inspectors

Pharmacy inspectors have the State-wide function of conducting inspections and investigations to enforce compliance with the Law and the Regulations. This includes inspection of existing, new and relocating pharmacies and investigation of complaints against pharmacists.

The position also has responsibilities under the *Poisons and Therapeutic Goods Act 1966* regarding safe handling of medications.

Pharmacy inspectors are appointed as authorised persons under section 164 of the Law, with powers under section 164A to enter and inspect premises, to copy and/or seize records and to require persons to answer questions.

Pharmacy inspectors undertake the following:

- Routine inspections - pharmacies across NSW are routinely inspected every 18 months to ensure compliance with the requirements of the Law and Regulations.
- Application approval inspections - the approval by the Council of an application concerning the relocation of an existing pharmacy or the establishment of a new pharmacy business is subject to a satisfactory inspection to ensure compliance with the legislative requirements prior to commencing business on a new site.
- Complaints inspections - the Council's Notifications Committee may request an inspection be conducted as part of its process of making inquiries into a complaint. During the reporting period inspections were conducted following receipt of the following types of complaints:
 - operating a pharmacy without a pharmacist in charge
 - dispensing error
 - physical condition of the pharmacy and storage of stock
 - inadequate record keeping
 - smoking/drinking alcohol on the premises.
- Drug destructions – pharmacy inspectors are authorised by the NSW Ministry of Health Pharmaceutical Services to destroy and dispose of unusable Schedule 8 medication.

The Council was assisted by two pharmacy inspectors who undertook the following activities.

Activity	2014/2015	2013/2014
Routine inspections	1,418	1,521
Inspections of relocated pharmacies and new pharmacy premises	114	101
Compliance/Complaint related inspections	20	33
Drug destructions	260	272

Fees

Schedule 5F Clause 12(5) of the Law provides that an application for approval of a pharmacy premises or a registration of pecuniary interest in a pharmacy business must be accompanied by the fee decided by the Council.

The fees applying during the reporting period were as follows:

Application	Fee
New Pharmacy application plus inspection fee	\$841.35
Professional Services Room application plus inspection fee	\$473.25
Relocation or Expansion/Reduction in size of Pharmacy Premises application plus inspection fee	\$473.25
Relocation or Expansion/Reduction in size of Professional Services Room application plus Inspection fee	\$473.25
Change of Pharmacy Ownership application - sole pharmacist	\$525.85
Change of Pharmacy Ownership application - pharmacist partnership	\$525.85
Change of Pharmacy Ownership application - body corporate	\$1051.65
Change of Pharmacy Name application	\$52.60
Acquisition of pecuniary interest by acquiring shares in a Pharmacist's Body Corporate and/or appointment of new Director/s	\$525.85
Renewal of Pharmacy Premises Registration	\$314.00
Late fee - Renewal of Pharmacy Premises Registration	\$77.00
Copy of the Register of Pharmacies	\$788.75

The Council reviewed the fees during the reporting period and determined that a CPI increase of 1.7% would apply from 1 July 2015.

New Pharmacy and Change of Pharmacy Ownership applications received by Council may include proposals for business structures involving trusts. The Council refers trust agreements for external legal review, the cost of which is met by the applicant. There were 19 trust agreements referred for external legal review at an average cost to the applicant of \$1,900.

All application forms are available on the Council's website www.pharmacycouncil.nsw.gov.au

Financial Management

The Pharmacy Council's accounts performance as reported in the Financial Statements is as follows.

Accounts Performance 2014/15	\$
Revenue	2,631,776
Operating expenditure	1,959,024
Gain/(loss) on disposal	(8,949)
Net result	663,803
Net cash reserves (cash and cash equivalents minus current liabilities)	2,719,136

* Included in the net cash reserves is Education and Research bank account balance of: \$31,447

The Pharmacy Council's budget for the period 1 July 2015 to 30 June 2016 is as follows.

Budget 2015/16	\$
Operating expenditure	2,748,622
Revenue	2,649,620
Net result	(99,002)

Full financial statements are presented in Part 3 of this report 'Financial Statements for NSW Health Professional Councils'.