



**Annual
Report
2015-16**

**Pharmacy
Council**
of New South Wales

President's message



Pharmacy Council
of New South Wales

Welcome to the Pharmacy Council of NSW annual report. The past twelve months has been a busy time for the Council. This is an important opportunity to provide some insight into the past year and the year ahead.

The number of complaints made about pharmacists in NSW has again risen, which is a trend seen nationally as well. An area of particular concern involves the receipt, storage and recording of Schedule 8 medicines in pharmacies. In an effort to proactively address the problem we are looking to change the conduct of pharmacy premises inspections. There is more work to be done in this area but I anticipate that changes will occur in the coming year.

Over the last few years there has been a significant increase in the number of pharmacies involved in the complex compounding of medicines. Recently members of the Council have met with staff from the Victorian Pharmacy Authority (VPA) to investigate issues involved in running a safe high quality compounding facility. The Council's Inspectors and Professional Officer have also spent time in Melbourne observing site visits to further educate themselves. A clear message has emerged from these meetings. If you are going to get involved in complex compounding, be well informed, resourced and educated because problems occur when you are unaware of what you do not know. This area is the subject of ongoing work.

We have recently surveyed pharmacists working in NSW to ascertain their understanding of the Pharmacy Council and its role. The results indicated stakeholders want more resources and information about the Council's role, responsibilities and functions. The Council has started to address this by providing additional resources via the website and newsletters and will continue to help broaden understanding of the Council over the coming year.

During November 2015 an election was held to select five pharmacist members to Council for a three year term. As a result we welcomed two new members, Anne Reynolds and Michael Anderson from 1 April 2016. Both Anne and Mike have extensive and broad ranging experience in pharmacy.

I would also like to acknowledge the contributions of our departing members. Alison Aylott, our past President, who transitioned to the Council from the Pharmacy Board in 2010 and Carl Cooper who served a three year term. Both Alison and Carl made significant contributions in their time on the Council.

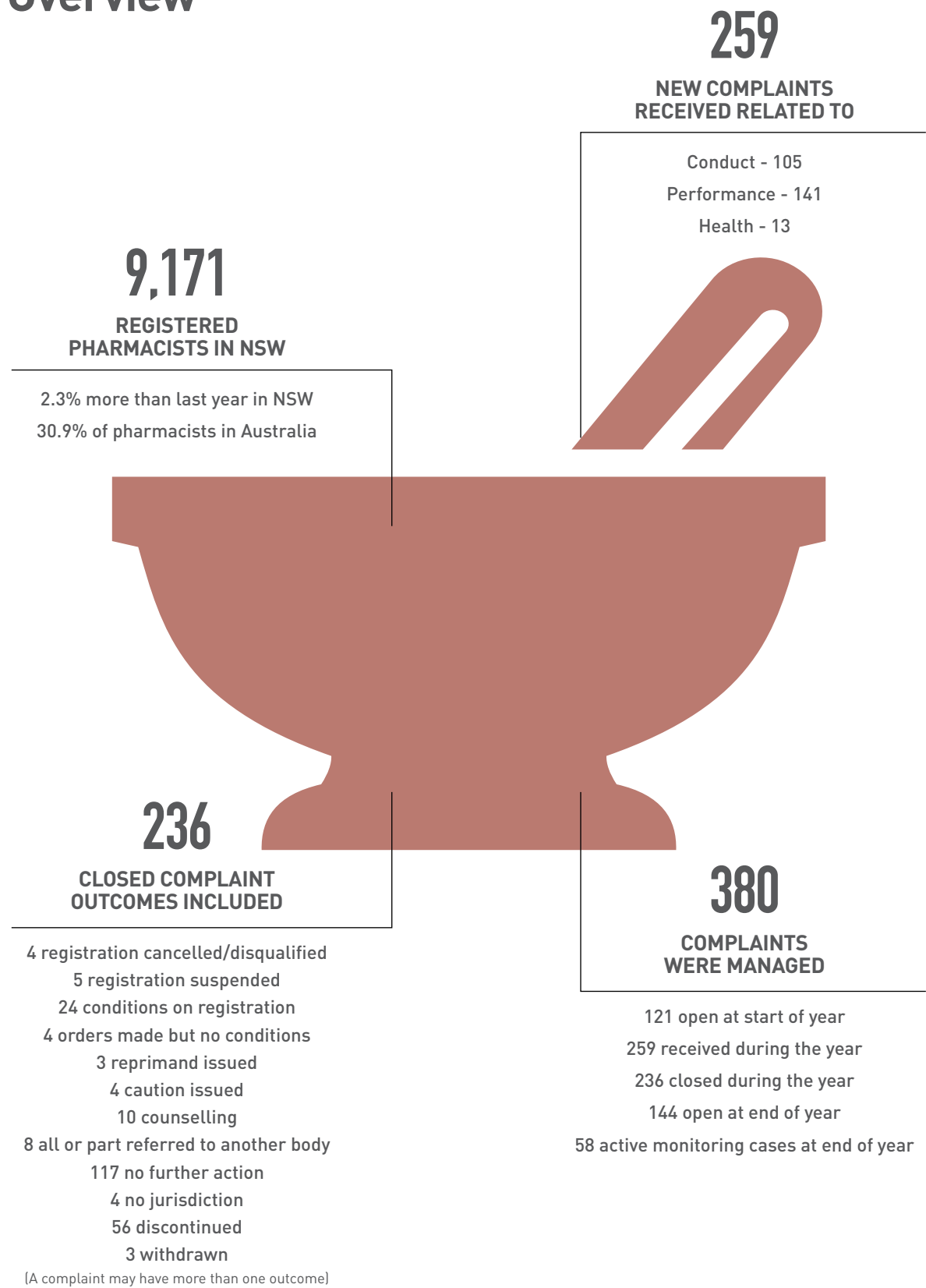
Finally, none of this could have been achieved without our dedicated staff. To those that have moved on we thank you for your commitment, and to those that remain we look forward to working with you in the next twelve months.

Mr Stuart Ludington

President
Pharmacy Council of NSW

Regulation of Pharmacists in 2015/16

Overview



Regulation of Pharmacists in NSW in 2015/16

Year in summary

As at 30 June 2016 NSW had 9,171 registered pharmacists representing 30.9% of the 29,717 pharmacists registered to practise in Australia. There was an increase of 2.3% on the 8,969 pharmacists registered in NSW last year.

During the year the Pharmacy Council of NSW managed 380 complaints including:

- 121 open matters at the start of the year
- 259 new complaints received during the year.

By year end 236 complaints had been closed and 144 matters remained open.

The 259 new complaints received this year were about 237 practitioners representing 2.58% of NSW registered pharmacists. There were 15 more complaints received this year compared with the 244 complaints received in 2014/15 representing a 6.1% increase.

This year there were four mandatory notifications about three pharmacists. Mandatory notifications made up 1.5% of complaints received about NSW registered pharmacists this year.

Complaints were received from the following sources.

Source of Complaint	Number	% of total
AHPRA	4	1.5%
Anonymous	21	8.1%
Council	32	12.3%
Education provider	1	0.4%
Employee	8	3.1%
Employer	5	1.9%
Government department	3	1.2%
Lawyer	1	0.4%
Members of the public	23	8.9%
Other health practitioners	18	6.9%
Patients	66	25.5%
Pharmaceutical services	23	8.9%
Police	3	1.2%
Relatives of patient or practitioner	36	13.9%
Self reports	2	0.8%
Treating practitioners	12	4.6%
Other	1	0.4%
TOTAL	259	100%

Complaints received about NSW pharmacists related to:

- Conduct – 105 complaints representing 40.6% of complaints received
- Performance – 141 complaints representing 54.4% of complaints received
- Health – 13 complaints representing 5.0% of complaints received.

Thirty complaints received immediate action consideration.

After Council consultations with the HCCC, 139 of the complaints received during the year were referred for Council management, that is 54% of complaints received.

No matters were referred to NCAT.

A total of 81 assessments and hearings were concluded during the year including:

- Health assessments – 7
- Impaired Registrants Panels – 8
- Performance assessments – 1
- Performance Review Panels – 4
- Counselling or interviews – 46
- Council inquiries – 10
- Tribunal hearings – 5

When a complaint is closed it is possible to have more than one outcome. During the reporting period there were 242 outcomes for the 236 complaints closed as follows.

Outcome	Number
Registration cancelled or disqualified	4
Registration suspended	5
Conditions on registration imposed	24
Orders made but no conditions	4
Reprimand issued	3
Caution issued	4
Counselling	9
All or part referred to another body	8
No further action required	119
No jurisdiction to act	4
Discontinued	54
Withdrawn	4
TOTAL	242

At year end 58 cases were being actively monitored including 37 conduct matters, 10 performance matters and 11 health matters.

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 were as follows.

Members who are registered pharmacists:

- Ms Terry Anne Maunsell BPharm, FSHP
- Ms Joyce Cooper BSc(Pharmacy), GradDipClinPharm, MRPharmS(GB), MSHP.

Legal member:

- Ms Penny Ho LLB (Hons), LLM.

Community members:

- Ms Marilyn Starr
- Ms Carolyn Burlaw BA, MPubAd, FAICD.

The elected local pharmacist members were as follows:

- Ms Alison Joy Aylott BPharm, MPS (Term of office concluded 31.3.16) – President
- Mr Carl Cooper BA, MEd, GDip (Music Perf), BPharm, AACP (Term of office concluded 31.3.16)
- Mr Stuart Ludington BPharm, MPS (Re-elected 1.4.16) – President
- Mr Adrian Wei-Chun Lee BPharm, MCom, FACP (Re-elected 1.4.16) – Deputy President
- Mr Michael (Mike) Anderson BPharm, AACP (Term of office commenced 1.4.16)
- Mrs Anne Reynolds BPharm, MPS (Term of office commenced 1.4.16)
- Mr Paul Sinclair BPharm, MAICD (Re-elected 1.4.16).

Elections were held in November 2015 for the five elected pharmacist members for a term commencing 1 April 2016. Ms Alison Aylott did not seek re-election as she had completed the maximum number of three terms permitted. The Council thanks Ms Alison Aylott and Mr Carl Cooper for their valuable contributions to its work.

Mr Stuart Ludington was appointed as President and Mr Adrian Lee as Deputy President with terms commencing 1 April 2016.

Attendance at Council Meetings

The Pharmacy Council met on 13 occasions. Attendance at the meetings was as follows.

Member	Meetings Attended	Meetings Eligible to Attend
Mr Michael Anderson (from 1.4.16)	2	3
Ms Alison Aylott (to 31.3.16)	10	10
Ms Carolyn Burlew	12	13
Mr Carl Cooper (to 31.3.16)	10	10
Ms Joyce Cooper	12	13
Ms Penny Ho	11	13
Mr Adrian Lee	11	13
Mr Stuart Ludington	13	13
Ms Terry Maunsell	10	13
Mrs Anne Reynolds (from 1.4.16)	3	3
Mr Paul Sinclair	11	13
Ms Marilyn Starr	11	13

Executive Officer

The Pharmacy Council was supported by Ms 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>Committee meetings are held on the third Thursday of each month.</p>	<p>Mr Stuart Ludington (Chair)</p> <p>Ms Alison Aylott (to 31.3.16)</p> <p>Ms Joyce Cooper</p> <p>Ms Penny Ho</p> <p>Mr Adrian Lee</p> <p>Ms Marilyn Starr</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>The Committee met on 11 occasions during the reporting period.</p>	<p>Ms Tuyet Wallis (Chair)</p> <p>Ms Alison Aylott (to 31.3.16)</p> <p>Ms Carolyn Burlew</p> <p>Mr Carl Cooper (to 31.3.16)</p> <p>Mr Stuart Ludington</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 six 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 (to 31.3.16)</p> <p>Ms Joyce Cooper</p> <p>Mr Adrian Lee</p> <p>Mr Stuart Ludington (from 1.4.16)</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 met once during the period. The majority of the Committee's work was actioned by way of emailed consultation in lieu of formal meetings.</p>	<p>Ms Penny Ho (Chair)</p> <p>Ms Alison Aylott (to 31.3.16)</p> <p>Ms Carolyn Burlew</p> <p>Ms Joyce Cooper</p> <p>Mr Adrian Lee</p> <p>Mr Stuart Ludington (from 1.4.16)</p> <p>Ms Terry Maunsell</p> <p>Mr Paul Sinclair</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. <p>The Committee met on 11 occasions during the reporting period.</p>	<p>Ms Carolyn Burlew (Chair)</p> <p>Ms Alison Aylott (to 31.3.16)</p> <p>Mr Paul Sinclair</p> <p>Mr Adrian Lee</p> <p>Mr Stuart Ludington (from 1.4.16)</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>The Committee met on four occasions to consider and make recommendations to Council on applications for funding grants.</p>	<p>Ms Terry Maunsell (Chair)</p> <p>Mr Carl Cooper (to 31.3.16)</p> <p>Ms Alison Aylott (to 31.3.16)</p> <p>Ms Joyce Cooper</p> <p>Ms Margaret Duguid</p> <p>Mr Stuart Ludington (from 1.4.16)</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, including reviews, and four Performance Review Panels during the reporting period with membership as follows.

Regulatory Committee or Panel	Membership	Hearings Attended
Impaired Registrants Panels	Mrs Anne Reynolds	7
	Mrs Elizabeth Frost	3
	Dr Alison Reid	9
	Dr Susan Messner	1
Performance Review Panels	Ms Rosemary Kusuma	4
	Ms Zaheeda Patel	4
	Mr Jonathan Chen	4

Meetings and Conferences

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

Name	Attendance
Council Presidents' Forum	Ms Alison Aylott (to 31.3.16) Mr Stuart Ludington (from 1.4.16)
Pharmacy Premises Registering Authorities of Australia (PPRAA)	Ms Alison Aylott (to 31.3.16) Ms Maria Watts
HPCA Audit & Risk Committee	Ms Carolyn Burlew
HPCA New Finance System Project Steering Committee	Ms Carolyn Burlew
HPCA Pitt Street - Organisational Review Steering Committee	Ms Carolyn Burlew
Ministry of Health, National Law Review Working Group	Ms Terry Maunsell
Pharmacy Board of Australia/Therapeutic Goods Administration consultation on extemporaneous compounding	Ms Terry Maunsell

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

Agency	Consultation
NSW Ministry of Health	Review of the Health Practitioner Regulation (Adoption of National Law) Act 2009
Pharmacy Board of Australia	Confidential targeted consultation – review of guidance on expiry of compounded parenteral medicines
Pharmacy Board of Australia	Public Consultation – review of guidance on expiry of compounded parenteral medicines
Pharmacy Practitioner Development Committee (PPDC)	Review of the National Competency Standards Framework for Pharmacists in Australia
NSW Ministry of Health	Draft Health Practitioner Regulation (New South Wales) Regulation 2016

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 at www.pharmacycouncil.nsw.gov.au.

Remuneration

Remuneration for members of the Council was 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 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

The Pharmacy Council is responsible for the registration of pharmacies in NSW in addition to management of complaints about pharmacists.

The number of registered pharmacies for this year and the previous year was as follows.

Pharmacies	2015/2016	2014/2015
Number of registered pharmacies as at 30 June	1,936	1,926

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 349 pharmacy applications during the reporting period as follows.

Applications	Approvals
Change of Pharmacy Ownership	129
Change of Pharmacy Name	80
Change of Pharmacy Address	72
New Pharmacy	41
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)	21
Copy of the Register of Pharmacies	2
Professional Services Room	1
Relocation of Professional Services Room	3

The Council received notices of closure of 18 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 about pharmacists.

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

Pharmacy inspectors undertake the following activities.

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 after receiving 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	2015/2016	2014/2015
Routine inspections	1,751	1,418
Inspections of relocated pharmacies and new pharmacy premises	101	114
Compliance/Complaint related inspections	24	20
Drug destructions	270	260

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	\$855.65
Professional Services Room application plus inspection fee	\$481.30
Relocation or Expansion/Reduction in size of Pharmacy Premises application plus inspection fee	\$481.30
Relocation or Expansion/Reduction in size of Professional Services Room application plus Inspection fee	\$481.30
Change of Pharmacy Ownership application - sole pharmacist	\$534.80
Change of Pharmacy Ownership application - pharmacist partnership	\$534.80
Change of Pharmacy Ownership application - body corporate	\$1069.50
Change of Pharmacy Name application	\$53.50
Acquisition of pecuniary interest by acquiring shares in a Pharmacist's Body	\$534.80
Notice of Acquisition of Pecuniary Interest in a Pharmacy Business – as a unit holder or beneficiary of a Trust	\$534.80
Renewal of Pharmacy Premises Registration	\$314.00
Late fee - Renewal of Pharmacy Premises Registration	\$78.25
Copy of the Register of Pharmacies	\$802.15

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.

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 was as follows.

Accounts Performance 2015/16	\$
Revenue	2,707,789
Operating expenditure	2,580,079
Gain/(loss) on disposal	(2,540)
Net result	125,170
Net cash reserves (cash and cash equivalents minus current liabilities)	2,761,995

* Included in the net cash reserves is Education and Research bank account balance of \$27,856.

The Pharmacy Council's budget for the period 1 July 2016 to 30 June 2017 is as follows.

Budget 2016/17	\$
Revenue	2,666,934
Operating expenditure	3,142,640
Net result	(475,706)

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