



Submission by the Pharmacy Council of New South Wales

Inquiry into the establishment of a pharmacy council and pharmacy ownership in Queensland

By email: pharmacy@parliament.qld.gov.au

The Pharmacy Council of New South Wales (NSW Council) is the statutory body responsible, in partnership with the Health Care Complaints Commission, for managing complaints and notifications related to the conduct, performance or health of pharmacists practising in NSW and NSW pharmacy students. The Council is also responsible for the maintenance of a register of NSW pharmacy premises, the approval and registration of NSW pharmacy premises and the registration of financial interests in NSW pharmacy businesses. The focus of the NSW Council is on safe professional practice, maintaining public safety and minimising risk¹.

The NSW Council welcomes the opportunity to provide a submission to the Inquiry into the establishment of a pharmacy council and transfer of pharmacy ownership in Queensland by the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee.

The NSW Council supports and encourages the establishment of a regulatory body in Queensland as a dedicated pharmacy premises regulator. An independent regulator tasked with reviewing and maintaining compliance with legislation would serve to uphold standards of pharmacy practice. The public has an expectation that pharmacists will practise within the boundaries of their relevant legislation and will follow the appropriate guidelines and standards to deliver effective health services and improve patient outcomes. Therefore, the regulator plays a vital role by setting standards to ensure pharmacists maintain safe practice, as well as identifying and remediating where practice is below standard. Part of the pharmacists' practice is in establishing and maintaining premises whereby health services can be safely and effectively delivered.

As noted in the Issues Paper, there is a regulatory body for pharmacies in every state, except in the ACT and NT. The establishment of a pharmacy regulator in Queensland would be consistent with most of the states and would be considered best practice.

¹ <http://www.pharmacycouncil.nsw.gov.au>

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The NSW Council suggests however that it may be prudent to consider a name more closely associated with the function of the regulator to avoid confusion. There is an Australian Pharmacy Council that accredits pharmacy education and training in Australia and New Zealand, which has created confusion for pharmacists in NSW who are also under the jurisdiction of the NSW Council. Noting that a number of the state pharmacy regulators use 'Authority' in their name, the NSW Council offers a suggestion for an alternative name that would minimise the potential for any additional confusion - 'Queensland Pharmacy Authority'.

In response to the questions in the Issues Paper:

11. Has pharmacy ownership regulation in other Australian jurisdictions improved community outcomes (relative to Queensland)? If so, how?

Pharmacists are expected to deliver effective regulated health services within an ethical framework, as stated in the Pharmacy Board of Australia's Code of Conduct for pharmacists². The scope of practice of a significant number of pharmacists exists within the community pharmacy network. It is important to note that whilst there are guidelines specifically for proprietor pharmacists², the Health Practitioner Regulation National Law does not provide for pharmacy ownership and regulation of premises. Each jurisdiction is to have separate legislation, guidelines and/or requirements for these purposes. Thus, it is imperative that there is an effective regulator in place to maintain public confidence in the profession through the regulation of the pharmacy premises.

Further, the Professional Practice Standards that guide a pharmacist's practice include a standard on Harm Minimisation that "encompasses policies and programs that focus on reducing drug-related harm, and improving health, social and economic outcomes for both the individual and the community."³ It is both best practice and in the public interest to have an effective regulator to oversee this and take corrective action if it is necessary to do so.

The NSW Council has managed several complaints about various aspects of pharmacy practice, with the goal of maintaining public safety and thus improving community outcomes. Deficiencies are identified through routine pharmacy inspections or become apparent during the course of an investigation into a complaint. Additionally, the NSW Council fields complaints from members of the public. In order to make a complaint, it is important that the public has access to a register of pharmacies, and that pharmacies identify themselves correctly so as to avoid confusion. The regulator's role is to ensure these standards are being followed and take corrective action when necessary. By providing a clear avenue for the public to make a complaint, issues can be more quickly identified and addressed, thus adding to improving community outcomes.

² <http://www.pharmacyboard.gov.au/Codes-Guidelines/Code-of-conduct.aspx>

³ Standard 16, <http://www.psa.org.au/practice-support-and-tools/psa-professional-practice-standards>

12. What functions might a pharmacy council perform in Queensland? How would these functions differ from the current functions performed by Queensland Health?

The scope of functions for a Queensland pharmacy regulator could encompass areas such as:

- **Maintaining a publicly accessible register of pharmacies and proprietors.**
As already mentioned, the public should be able to identify a pharmacy and its proprietor(s) when making a complaint. A database would need to be created and amended as necessary.
- **Ensuring compliance with legislation.**
This would involve reviewing applications to ensure they are compliant with legislation. Particular attention to the ownership structure is important to ensure only pharmacists hold financial interests in the pharmacy business. The NSW Council has seen an increase in the complexity around ownership structures over the past couple of years and would recommend that there are adequate skilled resources available to the regulator to review these structures. This should form part of the approval process when considering applications for new pharmacies or changes to existing structures. The NSW Council has a guide to assist pharmacists on the NSW Council's policies and the provisions within the relevant legislation⁴. Note also the increasing complexity in pharmacy ownership structures has seen some jurisdictions undertake a review of their processes^{5,6}.
- **Carrying out inspections of pharmacy premises.**
These would ideally be conducted by inspectors with a speciality in pharmacies. Inspections would be triggered in certain events such as part of approving an application for a new pharmacy premise or altered pharmacy premise, to conduct a review following a complaint, and routine unannounced inspections to ensure compliance. Also, there is an emerging trend for pharmacies to undertake complex compounding⁷. The NSW Council is currently reviewing its role in the inspection of pharmacies which engage in complex compounding to ensure there are adequate standards in place to maintain public health and safety when pharmacies provide compounded medicines. It is highly recommended that a pharmacy premises regulator would consider its role in this area. This consideration is not only limited to complex compounding, but also other areas where a risk management strategy is important to protect public health and safety, such as pharmacist led vaccination services.
- **Managing complaints from the public as well as those referred from other regulatory bodies.**

⁴ <https://www.pharmacycouncil.nsw.gov.au/guide>

⁵ <https://www.pharmacy.vic.gov.au/index.php?view=news&item=18>

⁶ http://ww2.health.wa.gov.au/Articles/N_R/Review-of-pharmacy-ownership

⁷ <http://www.pharmacyboard.gov.au/Codes-Guidelines.aspx>

Complaints can sometimes be referred from other regulatory bodies such as the Australian Health Practitioner Regulation Agency (AHPRA) or other regulators from interstate.

- **Power to make complaints about pharmacists.**

It is inherent that the regulator can make complaints as well as refer complaints to other prosecuting bodies such as QCAT or the local courts.

14. What would be the costs and benefits to the community of establishing a pharmacy council in Queensland?

The NSW Council is funded by pharmacists through the collection of fees on an annual basis, as well as application fees for certain activities such as new pharmacies, or changes of ownership. A cost recovery model is employed to ensure there is adequate funding for its normal operation. It is also recommended that there are enough funds accumulated in reserve to meet the costs of any potential future litigation. The NSW Council is also underwritten by the NSW Treasury. It is recommended that a similar model is used in Queensland, so that the community is not required to provide ongoing funding. It is also recommended that a regular review of its operations is conducted to ensure the prescribed fees are adequate to maintain a cost recovery position.

16. If a pharmacy council was established in Queensland, what issues would need to be considered in its interactions with other agencies or individuals involved in regulating pharmacy businesses and practice? What legislation would need to be changed?

The regulator would need to consider its stakeholders and how to have effective lines of communication. Considering stakeholders would include other regulators such as AHPRA and Medicare, pharmacy professional bodies such as the Pharmacy Guild, the Pharmaceutical Society of Australia, pharmacists, and members of the public. Consideration would need to be made as to adequate resourcing to enable this and deploying information technology to best suit the stakeholder. Also, as Queensland Health is already aware, the pharmacy premises regulators from each jurisdiction meet on a regular basis to discuss related matters across the country in a forum known as the Pharmacy Premises Registering Authorities of Australia (PPRAA). The NSW Council recommends that the regulator continue to engage in this forum.

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