



**Pharmacy Council  
of New South Wales**

Protecting the public  
Regulating pharmacists and pharmacies

# Pharmacy Council of NSW

Annual Report 2017-18

# President's Message



Protecting the public  
Regulating pharmacists and pharmacies

I am pleased to present the Pharmacy Council of NSW's 2017/18 Annual Report, my last as President.

As in previous years, there was an increase in complaint numbers and regulatory activity which resulted in another busy 12 months for the Pharmacy Council. Dispensing errors continue to remain our major source of complaints. Employee pharmacists and pharmacy owners need to ensure their processes are robust and complied with to minimise such errors. Complaints involving storage and management of Schedule 8 drugs are of continuing concern. Many of these issues could be avoided with the purchase of a bigger safe. There has also been a steady volume of more serious matters requiring consideration of immediate action which has had a significant impact on the workload of the Council.

During the year we finalised our Strategic Plan 2018 – 2020. Compounding remains a focus area with progress being made in the development of resources to address issues around compounding with more to follow in the next 12 months. The creation and publication of a compounding raw materials fact sheet created both positive and negative feedback which we have taken on board and are addressing.

Stakeholder engagement remains a priority. Through the efforts of HPCA staff and Council members we increased our involvement in university presentations, intern training programs and meetings with other regulators and professional associations. We continue to build on and strengthen relationships with our regulatory partners at the HCCC, the Pharmacy Board of Australia, AHPRA and the HPCA.

I thank my fellow Council members for their dedication, input and support over the last year.

At the end of March 2018 we farewelled Terry Maunsell, who had served nine years, commencing with the former Pharmacy Board of NSW. Terry brought an important and valued perspective to her role as Council member with expertise in hospital pharmacy. We acknowledge her dedication, contribution and commitment to the work of Council and wish her well in her retirement.

Congratulations to Carolyn Burlew, Joyce Cooper, Penny Ho and Marilyn Starr who have been reappointed as Council members, and we welcome Veronica Murdoch who has been appointed as pharmacist member of Council with expertise in hospital pharmacy.

To the growing group of non-Council members who act as mentors, auditors, performance assessors and panel members, on behalf of all Council members, I thank you for your efforts and experience in assisting Council to do its job.

Finally, we would not be able to do our work without the support of the dedicated staff and executive of the HPCA. Whilst it has been a challenging year with organisational change and staff movements, they have managed difficult circumstances and workloads admirably and we are deeply appreciative of their dedication and commitment to assisting us in our role.

A handwritten signature in black ink, appearing to read 'S. Ludington', is written over a light blue horizontal line.

**Mr Stuart Ludington**

President

Pharmacy Council of New South Wales

## Regulation of Pharmacists in 2017/18

# SNAPSHOT



### Practitioner information

**9,443**

pharmacists registered in NSW

1.9% more than last year

30.4% of registered pharmacists in Australia

**286**

NSW pharmacists had complaints made about them

14.4% more than last year (n 36 more)

3% of registered pharmacists in NSW



### Complaints received

**312**

new complaints were received

14.7% more than last year (n 40 more)

4 complaints were mandatory notifications

72.8% of complaints were about pharmacy/medication issues (n 227) followed by:

- billing 4.5% (n14) and
- National Law breach and health impairment 3.8% (n 12)

**29.2%**

of complaints were from patient (n 91) followed by:

- member of the public 15% (n 47) and
- relative 13.1% (n 41)



### Complaints managed

**271**

complaints were managed directly by the Council

94.9% more than last year (n 132 more)

**151**

assessments and hearings were concluded

14.4% more than last year (n 19 more)

**51**

immediate actions were considered or taken by Council

13.6% less than last year (n 8 less)

**4**

outcomes for closed complaints involved cancelled or suspended registration

26 involved conditions on practice

16 involved counselling or interview



### Practitioners monitored

**87**

cases were being actively monitored at year end

70.1% conduct (n 61)

13.8% performance (n 12)

16.1% health (n 14)

## **Emerging issues or trends**

The Council has identified a rise in the numbers of complaints involving breaches of the Poisons and Therapeutic Goods legislation related to inadequate handling, storage, dispensing and recording of schedule 8 medicines.

Of growing concern is the extent of the lack of oversight demonstrated by pharmacy proprietors regarding this issue, with many proprietors unaware of the deficiencies within their pharmacy.

## **Stakeholder Engagement**

### **Website**

The Pharmacy Council website is the Council's primary communications tool to engage with pharmacists and the wider community. During 2017 the Council's website was redeveloped and updated to provide a modern, more interactive and user-friendly platform for the public, practitioners and other visitors.

The new website includes easy access to the Council's new online complaint form, with detailed information about the complaint process and will make it easier for visitors to access information about the Council, including policies and publications.

To coincide with the launch of the updated website, the Council refreshed its logo to more readily reflect the Council's role and function.

The Pharmacy Council regularly distributes electronic newsletters to pharmacists with a principal place of practice in NSW, owners of NSW pharmacies and interested stakeholders.

### **Strategic partnerships and collaboration**

Key themes in the Council's Strategic Plan 2018 to 2020 include increased professional and public confidence in, and awareness of, the role of Council in the protection of the public and positioning the Council for the future by building sustainability and effectiveness.

Effective stakeholder engagement is a key component in achieving these strategic objectives. The Council is committed to establishing new partnerships, identifying opportunities for collaboration and building on existing relationships. Focussing on a continuation of positive engagement, the Council strengthened relationships with the HCCC, the Pharmacy Board of Australia and the Pharmaceutical Regulatory Unit. The Council also built on its engagement with tertiary education and intern training providers by broadening its program of student presentations.

## **Council Members**

Ten members sit on the Pharmacy Council as prescribed by the National Law.

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

Five members are local pharmacists elected by local pharmacists.

Registered pharmacist members nominated by the Minister and appointed by the Governor:

- Ms Terry Anne Maunsell BPharm, FSHP (to 31 March 2018)
- Dr Joyce Cooper PhD, BSc(Pharmacy), GradDipClinPharm, GradCertTertiaryTeach, MRPharmS(GB), MSHP

Legal member:

- Ms Penny Ho LLB (Hons), LLM

## Part 2: Reports from Health Professional Councils

Community members:

- Ms Marilyn Starr
- Ms Carolyn Burlew BA, MPubAd, FAICD

Elected local pharmacist members:

- Mr Stuart Ludington BPharm, MPS
- Mr Adrian Wei-Chun Lee BPharm, MCom, MAICD
- Mr Michael (Mike) Anderson BPharm, AACP
- Mrs Anne Reynolds BPharm, MPS
- Mr Paul Sinclair BPharm, MAICD, AACP

The NSW Governor appointed Mr Stuart Ludington as the President and Mr Adrian Wei-Chun Lee as the Deputy President of the Pharmacy Council.

### Executive Officer

Ms Nina Beeston is the current Executive Officer for the Pharmacy Council. The Executive Officer leads a team of eleven who work directly with the Council.

All staff working both directly and indirectly with the Council are employed by the HPCA as an executive agency of the Ministry of Health. Councils cannot employ staff under the National Law.

### Council Meeting Attendance

The Pharmacy Council met 16 times during the year.

**Table i: Member attendance at Council meetings, eligibility to attend and term of office**

Member	Meetings Attended	Meetings Eligible to Attend	Date first appointed	Current Term of Office
Mr Stuart Ludington – President	16	16	3 August 2010	1 April 2016 - 31 March 2019
Mr Adrian Wei-Chun Lee – Deputy President	15	16	3 August 2010	1 April 2016 - 31 March 2019
Mr Michael (Mike) Anderson	15	16	1 April 2016	1 April 2016 - 31 March 2019
Ms Carolyn Burlew	14	16	4 July 2012	1 July 2015 - 30 June 2018
Ms Joyce Cooper	16	16	1 July 2015	1 July 2015 - 30 June 2018
Ms Penny Ho	16	16	1 July 2015	1 July 2015 - 30 June 2018
Ms Terry Anne Maunsell	12	13	25 March 2009	1 July 2015 - 31 March 2018
Mrs Anne Reynolds	12	16	1 April 2016	1 April 2016 - 31 March 2019
Mr Paul Sinclair	15	16	17 November 2011	1 April 2016 - 31 March 2019
Ms Marilyn Starr	15	16	4 July 2012	1 July 2015 - 30 June 2018

Council members are appointed for a term up to three years and may be reappointed up to a maximum of nine years.

Ms Terry Anne Maunsell retired on 31 March 2018, having served the maximum consecutive terms of office as a Council member.

## **Regulatory Committees and Panels**

The National Law sets out the committees and panels that support the Council in undertaking its regulatory activities.

Regulatory committees and panels include:

- Assessment Committee
- Impaired Registrants Panels (IRP)
- Performance Review Panels (PRP)

The Pharmacy Council appointed two Impaired Registrants Panels and one Performance Review Panel during the year.

## **Council Committees**

Councils may establish committees to assist with Council functions. Committee members are not necessarily Council members.

The Pharmacy Council reappointed five committees at the beginning of the year.

### **Notifications Committee**

The Notifications Committee reviews all new complaints in consultation with the Health Care Complaints Commission. Complaints referred to the Council for management following consultation are dealt with according to the provisions of the National Law.

Committee meetings are held on the third Thursday of each month.

### **Finance Committee**

The Finance Committee provides oversight and management of information and communications technology, strategic plans and financial matters. The Committee also advises and makes recommendations to the Council about the following:

- Council's budget, budget projections and financial reports
- HPCA Strategic Planning
- Service Level Agreement between the HPCA and the Council.

The Committee met on 11 occasions.

### **Ownership Committee**

The Ownership Committee considers complex matters related to pharmacy ownership and makes recommendations to the Council about:

- Policy and procedural matters relating to pharmacy ownership
- Monitoring of incomplete ownership applications
- Action that may be taken in response to breaches of the Law of a serious nature related to ownership.

The Committee met on 11 occasions.

**Communications Committee**

The role of the Communications Committee is to:

- Publish and distribute information about the Health Practitioner Regulation National Law (NSW) and Regulations to pharmacists, consumers and other interested persons
- Publish reports, information and advice to pharmacists, consumers and other stakeholders concerning health, performance and conduct issues related to pharmacists and issues related to the ownership of pharmacy businesses
- Review, assess and determine the content of the Council’s website and newsletter
- Review the HPCA Communications Framework and the HPCA and Councils’ Communications Plan and make recommendations to the Council.

The Committee met on five occasions.

**Education and Research Committee**

The National 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.

The Education and Research Committee met on four occasions to consider and make recommendations to the Council on applications for funding.

Council committee membership is set out in Table ii.

**Table ii: Pharmacy Council Committees and Membership**

<b>Notifications Committee</b>	<b>Finance Committee</b>	<b>Ownership Committee</b>
<b>Chair</b> Joyce Cooper	<b>Chair</b> Carolyn Burlew	<b>Chair</b> Mike Anderson
<b>Council Members</b>	<b>Council Members</b>	<b>Council Members</b>
Penny Ho	Adrian Lee	Joyce Cooper
Anne Reynolds	Paul Sinclair	Paul Sinclair
Marilyn Starr	Terry Maunsell	Stuart Ludington (ex officio)
Stuart Ludington (ex officio)	Stuart Ludington (ex officio)	
		<b>Non Council Members</b>
		Maria Watts

Communications Committee	Education and Research Committee
<b>Chair</b> Anne Reynolds	<b>Chair</b> Terry Maunsell
<b>Council Members</b>	<b>Council Members</b>
Mike Anderson	Mike Anderson
Adrian Lee	Joyce Cooper
Marilyn Starr	Penny Ho
Stuart Ludington (ex officio)	Stuart Ludington (ex officio)

### Compounding Working Group

The purpose of the Working Group is to gain a broader understanding of the current compounding environment, to formulate strategies and to develop resources to assist the Council in responding to identified areas of need related to compounding.

The Group met on eight occasions.

**Table iii: Compounding Working Group Membership**

Compounding Working Group
<b>Chair</b> Mr Paul Sinclair
<b>Council Members</b>
Mr Mike Anderson
Ms Joyce Cooper
Ms Penny Ho
Ms Terry Maunsell



## Meetings and Events

The Pharmacy Council was represented at the following meetings and events during the year.

**Table iv: Pharmacy Council representation at meetings and events**

Name of Meeting / Event	Attended By
AHPRA Consultation on mandatory reporting reform in the National Law	Mr Adrian Lee - Deputy President
AHPRA Sydney Stakeholder forum hosted by the Agency Management Committee	Mr Stuart Ludington - President
AHPRA / Health and Care Professions Council (HCPC) International Research Seminar	Ms Joyce Cooper - Council Member
CLEAR 5th International Congress on Professional and Occupational Regulation	Ms Joyce Cooper - Council Member
National Board Chairs and NSW Council Presidents joint meeting	Mr Stuart Ludington - President
Pharmacy Board of Australia, Sydney stakeholder forum	Council members
Pharmacy Council / Notifications Committee of the Pharmacy Board of Australia – joint meeting	Council members
Pharmacy Board of Australia meeting	Mr Stuart Ludington - President Ms Nina Beeston - Executive Officer
Pharmacy Advisors meeting, Ministry of Health	Mr Stuart Ludington - President
Pharmacy Premises Registering Authorities of Australia (PPRAA) meetings	Mr Mike Anderson - Council Member Ms Maria Watts - HPCA

## Stakeholder Input

During the year the Pharmacy Council made submissions in response to a number of calls for comment.

**Table v: Pharmacy Council submissions**

Name of agency	Consultation
Professor Michael Woods	Independent review of accreditation systems within the National Registration and Accreditation Scheme for health professions
Red Tape Committee - Parliamentary Senate Select Committee (Commonwealth)	The effect of red tape on pharmacy rules
Pharmaceutical Society of Australia	Review of Guidelines for pharmacists on issuing certificates of absence from work
Therapeutic Goods Administration	Prescription strong (Schedule 8) opioid use and misuse in Australia – options for a regulatory response
AHPRA	Public consultation on the draft guideline for informing a National Board about where you practise
Health, Communities, Disability Services and Domestic and Family Violence Committee - Queensland Parliament	Inquiry into the establishment of a pharmacy council and transfer of pharmacy ownership in Queensland

## Overseas Travel

The Pharmacy Council did not incur any overseas travel costs during the year.

## Remuneration

Council members received the following remuneration.

President	\$33,296 per annum
Deputy President	\$22,176 per annum
Council Members	\$11,088 per annum

Council members also receive sitting fees for conducting Council Inquiries, attending committee meetings and undertaking other regulatory activities if these are on a day other than the regular Council meeting.

Council members are reimbursed for expenses when travelling on official business at Council direction.

Panel and Tribunal members receive remuneration and reimbursement of expenses related to Council business.

## Education and Research Account

The Pharmacy Council maintains an Education and Research account. This helps fund activities that promote better understanding of professional standards and compliance, issues that can lead to complaints and how complaints are managed. The account may also be used to fund relevant research activity including both Council specific initiatives and collaborative projects.

The Pharmacy Council offers two types of grants:

- Research and Project Grants to a maximum of \$10,000
- Development and Education Grants to a maximum of \$2,500.

Education and Research account expenditure this year included:

- \$10,000 to the University of Canberra for a research project 'Investigation of the provision of compounding service'
- \$913 to Alexander McNamara for a Development and Education Grant to assist with his attendance at the 2018 Australian Society for Antimicrobials annual scientific meeting
- \$2,000 to the University of Sydney for enabling pharmacists to improve care of people living with a disability in NSW.

The Council also awarded a \$10,000 research and project grant to the University of Newcastle for a project entitled 'Simulation based assessment for evaluating pharmacists' competence in clinical decision making during medication review and supply'. The project is anticipated to commence in late 2018.

## Regulation of Pharmacy Businesses

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

As at 30 June 2018 1,982 pharmacies were registered in NSW.

## Register of Pharmacies

The National Law requires the Council to keep a Register of Pharmacies.

Changes to the Register of Pharmacies occur upon the approval of applications to the Council, satisfactory inspection of premises where required and payment of the relevant fee where applicable.

There were 397 changes to the Register of Pharmacies in 2017/18.

Change	Number
New Pharmacy	28
Pharmacy Relocation /Resizing	57
New Professional Services Room	4
Professional Services Room Relocation/Resizing	nil
Change of Pharmacy Ownership	159
Change of Pharmacy Name	118
Acquisition of a financial interest in a pharmacy business by acquiring shares in a Pharmacist's Body Corporate and / or appointment of new director(s)	20
Pharmacy Closure	11

## Fees

Ownership application fees are prescribed by Regulation under the National Law. Fees are payable for approval of pharmacy premises and the registration of holders of financial interests in pharmacy businesses.

Application forms are available on the Council's website [www.pharmacycouncil.nsw.gov.au](http://www.pharmacycouncil.nsw.gov.au)

## Offences under Schedule 5F of the National Law

The National Law sets out provisions about holding financial interests in pharmacy businesses and the responsibilities of pharmacy owners which, if contravened, may lead to a Council initiated Local Court prosecution.

No Local Court prosecutions were conducted during the year.

## Pharmacy Inspectors

Pharmacy inspectors have the state-wide function of conducting inspections and investigations to enforce compliance with the National 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 the National Law, with powers to enter and inspect premises, to copy and/or seize records and to require persons to answer questions. The Inspectors also have responsibilities under the Poisons and Therapeutic Goods Act 1966 regarding safe handling of medications.

Pharmacy inspectors undertake the following activities.

### 1. Routine inspections

Pharmacies across NSW are routinely inspected every 18 months to ensure compliance with the requirements of the National Law and Regulations.

## 2. Application approval inspections

Approval by the Council of an application to relocate an existing pharmacy or establish 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.

## 3. 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 year 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.

## 4. Drug destructions

Pharmacy inspectors are authorised by the NSW Ministry of Health Pharmaceutical Services to destroy and dispose of unusable Schedule 8 medications.

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

Activity	Number
Routine inspections	1,370
Inspections of relocated pharmacies and new pharmacy premises	101
Compliance/Complaint related inspections	38
Drug destructions	303

## Financial Management

The Pharmacy Council's accounts performance was reported in the Financial Statement as follows.

Accounts Performance 2017/18	\$
Revenue	2,946,262
Operating expenditure	3,222,363
Gain / (loss) on disposal	4,930
<b>Net result</b>	<b>(271,171)</b>
<b>Net cash reserves* (cash and cash equivalents minus current liabilities)</b>	<b>3,241,350</b>

\* Included in the cash reserves is an Education and Research bank account balance of \$98,361.

The Pharmacy Council's budget for the period 1 July 2018 to 30 June 2019 is as follows.

Budget 2018/19	\$
Revenue	3,075,153
Operating expenditure	4,712,704
<b>Net result</b>	<b>-1,637,550</b>

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