



**Pharmacy Council
of New South Wales**

Protecting the public
Regulating pharmacists and pharmacies

Pharmacy Council of NSW

Annual Report 2018-19

JOINT ANNUAL REPORTS OF THE 15 NEW SOUTH WALES HEALTH PROFESSIONAL COUNCILS
ABORIGINAL AND TORRES STRAIT ISLANDER HEALTH PRACTICE COUNCIL CHINESE MEDICINE COUNCIL
CHIROPRACTIC COUNCIL DENTAL COUNCIL MEDICAL COUNCIL MEDICAL RADIATION PRACTICE COUNCIL NURSING
AND MIDWIFERY COUNCIL OCCUPATIONAL THERAPY COUNCIL OPTOMETRY COUNCIL OSTEOPATHY COUNCIL
PARAMEDICINE COUNCIL PHARMACY COUNCIL PHYSIOTHERAPY COUNCIL PODIATRY COUNCIL PSYCHOLOGY COUNCIL

President's Message



Protecting the public
Regulating pharmacists and pharmacies

I am pleased to present the Pharmacy Council Annual report for 2018/19, and my first since taking on the role of President in April 2019.

At the end of June 2019, there were almost 10,000 registered pharmacists in NSW making up just over 30% of pharmacists Australia wide. The Pharmacy Council also maintains a register and regulates the 1,989 pharmacy premises in NSW.

This year the Council received a similar number of complaints to last year. However around 100 cases remain in active monitoring, as at the end of June 2019.

The ongoing communication with HPCA officers and the regular interactions with HCCC, ensures that Council is well supported to manage complaints and in its decision-making related to the health, performance and conduct of practitioners.

Following a recent major restructure within the HPCA, the resultant improvements and efficiencies are now coming together to provide enhanced support to the Council in conducting its activities as a pharmacy regulator ensuring the safety of the public. The Council is now assisted by a skilled team of staff, including case-managers, policy, communications, and professional officers to support the Council in achieving its strategic outcomes.

As a commitment to maintaining the high regulatory standards of the profession and to assist in communicating important messages to the profession, the Council has established regular interactions with key stakeholders over the last few years. This has continued to grow in the last year through regular meetings with the peak pharmacy industry bodies and the Ministry of Health. Several forums have also brought these key groups together to target particular areas where notifications have identified specific issues of concern, such as audits of the opioid treatment program, and compounding activities in pharmacies. The Council is currently finalising a guidance document on complex compounding services in pharmacies in NSW. The Council acknowledges the crucial input from all stakeholders to this work.

The Council has also continued to build on its relationship with the National Board, which has included representatives from the National Board attending Council meetings in NSW, and similarly NSW Council members attending National Board meetings and events, with the aim of sharing processes and improving consistency in decision making.

I wish to thank the staff of the HPCA for their hard work and support over the last year.

I also thank my fellow Council members for their commitment and diligence in Council business. I would also like to acknowledge the contributions of Stuart Ludington (former President) and Adrian Lee (former Deputy President) who both retired from the Council after completing the maximum nine years of service permitted. Anne Reynolds (practitioner member) also retired after three years. We lost a wealth of knowledge and expertise in a short space of time, and acknowledge the contributions and wisdom of these former Council members in support of the Council's work.

We then welcomed three new practitioner Council members and acknowledge the experience they bring. Majella Hill, Marina Holt and Erica Sainsbury were elected to the vacant Council positions and commenced in April 2019. I also congratulate Veronica Murdoch on her election as Vice President, and look forward to working with all Council members, the HPCA staff and stakeholders in the coming year.

A handwritten signature in black ink, appearing to read 'Joyce Cooper', is positioned above the printed name.

Ms Joyce Cooper
President
Pharmacy Council of New South Wales

2018-19 Summary

PHARMACISTS



9,637

Registered pharmacists in NSW

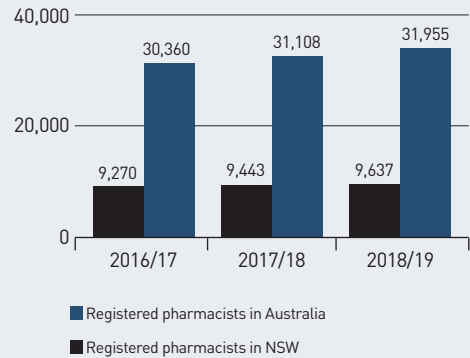
30%

of Australian pharmacists practise in NSW

3%

of NSW pharmacists had complaints made about them

3 year trend in number of registered pharmacists



COMPLAINTS ABOUT PHARMACISTS



205

cases were open at the beginning of the year



300

cases were closed during the year



225

cases were open at the end of the year



320

complaints were received about 287 pharmacists in 2018/19

15

of the complaints received were mandatory notifications about 9 practitioners

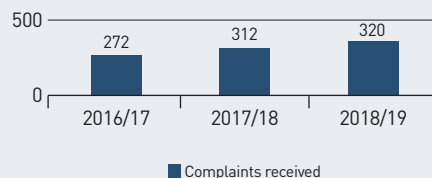
Complaints were mainly from:

Patients - **20%**
Drugs/poisons agencies - **18%**
Member of the public - **16%**

Complaints were mainly about:

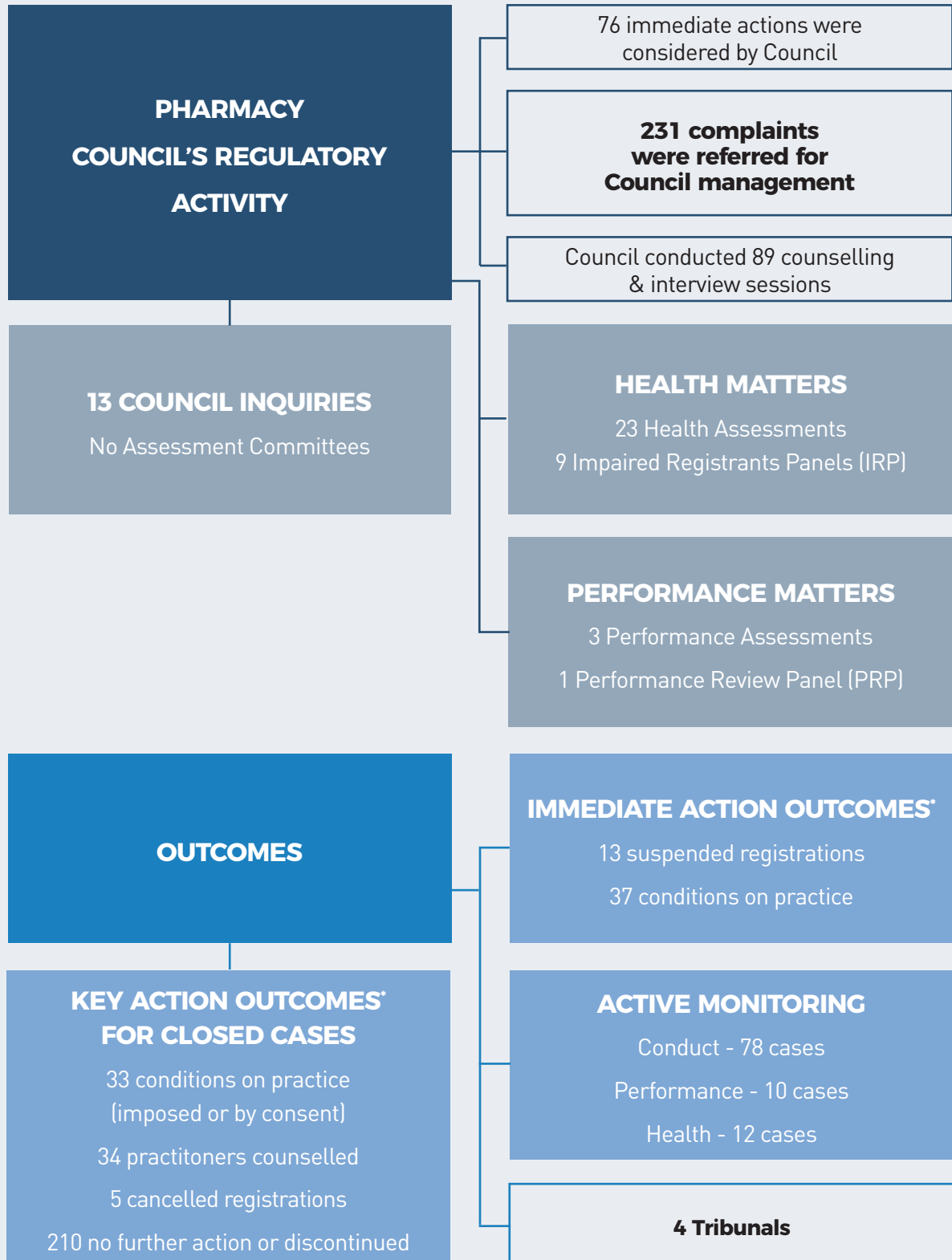
Pharmaceutical or medication issues - **70%**

3 year trend in number of complaints about pharmacists



2018-19 Summary

PHARMACY COUNCIL'S REGULATORY ACTIVITY - MATTERS CONCLUDED



*Not all outcomes are included & a complaint may have more than one outcome

Council Members

Ten members sit on the Pharmacy Council as set out in the National Law.

Five Council members are nominated by the Minister for Health and appointed by the Governor and five Council members are pharmacists elected by local pharmacists.

Members appointed by the Governor:

Pharmacist members:

- Dr Joyce Cooper PhD, BSc(Pharmacy), GradDipClinPharm, GradCertTertiaryTeach, MRPharmS(GB), MSHP
- Ms Veronica Murdoch BPharm, M Health Management, MSHPA

Legal member:

- Ms Penny Ho LLB (Hons), LLM

Community members:

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

Pharmacists elected by local pharmacists:

- Mr Stuart Ludington BPharm, MPS (term expired 31 March 2019)
- Mr Adrian Wei-Chun Lee BPharm, MCom, MAICD (term expired 31 March 2019)
- Mrs Anne Reynolds BPharm, MPS (term expired 31 March 2019)
- Mr Paul Sinclair AM, BPharm, MAICD, AACP (re-elected from 1 April 2019)
- Mr Mike Anderson BPharm, AACP (re-elected from 1 April 2019)
- Mrs Majella Hill MSc, Bpharm, ADTT (from 1 April 2019)
- Ms Marina Holt BPharm, Dip Quality Auditing , Cert IV TAE, MPS (from 1 April 2019)
- Dr Erica Sainsbury BPharm (Hons), MSc, GradDipEdStud (Higher Ed), PhD, MPS, MSHP, MACE (from 1 April 2019)

The Governor appointed Stuart Ludington as President of the Pharmacy Council to 31 March 2019.

The Governor appointed Joyce Cooper as President from 1 April 2019.

The Governor appointed Adrian Lee as Deputy President of the Pharmacy Council to 31 March 2019.

The Governor appointed Veronica Murdoch as Deputy President from 1 April 2019.

Executive Officer

Nina Beeston is the Executive Officer for the Pharmacy Council.

The Executive Officer leads a team of 12 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 13 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*
President (to 31/03/19) Stuart Ludington	10	10	3 August 2010	1 April 2016 to 31 March 2019
Deputy President (to 31/03/19) Adrian Lee	9	10	3 August 2010	1 April 2016 to 31 March 2019
President (from 01/04/19) Joyce Cooper	12	13	1 July 2015	1 July 2018 to 30 June 2021
Deputy President (from 01/04/19) Veronica Murdoch	13	13	1 July 2018	1 July 2018 to 30 June 2021
Mike Anderson	10	13	1 April 2016	1 April 2019 to 31 March 2022
Carolyn Burlew	11	13	4 July 2012	1 July 2018 to 30 June 2021
Majella Hill	2	3	1 April 2019	1 April 2019 to 31 March 2022
Penny Ho	11	13	1 July 2015	1 July 2018 to 30 June 2021
Marina Holt	3	3	1 April 2019	1 April 2019 to 31 March 2022
Anne Reynolds	9	10	1 April 2016	1 April 2016 to 31 March 2019
Erica Sainsbury	3	3	1 April 2019	1 April 2019 to 31 March 2022
Paul Sinclair	11	13	17 November 2011	1 April 2019 to 16 November 2020
Marilyn Starr	11	13	4 July 2012	1 July 2018 to 30 June 2021

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

On 31 March 2019 Mr Stuart Ludington and Mr Adrian Lee retired having served the maximum terms of office as members of the Council.

Regulatory Committees and Panels

The National Law sets out the committees and panels that assist the Council to undertake its regulatory activities.

Regulatory committees and panels include:

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

Part 2: Reports from Health Professional Councils

The Pharmacy Council appointed 10 regulatory panels during the year.

Table ii: Regulatory Panels appointed

Regulatory Committees and Panels	Number of Regulatory Committee and Panels
Impaired Registrants Panels	9
Performance Review Panels	1
Assessment Committees	nil

Table iii: Regulatory Panel Membership

Impaired Registrants Panel	Performance Review Panel
Mr Peter Murney Dr Alison Reid	Ms Rosemary Kusuma (Chair) Mr Jonathan Chen Ms Zaheeda Patel

Council Committees

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

The Pharmacy Council reappointed 6 committees this year.

Table iv: Council Committees and Membership.

Notifications Committee	Finance Committee	Ownership Committee
Chair Joyce Cooper (to 31 March 2019) Paul Sinclair (from 1 April 2019)	Chair Carolyn Burlew	Chair Adrian Lee (to 31 March 2019) Mike Anderson (from 1 April 2019)
Members Veronica Murdoch Paul Sinclair Marilyn Starr Penny Ho Adrian Lee (to 31 March 2019) Stuart Ludington (to 31 March 2019) Joyce Cooper (from 1 April 2019)	Members Mike Anderson Joyce Cooper Paul Sinclair Adrian Lee (to 31 March 2019) Stuart Ludington (to 31 March 2019) Majella Hill (from 1 April 2019)	Members Joyce Cooper Penny Ho Marilyn Starr Mike Anderson (to 31 March 2019) Stuart Ludington (to 31 March 2019) Maria Watts - HPCA
Communications Committee	Education and Research Committee	Compounding Working Group
Chair Anne Reynolds (to 31 March 2019) Veronica Murdoch (from 1 April 2019)	Chair Penny Ho	Chair Paul Sinclair
Members Mike Anderson Joyce Cooper Adrian Lee (to 31 March 2019) Stuart Ludington (to 31 March 2019) Majella Hill (from 1 April 2019) Marina Holt (from 1 April 2019)	Members Mike Anderson Joyce Cooper Stuart Ludington (to 31 March 2019) Anne Reynolds (to 31 March 2019)	Members Mike Anderson Joyce Cooper Penny Ho Stuart Ludington (to 31 March 2019) Anne Reynolds (to 31 March 2019) Marina Holt (from 1 April 2019)

Meetings and Events

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

Table v: Pharmacy Council representation at meetings and events

Name of Meeting / Event	Attended By
<i>Poisons and Therapeutic Goods Act 1966</i> review – NSW Health Stakeholder meeting	Stuart Ludington – President
NSW Health NRAS Forum	Stuart Ludington – President
National Registration and Accreditation Scheme (NRAS) – 2019 Combined Meeting and Research Summit	Stuart Ludington – President Nina Beeston – Executive Officer
PPRAA Meeting – Carlton Victoria	Joyce Cooper – President Maria Watts - HPCA
Schedule 8 Medication including Opioid Treatment and Vaccines – meeting	Joyce Cooper – President Nina Beeston – Executive Officer
NSW Regulators Forum – NSW Health	Veronica Murdoch – Deputy President

Council Communications and Stakeholder Engagement

The Pharmacy Council website provides easy access to information about the Council and its work and includes information about the complaints process, an online complaint form, ownership application forms, online annual renewal of pharmacy premises facility and online pharmacy declaration facility.

The Pharmacy Council also distributes electronic newsletters to Pharmacy practitioners working in NSW and owners of NSW pharmacies.

As part of the engagement plan for the Pharmacy Council and the National Board, the Council participated in the following meetings:

- Meeting with Pharmacy Board of Australia Notifications Committee at AHPRA NSW State Office – November 2018
- Meeting with Pharmacy Board of Australia representatives – February 2019
- Council meeting with Pharmacy Board of Australia representatives – February 2019.

Other stakeholder engagement activities included:

- Annual Council Stakeholder function – February 2019
- Stakeholder meeting with PSA NSW State Manager – March 2019
- Stakeholder meeting with PRU representative – May 2019
- Stakeholder meeting with PDL NSW Director and Professional Officer – June 2019

Part 2: Reports from Health Professional Councils

During the year the Pharmacy Council made submissions in response to the following calls for comment.

Organisation	Consultation
AHPRA	Preliminary consultation on review of the Guidelines for advertising regulated health services
AHPRA	Public consultation on the definition of 'cultural safety'
Australian Centre for Cannabinoid Clinical and Research Excellence (ACRE)	Draft NSW Cannabis Medicines Prescribing Guidance
COAG	Independent Review of Accreditation Systems within the NRAS for health professions
COAG	Regulation of Australia's health professions: keeping the National Law up to date and fit for purpose
Pharmaceutical Society of Australia (PSA)	Clinical Governance Principles for Pharmacy Services Consultation
Pharmaceutical Society of Ireland (PSI)	Public consultation on the draft revised Code of Conduct for Pharmacists
Pharmacy Board of Australia	Discussion paper on pharmacist prescribing
Queensland Parliament	Inquiry into the establishment of a pharmacy council and pharmacy ownership in Queensland
Therapeutic Goods Administration	Consultation on proposed criteria for Appendix M of the Poisons Standard

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 2019 there were 1,989 pharmacies registered in NSW.

Register of Pharmacies

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

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

The Council received 355 applications in 2018/19. This resulted in 403 changes to the Register of Pharmacies.

Changes	Number
New Pharmacy	36
Pharmacy Change of Address	42
New Professional Services Room	3
Professional Services Room Change of Address	0
Change of Pharmacy Ownership	156
Registration of new financial interest in a pharmacy business	71
Change of Pharmacy Name	74
Pharmacy Closure	21

Fees

Ownership application fees are prescribed by the *Health Practitioner Regulation (New South Wales) Regulation 2016* (Clause 15). 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

Offences under the National Law (Schedule 5F)

The National Law sets out provisions related to the holding of financial interests in pharmacy businesses and the responsibilities of pharmacy owners. If these provisions are contravened the Council may initiate a Local Court prosecution.

No Local Court prosecutions were conducted during the year.

Pharmacy Inspectors

Two pharmacy inspectors assist the Council. These inspectors have a state-wide responsibility to conduct inspections and investigations to enforce compliance with the National Law and 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 National Law, with powers under section 164A 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.

Routine inspections

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

Application approval inspections

Council approval of an application for 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 as part of its process to make inquiries into a complaint. During the year the following types of complaints resulted in inspections:

- Operating a pharmacy without a pharmacist on the premises
- Compounding practices
- Dispensing error
- Physical condition of the pharmacy and storage of stock
- Inadequate record keeping
- Non compliance with conditions of registration.

Drug destructions

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

2018/19 activities

The Council inspectors undertook the following activities during the year.

Activity	Number
Routine inspections	1,386
Inspections of relocated pharmacies and new pharmacy premises	76
Compliance/complaint related inspections	50
Drug destructions	287

Overseas Travel

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

Remuneration

Remuneration for Council members aligns with the Public Service Commission Remuneration Framework for NSW Government Boards and Committees. Council members receive additional payment for interviews, counselling sessions, immediate action inquiries, Council Inquiries and panels. No additional payments are made for other regulatory work such as official visits, committee meetings, training, conferences or preparation for meetings.

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

Pharmacy Council member remuneration rates are as follows.

President	\$37,000 per annum
Deputy President	\$22,176 per annum
Council Members	\$15,000 per annum

Education and Research Account

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

There was no expenditure from the Education and Research account this year.

Financial Management

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

Accounts Performance 2018/19	\$
Revenue	3,296,577
Operating expenditure	3,911,762
Gain / (loss) on disposal	(54)
Other gains / (losses)	(12,984)
Net result	(628,223)
Net cash reserves* (cash and cash equivalents minus current liabilities)	2,625,572

* Included in the cash reserves is an Education and Research bank account balance of \$99,826.

The Pharmacy Council's budget for the period 1 July 2019 to 30 June 2020 is as follows.

Budget 2019/20	\$
Revenue	3,706,795
Operating expenditure	4,619,815
Net result	(913,020)

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