How non-referral to an FTP committee may apply to responsible pharmacists

In this article, Andrew Smith, professional standards inspector at the Royal Pharmaceutical Society, looks at possible breaches of the responsible pharmacist regulations that might be dealt with using the Society’s non-referral process.

With the responsible pharmacist requirements coming into force on 1 October 2009, it is important that pharmacists focus on acting in the interests of patients, familiarising themselves with the new requirements and implementing the necessary changes. Pharmacists must be confident that their standards of practice are in line with the legislation and professional standards.

If, during a visit, inspectors observe non-compliance with legislation or professional standards their primary objective is to help pharmacists comply and to seek to improve practice through giving advice and support. However, there are occasions when an inspector must instigate a formal regulatory response, for example, where there is a risk to patient safety or where there is persistent non-compliance.

Responsible pharmacist issues

An updated checklist for inspector’s monitoring visits is available on the Royal Pharmaceutical Society’s website at www.rpsgb.org. We know that the responsible pharmacist requirements have caused anxiety within the profession so we have published, within this checklist, what compliance with the responsible pharmacist requirements may look like.

If, during an inspection visit, an inspector observes that a pharmacy is not compliant with the responsible pharmacist requirements, he or she will seek to secure compliance by providing advice to the pharmacist and the pharmacy superintendent or owner, as appropriate. For example, if a pharmacy is not displaying a notice to show who the responsible pharmacist is, the inspector will give appropriate advice.

Whenever the Society receives an alleging against a pharmacist or a registered pharmacy technician it has a duty to investigate. In order to maintain public confidence in the profession it is important that the Society discharges its regulatory functions in a proportionate and effective manner. With this in mind, the Society has put in place measures to deal with some allegations using the “non-referral” process. (The law allows the Society’s Council to identify types of allegations that it considers would be more effectively and proportionately dealt with outside of a fitness to practise committee, subject to the published threshold criteria. Put simply, because these types of allegations are not referred to a fitness-to-practise committee we call this the “non-referral” process. In order for a case to go through this process the pharmacist must accept a letter of advice from the chief inspector. A record is added to the pharmacist’s fitness-to-practise history to show that he or she has accepted the advice given. In the event of further allegations, the Society will consider a matter dealt with by the non-referral process in exactly the same way as it would consider a matter dealt with by a fitness-to-practise committee.

Non-referral

The Society has examined the responsible pharmacist requirements and identified potential breaches. Some of these breaches are similar to case types that are currently considered suitable for the non-referral process. For example:

Display of notice Failure to conspicuously display a notice to denote the responsible pharmacist in charge of the registered pharmacy premises is analogous to failure to display a registration certificate as required currently and as such would be suitable for non-referral.

Pharmacy procedures Failure of the responsible pharmacist at the material times to have adequate pharmacy procedures in place, failure regularly to review pharmacy procedures (at least once every two years) and failure to review the pharmacy procedures following an incident or event which indicates that the pharmacy is not running safely and effectively are analogous to having inadequate standard operating procedures. As such, these cases are suitable for non-referral.

Absence A responsible pharmacist may be absent from a registered pharmacy premises for more than two hours during the pharmacy’s business hours because he or she has been unavoidably delayed. If, after consideration and investigation of the allegation made or of the information calling the registrant’s fitness to practise into question, the Registrar’s opinion is that there is no (or insufficient) evidence that fitness to practise is impaired by reason of the matters under consideration, no further action will be taken. Such a scenario is not analogous to any case types that are considered currently.

Referral

Other potential breaches may place patient safety at risk or directly undermine public confidence and, as such, are not suitable for the non-referral process. For example:

Pharmacy record Failure of the person carrying on the pharmacy business to ensure that the pharmacy record is preserved for a period of five years requires referral to a fitness-to-practise committee. Keeping and preserving the pharmacy record is important. Patients must be confident that an organisation can properly identify who was responsible for the pharmacy when they received a service.

Further information

Further information, including the responsible pharmacist case types suitable for the non-referral process subject to the published threshold criteria, can be accessed by clicking the “Responsible pharmacist” button on the Society’s website at www.rpsgb.org. Information is also available from the Society’s local inspectors.