



Pharmacy Council of New South Wales

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Consult on the Competition Policy Review Final Report Submission by the Pharmacy Council of New South Wales

The Pharmacy Council of New South Wales (the 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 approval and registration of pharmacy premises in NSW.

The Council of New South Wales has considered the Competition Policy Review Final Report (the report) and provides the following comments:

1. The Council refrains from making comment on the location rules as this is not within the jurisdiction of the Council, whose primary role is public protection.
2. The Council rejects the report's recommendation to deregulate pharmacy ownership and believes that there are overriding benefits in maintaining the status quo, i.e. registered pharmacists as owners of Pharmacies, answerable in their conduct, performance and health to the Pharmacy Board of Australia and the Council.
3. The present ownership rules ensure that pharmacies are owned by registered pharmacists, who are first and foremost health care professionals. Pharmacists are professionally and ethically bound to ensure consumer health outcomes take priority over increasing profit margins.
4. The Council believes if non-pharmacists become owners of pharmacies commercial interests could be put ahead of ethical interests.
5. The Pharmacy Board of Australia has numerous standards, codes and guidelines (<http://www.pharmacyboard.gov.au/Codes-Guidelines.aspx>) including, 'Guidelines on responsibilities of pharmacists when practising as proprietors'. Pharmacist owners have a responsibility to ensure they and their employees adhere to these standards, codes and guidelines and face possible deregistration (and loss of their business) if they fail to do so. The Pharmacy Board of Australia and the Council have no legislative ability to take action against a non-pharmacist owner.
6. The Council deals with complaints made against pharmacists. If it becomes evident that any complaints have arisen due to workload issues, the Council has the ability under the legislation to formally interview any pharmacist proprietor and assess his/her compliance with these guidelines. The Council has the power to take action

(and has done so) against proprietors if deemed necessary to ensure the safety of the public.

7. The Council stresses the importance of keeping the prescribing and dispensing of medicines separate in order to maintain patient safety.
8. Pharmacy is the largest custodian of drugs and poisons in Australia, and the Council believes Pharmacists, who are appropriately trained, are the best place professionals to oversee this. Compared to community pharmacy, medical practices, veterinary practices, podiatrist practices etc do not hold the quantity and variety of scheduled medicines especially S4 and S4D medicines.
9. The Council also has a role in registering and inspecting premises, ensuring they comply with all of the requirements set out in *Health Practitioner Regulation National Law (NSW)* and the *Health Practitioner Regulation (New South Wales) Regulation 2010*. Pharmacist owners are held accountable if they do not meet these requirements, and the Council has taken action in these circumstances.
10. In summary pharmacy owners must be held accountable for what happens within a pharmacy. The Pharmacy Council believes it is critical to the maintenance of a health care model of pharmacy services that pharmacies are owned and operated by registered pharmacists.

Submitted by:

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