A Piece of my Mind

Editorial Comment

Should you reply to communication from the South African Pharmacy Council?

I read Jan du Toit’s article with interest. Having served on the Committee for Preliminary Inquiry (CPI) for 10 years, and chaired some Committees of Formal Inquiry (CFI), I obviously developed an interest in disciplinary matters. When I was first asked to serve on the CPI, my immediate reaction was: “No. I don’t want to get involved with that. I don’t want to prosecute or persecute pharmacists!”

My attitude changed after participating in my first CPI meeting. The easy cases, which often turned out to be complicated, were those that dealt with Good Pharmacy Practice (GPP) shortcomings. I realised that pharmacists don’t always understand that they are being evaluated on the basis of a photograph, not a video. Shortcomings are identified at the exact time when the inspection takes place. Therefore, failure to implement GPP rules before the inspection is often the basis of disciplinary action. Judgement is made on what was observed on that precise day, at that precise time. You can photoshop a photograph nowadays, but you can’t photoshop shortcomings.

Clearly, GPP shortcomings are an irritant to both the pharmacist and inspector, but in most cases it’s an avoidable irritant. The rules are there. Read them and implement them. If it’s not possible to implement them, let the South African Pharmacy Council (SAPC) know the reasons, preferably before it becomes a disciplinary issue.

There are also different reasons for not implementing GPP. Physical issues, such as the way in which a particular pharmacy was built, or the fact that shopping centres do not permit a generator to be installed, can easily be explained. Others are more difficult to understand.

Is there any possible acceptable excuse for:

- Not maintaining a Schedule 6 register correctly?
- Allowing basic-level pharmacist’s assistants to work outside their scope of practice?
- Failing to supervise support personnel properly?
- Allowing post-basic pharmacist’s assistants to perform all three stages of the dispensing process?
- Giving out Schedule 5 medicines without a valid prescription?
- Permitting non-pharmacists to have unlimited access to the premises?

These are examples of some of the situations that occur. Often, I was so frustrated that I wanted to shake the pharmacist and say: “Hey! Protect your back! You know the rules!”

Pharmacists sometimes complain that the inspection report does not accurately reflect the situation in the pharmacy. This is why, when you sign an inspection report at the time of the inspection, it is important to immediately record anything with which you disagree.

During my years on the disciplinary committees, I didn’t often see people recording their disagreement. There would just be a letter, written months after the inspection, saying that what was recorded was untrue. This is not very helpful when the pharmacist had an opportunity to write that on the form at the time that the inspection was made.

Nowadays, of course, the inspection findings are recorded immediately. The inspector must give you an opportunity to record objections or comments. If he or she does not, you can also immediately write to the registrar, quoting the inspection point with which you disagree. The report is directly available in the secure section of the SAPC website, so there’s no room for an excuse such as: “I didn’t get the report for months”. As I don’t own a pharmacy, I don’t have access to such reports, but I’m told that you can comment online as well.

Back to Jan’s statement: “The question as to whether or not a pharmacist or pharmacist’s assistant (i.e. the respondent) should respond and provide reasons why the complaint does not constitute unprofessional conduct, is a matter that should be discussed further with legal counsel!” I’m fairly ambivalent about this one, because I’ve seen both sides of the coin.

In the first place, there are so many inquiries that can be nipped in the bud when the complaint is first received. I once chaired a formal inquiry that dealt with a customer complaint about a pharmacist. A “please explain” letter had gone to the pharmacist, who did not respond, so the CPI suggested a fine and referred the matter to the Committee for Informal Inquiry (CII). Again, there was no response when the CII invited the pharmacist to either explain or pay the fine. Eventually, there was no choice. The matter had to be referred to the CFI. The pharmacist attended the CFI hearing, and described the exact circumstances surrounding the complaint, how he handled it and his subsequent actions. His explanation was not only perfectly acceptable, but his behaviour had been absolutely correct. However, the CFI had to impose the penalty of a warning because his mistake had been to ignore the SAPC. Obviously, if he had obtained legal counsel, he may well have been advised to attend the CII and to explain.

In another case, the pharmacist appeared before the CFI and explained the procedure that he had followed. Unfortunately for him, the more he spoke, the more he implicated himself in breaking the law. I have no doubt that if he had opted for legal counsel, his lawyer would have spoken for him and no doubt would have been more prudent in his explanations!

So, should you or shouldn’t you? It’s your choice, but Jan’s advice is sound, especially in complicated cases.

Lorraine Osman