



THE PHARMACY REGULATOR

**GUIDE TO
MAKING A COMPLAINT
ABOUT A PHARMACIST
OR RETAIL PHARMACY BUSINESS**

Contents

About this booklet	3
What is the Pharmaceutical Society of Ireland?	3
What if you are not happy with a pharmacist?	3
Who can complain?	3
What types of complaints can be considered?	4
How to make a complaint	4
What happens next?	5
Mediation	6
What happens at a Committee of Inquiry?	6
Making a statement and giving evidence	7
Sanctions	7
What the PSI cannot consider	7
Keeping your information confidential	8
How long will it take?	8
Other regulatory bodies	9

About this booklet

This booklet tells you what to do if you wish to make a complaint about a registered pharmacist or a registered retail pharmacy business (pharmacy).

If you are not happy with the treatment you have received in a pharmacy, or if you have concerns about the behaviour, conduct, practice or health of a pharmacist, you can contact the Pharmaceutical Society of Ireland (PSI)

What is the Pharmaceutical Society of Ireland?

The PSI is the statutory regulator for pharmacists and pharmacies in Ireland. It regulates the profession in the interests of patient safety and public protection. In order for a pharmacist to practise in this country, he or she must be registered with the PSI.

If you wish to check the registration status of a pharmacist or retail pharmacy business (pharmacy), you can do so on the PSI's website at <http://public.pharmaceuticalsociety.ie/>

The PSI is the appropriate body to which to make a complaint about a pharmacist or retail pharmacy business.

What if you are not happy with a pharmacist?

If you are concerned about the behaviour, conduct, practice or health of a pharmacist, or if you are dissatisfied with the treatment that you have received in a pharmacy, you may wish to make a complaint to the Council of the PSI.

The purpose of the complaints process is to consider the information provided by you, and any information provided by the pharmacist involved, and thereafter decide whether any further action is required.

Who can complain?

Anyone can make a complaint to the PSI about a pharmacist. This includes patients, members of the public, employers and other health professionals. The PSI itself may also make a complaint about a pharmacist to the Preliminary Proceedings Committee.

If you are making a complaint on behalf of another person (i.e. spouse, partner, child, etc.) it may be necessary for that person to consent to you making a complaint on their behalf, as the complaint may concern confidential medical information.

What types of complaints can be considered?

The Preliminary Proceedings Committee of the PSI is responsible for considering complaints against pharmacists and retail pharmacy businesses in the the first instance.

The Preliminary Proceedings Committee considers complaints about pharmacists under one or more of the following grounds:-

- Professional misconduct
- Poor professional performance
- Impairment of the pharmacist's ability to practise because of a physical or mental disability
- Failure to comply with one or more condition(s) attached to the pharmacist's registration
- Failure to comply with an undertaking given by the pharmacist to the PSI or to take any action specified in a consent given by the pharmacist in response to a request from a Committee of Inquiry under Section 46 of the Pharmacy Act 2007
- Contravention of a provision of the Pharmacy Act 2007 or Rules made by the Council of the PSI under the Act
- Conviction in the State for an offence triable on indictment (or if convicted outside the State for an offence which would constitute an offence triable on indictment in this jurisdiction)

The Preliminary Proceedings Committee also considers complaints relating to retail pharmacy businesses under one or more of the following grounds:-

- The pharmacy owner or an employee or a partner of the pharmacy owner, or representative or person engaged by the representative, has been convicted of a relevant offence referred to in Section 36(1) of the Pharmacy Act 2007
- The pharmacy owner or an employee or a partner of the pharmacy owner, or representative or person engaged by the representative, has been convicted of any other offence or committed misconduct and the nature of such offence or misconduct is such that, if that person were applying to the Council for registration as a pharmacist, the Council would be likely to refuse the person

Note: The Pharmacy Act 2007 is available to view and download from the PSI website www.pharmaceuticalsociety.ie

How to make a complaint

We ask you to fill in the PSI's complaint form which is available on the PSI website www.pharmaceuticalsociety.ie

Complaints about pharmacists and retail pharmacy businesses should be made, in writing, to the following address:-

Complaints Officer
Pharmaceutical Society of Ireland
18 Shrewsbury Road
Ballsbridge
Dublin 4
Ph: 01 218 4000
Fax: 01 2837678
E-mail: complaints@pharmaceuticalsociety.ie

You will need to include:-

- Your full name and address;
- as much information about the pharmacist as you can give, such as their name, place of work;
- if possible, the pharmacist's PSI registration number, which can be found on the online Register at: <http://public.pharmaceuticalsociety.ie/> and
- as much information about the incident as you can provide, including names, dates and places.

What happens next?

When your complaint has been received, the PSI will:

- Write to you and tell you that your complaint has been received
- Send a copy of your complaint to the pharmacist or retail pharmacy business
- Give the pharmacist an opportunity to provide observations and comments in relation to your complaint within a certain period

The Preliminary Proceedings Committee will then consider your complaint and may request further information/documentation from you, the pharmacist, the retail pharmacy business, or any third parties such as a hospital/employer.

When the Preliminary Proceedings Committee is satisfied that it has sufficient information, it will then decide what course of action should be taken:

- No further action should be taken; or
- The complaint is one that could be resolved by mediation or other informal processes (requires consent of the complainant and the pharmacist); or
- The complaint should be referred to the Professional Conduct Committee or Health Committee for inquiry.

The Preliminary Proceedings Committee does not decide whether your complaint is proven; it advises the Council of the PSI as to what action, if any, should be taken in relation to your complaint. Before arriving at its advice the Preliminary Proceedings Committee will consider all information available and whether the complaint is trivial, vexatious or made in bad faith.

In the event that the Preliminary Proceedings Committee concludes that there is not sufficient cause to warrant further action, it will report their advice to the Council of the PSI at the next available opportunity.

Should the Preliminary Proceedings Committee advise there is sufficient cause for further action, it will refer the matter to mediation or to a Committee of Inquiry (Professional Conduct Committee or to the Health Committee) as appropriate.

Mediation

If the Preliminary Proceedings Committee decides that your complaint is one that could be resolved by mediation, we will write to you and explain how the process works. Both you and the pharmacist must agree to engage in the mediation process.

What happens at a Committee of Inquiry?

If a decision is made to hold an inquiry in relation to your complaint, it will normally take place within six months. The Committee of Inquiry can comprise of up to seven people. A legal adviser, known as a Legal Assessor, will sit with the Committee. The Legal Assessor does not take part in the decision-making process, but gives the Committee advice and information on the law and procedure.

An inquiry is a hearing similar to a hearing before a court or tribunal. Inquiries may be held in public. This means that members of the public (including the press) can attend. A stenographer will also be there to record the evidence and to produce a transcript. All or part of the inquiry may be held in private if the Committee of Inquiry believes that this would be appropriate. An application to hold some or all of the inquiry in private can be made by any witness attending

the inquiry to give evidence or by the pharmacist or registered retail pharmacy business concerned.

A solicitor or counsel representing the Registrar of the PSI will normally open the hearing by presenting the evidence and calling witnesses to give evidence. The pharmacist or their legal representative may cross-examine (question) the witnesses on their evidence. The Committee may also ask questions. After the solicitor/counsel acting for the Registrar has completed the presentation of the case, the pharmacist or retail pharmacy business or their legal representative may call witnesses or make statements to the Committee.

At the conclusion of the inquiry, the Committee will normally leave the room to decide whether the allegation(s) have been proven. The Committee will then usually return to the room to deliver its findings and will prepare a report setting out the findings.

Making a statement and giving evidence

When you make a complaint about a pharmacist or retail pharmacy business, and the Preliminary Proceedings Committee decides to refer the case for an inquiry, we will need to meet with you and take a witness statement. It is likely that you will need to give evidence at the inquiry. The Committees of Inquiry are entitled to issue subpoenas to compel complainants and witnesses to give evidence at an inquiry. The Committees of Inquiry also has the authority to compel the release of any documentation required for the purposes of the inquiry.

Sanctions

The Committees of Inquiry reports will usually be considered by the Council of the PSI within eight weeks of the completion of the inquiry. If the Committee finds that allegations against the pharmacist or pharmacy owner have been proven, the Council of the PSI may consider imposing one or more of the following sanction(s) on the pharmacist or pharmacy owner:-

- Admonish or censure the pharmacist or pharmacy owner in writing
- Attach conditions to the registration of the pharmacist or retail pharmacy business
- Suspend the registration for a specified period
- Cancel the pharmacist's registration or that of the registered retail pharmacy business
- Prohibit the pharmacist or pharmacy owner from applying to restore their name to the Register for a specified period

What the PSI cannot consider

Please note the PSI cannot:

- Look at complaints about professionals other than pharmacists or businesses other than retail pharmacy businesses
- Provide legal advice or representation to complainants
- Help you make a claim for compensation
- Provide or arrange medical treatment or counselling for you
- Contact a pharmacist on your behalf and ask him or her to do something
- Compel a pharmacist or pharmacy owner to apologise to you

How long will it take?

We understand that making a complaint can be stressful, so we will try to consider your complaint as quickly as we can. It can take several months from the date that your complaint is received to a decision being reached on what action to take. The PSI will keep you informed at every decision-making stage of your complaint.

Keeping your information confidential

Please be aware that when we are considering your complaint, we will need to tell the pharmacist or pharmacy owner that you have made a complaint and we will need to provide them with a copy of your complaint. Otherwise any information provided to us will be maintained in confidence, in accordance with Data Protection legislation.

If you wish to discuss any aspect of the complaints procedure, you can contact the Pharmaceutical Society of Ireland at the telephone number/email address below:-

Complaints Officer
Pharmaceutical Society of Ireland
18 Shrewsbury Road
Ballsbridge
Dublin 4
Tel: 01 218 4000
Fax: 01 283 7678
E-mail: complaints@pharmaceuticalsociety.ie

Other regulatory bodies

Organisations that can consider complaints for other health professionals are listed below.

Doctors

Professional Standards Department
Medical Council
Kingram House
Kingram Place
Dublin 2

Tel: (01) 498 3100
Web: www.medicalcouncil.ie

Dentists

Dental Council
57 Merrion Square
Dublin 2.

Tel: (01) 676 2069
Web: www.dentalcouncil.ie

Nurses and Midwives

An Bord Altranais
18/20 Carysfort Avenue
Blackrock
Co. Dublin

Tel: (01) 639 8500
Web: www.nursingboard.ie