

## **QUESTIONS ON NOTICE**

### **QUESTION ON NOTICE 1: FINAL PAYMENT TO A FORMER EMPLOYEE.**

#### ***Response***

The final payment was for leave entitlements for this employee and the amount was \$12,953.55 (Net plus \$7,984 tax).

### **QUESTION ON NOTICE 2: DETAIL ON THE INCREASE IN PHARMACY COMPLAINTS**

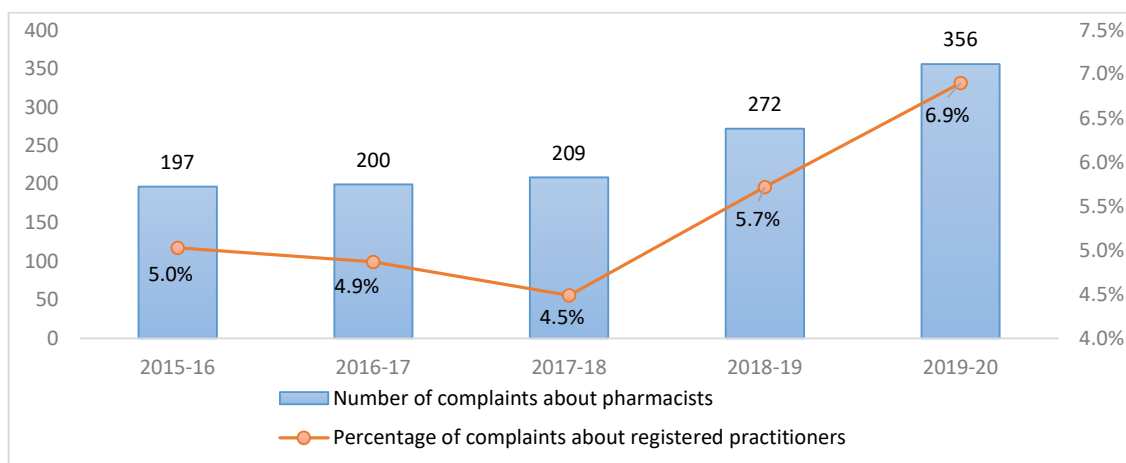
#### ***Response***

##### ***Volume of complaints***

Pharmacists comprise approximately 4.5% of all registered health practitioners in NSW, with 10,335 pharmacists registered in 2019-20.

As Chart 1 below shows, until 2018-19 the total number of complaints received about pharmacists was proportional and comprised between 4.5 - 5.5% of all registered health practitioner complaints. However, in 2018-19 there was a significant uptick in complaints about pharmacists, increasing to 6.9% of all complaints about registered practitioners in 2019-20.

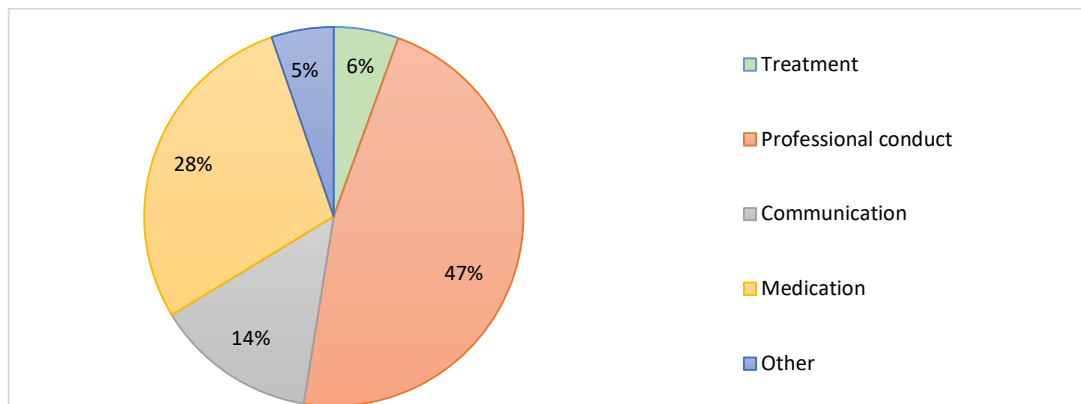
*Chart 1. Total complaints received relating to registered pharmacists and the percentage of all complaints regarding registered health practitioners.*



#### ***Issues across pharmacist complaints***

Chart 2 below sets out the main issues raised in complaints about pharmacists. Of the 356 complaints about pharmacists received by the Commission in 2019-20, the most common issue was the professional conduct (including breaches of a guideline or law, and criminal or unethical behaviour), accounting for 47% of pharmacist complaints received. A smaller but still substantial proportion (28%) related to a medication or dispensing errors, which reflects the specific duties carried out by pharmacists, while 14% of the complaints related to communication.

Chart 2. Common issues identified in complaints received about registered pharmacists in 2019-20.

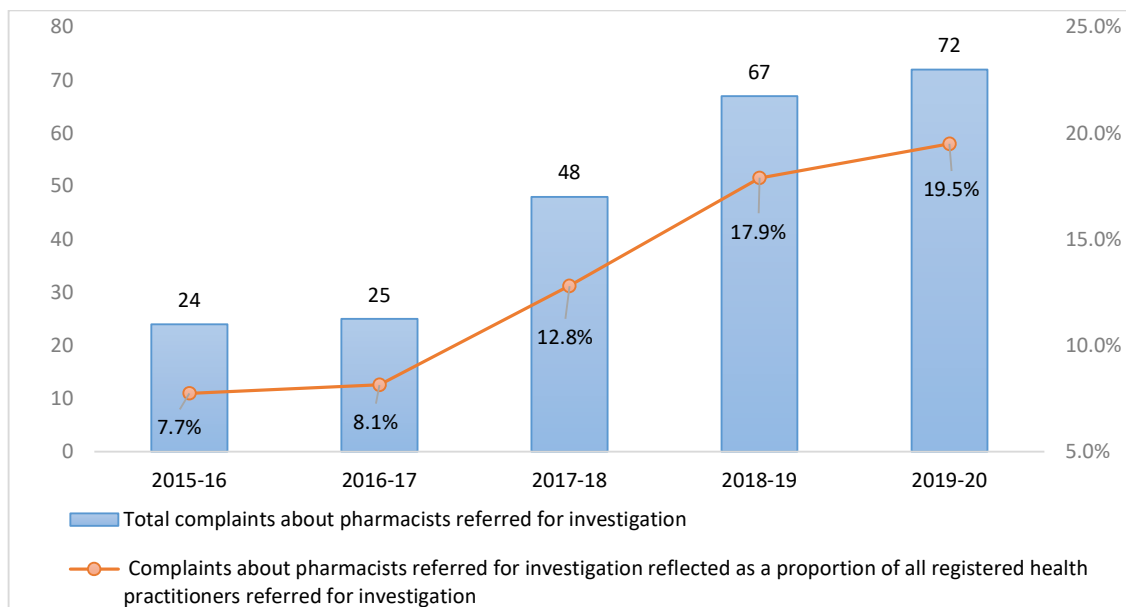


### Investigation of pharmacist complaints

As shown in [Chart 3](#) below, the number of complaints relating to pharmacists referred for investigation has increased substantially since 2015-16 and these pharmacist investigations are also an increasing proportion of all investigations into registered health practitioners.

In 2019-20, of the 356 complaints regarding pharmacists, 20.2% were referred for further investigation and these investigations comprised almost 20% of all investigations into registered health practitioners.

Chart 3. Number of complaints about pharmacists referred for investigation and as a proportion of all registered health practitioners referred for investigation.



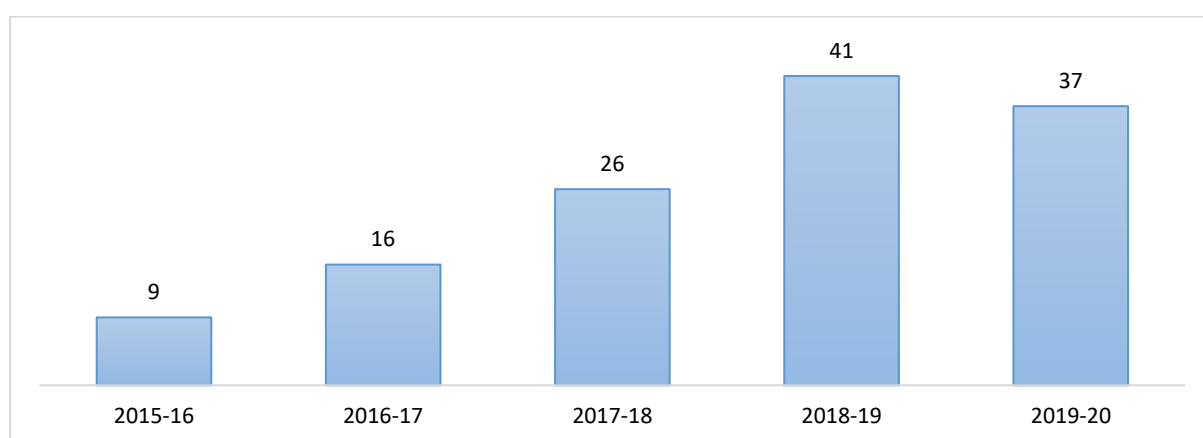
This increase is a function of the increased number of complaints about pharmacists, and the actions taken by the Pharmacy Council ('the Council') and the Pharmaceutical Regulation Unit

(PRU) to address serious risks to public health and safety associated with the mismanagement of drugs of addiction.

In cases where the Council determines that immediate protective action is required through s150 of the *Health Practitioner Regulation National Law (NSW)* (National Law), the Council also typically sees a requirement for fuller formal investigation by the Commission to determine whether disciplinary action is also necessary. Chart 4 below shows the number of investigations arising from these Council referrals.

The number of complaints referred by the Council under section 150D of the National Law has increased year on year with a particularly sharp increase between 2017-18 and 2018-19. Of the 72 complaints referred for investigation in 2019-20, over half were received by the Commission following immediate action proceedings by the Council.

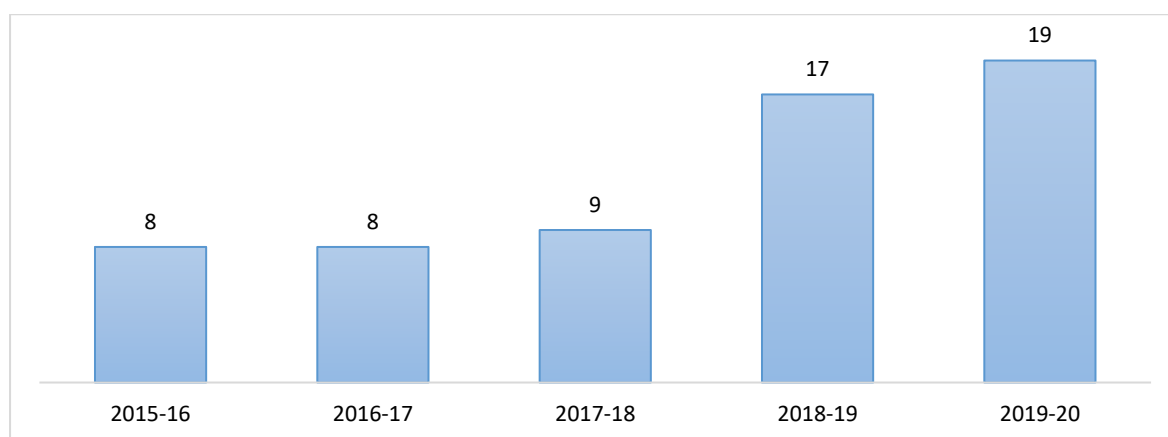
Chart 4. Complaints about pharmacists from 2015 – 2020 - referred by the Council under section 150D of the National Law.



Additionally, 19 or 26.4% of the complaints referred for investigation in 2019-20 were received directly from the PRU after performing an investigation or inspection at a NSW pharmacy to assess compliance with the *Poisons and Therapeutic Goods Act 1966* and *Poisons and Therapeutic Goods Regulation 2008*. The number of complaints from the PRU referred for investigation has increased year on year since 2015, as shown in Chart 5.

The remaining 22.2% of investigations arose from complaints received from individual complainants.

Chart 5. Number of complaints about pharmacists from 2015 – 2020 received from the PRU.

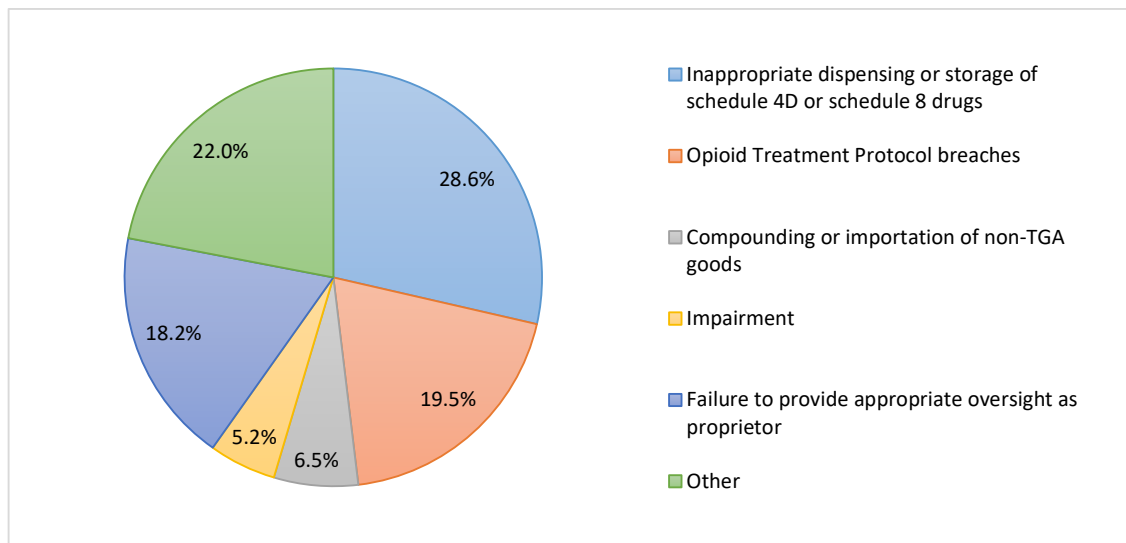


### **Issues in pharmacist investigations in 2019-20**

Most of the 72 complaints investigated in 2019-20 included multiple issues and allegations.

As shown in [Chart 6](#) below, the most common issue (nearly 30% of pharmacist investigations) was breaching the Poisons and Therapeutic Goods legislation regarding inappropriate dispensing/supply of Schedule 8 drugs of addiction and Schedule 4D restricted substances, including storage and record keeping.

*Chart 6. Common issues identified in complaints referred to investigation in 2019-20.*



In 19.5% of complaints there were issues relating to a lack of knowledge, diligence and/or care in providing services under the Opioid Treatment Program (OTP) and non-compliance with the *TG201 NSW Opioid Treatment Program Community Pharmacy Dosing Point Protocol*.

Failing to provide appropriate oversight as a proprietor pharmacist occurred in 18.2% of complaints, and these issues were mostly identified during an inspection by the PRU. Complaints relating to pharmacists compounding of medications without a license from the Therapeutic Goods Administration (TGA) or importing substances from overseas suppliers that did not meet TGA requirements accounted for 6.5% of complaints. Impairment as defined under the National Law was an issue in 5% of complaints.

Twenty-two percent of complaints also included other allegations such as criminal convictions, providing false and misleading information to the Council or Commission, practicing while suspended and theft of drugs for personal use.