

Pharmacy Council (Code of Practice) Regulations 2021

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THE PHARMACY COUNCIL ACT

**Regulations made by the Minister, after consultation with the
Pharmacy Council, under section 45(3) of the
Pharmacy Council Act**

- 1.** These regulations may be cited as the **Pharmacy Council (Code of Practice) Regulations 2021**.
- 2.** In these regulations —
"Act" means the Pharmacy Council Act.
- 3.** For the purpose of section 2 of the Act, the Code of Practice shall be the Code set out in the Schedule.

Made by the Minister on 28 December 2021.

SCHEDULE

[Regulation 3]

CODE OF PRACTICE FOR PHARMACISTS

PART I — INTERPRETATION

1. Interpretation

In this Code —

"Act" means the Pharmacy Council Act;

"Council" means the Pharmacy Council established under section 3 of the Act;

"CPD" means continuous professional development;

"authorised person" has the same meaning as in the Pharmacy Act and the Dangerous Drugs Act;

"counterfeit medicine" means a medicine that —

- (a) is fake;
- (b) may be contaminated or may contain the wrong or no active ingredient;
- (c) may have the correct active ingredient but with the wrong dose;
- (d) is illegal; or
- (e) may be harmful to health;

"emergency" means a situation that poses an immediate risk to health, life, or environment;

"pharmaceutical product" has the same meaning as in the Pharmacy Act;

"practice of pharmacy" includes —

- (a) dispensing, compounding, labeling, manufacturing, distributing, administering and preserving pharmaceutical products;
- (b) interpreting prescriptions;
- (c) counseling a patient for the purpose of dispensing pharmaceutical products;
- (d) evaluating the use of pharmaceutical products;
- (e) manufacturing and distributing pharmaceutical products;
- (f) quality assurance at each level of pharmacy operation;
- (g) the research and development of pharmaceutical products; and
- (h) reporting adverse drug reactions (ADR) through the established mechanism of the pharmacovigilance unit of the Ministry;

"premises" means the registered premises of a pharmacy as stated in the letter of authorisation to operate a pharmacy issued by the Pharmacy Board.

"registered pharmacist" means a pharmacist registered under the Act.

PART II—INTRODUCTION

2. General

(1) (a) A pharmacist plays a vital role in the management of health care in different settings.

(b) A pharmacist is a specifically trained health professional who is entrusted with the management of dispensing as well as counseling of patients.

(2) This Code shall apply to every registered pharmacist.

PART III — GENERAL PRINCIPLES

3. Code of Practice

The Code sets the standard of professional conduct for registered pharmacists.

PART IV — PROFESSIONAL RESPONSIBILITY

4. Standards of professional practice

(1) Every registered pharmacist, when providing any professional service or intervention, shall do so on the basis of his qualification and expertise.

(2) Every registered pharmacist shall keep abreast with the progress of knowledge in his field of practice in order to maintain a high standard of competence relative in the discharge of his profession.

(3) Where a registered pharmacist charges a professional fee for his service that fee shall be reasonable, and aligned with the fee approved by the Council.

(4) Every registered pharmacist shall —

(a) be aware of the limitations of his professional competencies and skills;
and

(b) where he is unable to meet the needs of his patients or clients, shall refer them to appropriate health care professionals.

(5) Every registered pharmacist shall supply pharmaceutical products from licensed outlets.

(6) No registered pharmacist shall indulge in conduct likely to —

(a) interfere with or impair the proper exercise of his professional judgment and skills; or

(b) result in poor delivery of services.

(7) Every wholesale pharmacist shall manage his stock in such a way as to ensure an adequate supply of pharmaceutical products to every licensed pharmacy.

(8) (a) Where the writing on a prescription is unclear, a registered pharmacist shall make all reasonable efforts to contact the prescriber with a view to ascertaining the writing on the prescription.

(b) Where a registered pharmacist has been unable to contact a prescriber under paragraph (a), he shall return the prescription with the endorsement "handwriting not clear".

5. Professional relationship with patient or clients

(1) Every registered pharmacist shall act with honesty, integrity and compassion towards clients.

(2) Every wholesale pharmacist shall supply pharmaceutical products with an affixed price to licensed pharmacies.

(3) No registered pharmacist shall sell pharmaceutical products —

(a) above the affixed retail price; or

(b) at a price that may lead to unfair competition vis-à-vis other pharmacists.

(4) (a) Every registered pharmacist shall —

(i) sell the entire strip of medicines bearing the expiry date and batch number to his patients or clients, to promote patient safety;

(ii) ensure the products sold otherwise are labeled accordingly with the relevant details of expiry dates and batch number;

(iii) involve his patient or client in the decisions regarding their health;

(b) (i) Where —

(A) there is shortage of drugs or a pandemic;

(B) the quality of life of a patient or client can be at risk,

the pharmacist may substitute an equivalent generic in order to give access to the required medical treatment.

(ii) Where a patient or client cannot afford a medical treatment, the registered pharmacist shall make an equivalent generic substitution of the prescribed product with the approval of the patient or client and this shall be documented on the prescription.

6. Patient privacy and confidentiality

Every registered pharmacist shall —

- (a) respect and protect the confidential information of patients and clients acquired in the course of professional practice;
- (b) seek only information that is necessary to make informed decisions about the health of the patient and the treatment alternatives that align with the treatment of the patient goals, unless otherwise authorised by law;
- (c) protect privacy of every patient during any counseling.

7. Relationship between pharmacist and members of allied health profession

(1) Every registered pharmacist shall respect the special competencies and responsibilities of their colleagues and other health care professionals, and of the institutions, statutory and voluntary agencies that constitute their working environment.

(2) Every registered pharmacist shall foster, develop and maintain effective relationships with professional colleagues and other health care providers and co-operate with them to achieve positive medicine-related health outcomes for patients and the community.

(3) A registered pharmacist shall not accept any employment that may compromise his freedom to exercise his professional judgment.

(4) Every registered pharmacist managing an environment in which other pharmacists are employed shall ensure that the professional autonomy of these pharmacists is preserved.

(5) No registered pharmacist shall, in his practice of pharmacy, by words, deed or by inference, discredit or disparage the professional integrity, judgment, or skill of another pharmacist or of a member of an allied profession.

(6) A registered pharmacist shall, in accordance with his own professional judgment, refer a patient or client to members of other allied professions when, in the opinion of the pharmacist, the interest of the patient or client, is better served by members of that profession.

(7) Every registered pharmacist may challenge the judgment of colleagues and other health or social care professionals where he has reason to believe that their decision may compromise the safety or care of others.

8. Pharmacists participate in the enhancement of profession of pharmacy

(1) Every registered pharmacist shall associate with such an institution which strives at improving the practice of pharmacy.

- (2) Every registered pharmacist recognises that —
 - (a) self-regulation of the profession is a privilege; and
 - (b) he has a continuing responsibility to merit this privilege and to support the institution under paragraph (1) with which he is affiliated.

(3) Every registered pharmacist shall contribute to the future development of the profession by encouraging and mentoring students, pre-registrants and newly-registered pharmacists in their professional development.

(4) Every registered pharmacist shall contribute to the health care system and to societal health needs.

(5) Every registered pharmacist shall support cost-effective therapies and the prudent use of health care resources.

(6) Every registered pharmacist shall participate in programs which aim at educating the public about keeping healthy and preventing disease.

(7) Every registered pharmacist shall foster the advancement of knowledge by supporting appropriate research projects, wherever possible.

(8) Every registered pharmacist shall act as a steward for the environment by promoting the safe disposal of drugs and related products.

(9) Every registered pharmacist shall incorporate technology into his practice with a view to improving effectiveness and efficiency in the delivery of healthcare.

PART V — DRUG ADMINISTRATION

9. General guidelines

(1) Every registered pharmacist shall, in respect of the pharmacy for which he is in charge, have the responsibility to exercise control over all the activities that are linked with the ordering, transport, storage, compounding, dispensing, administering, labeling, disposal and recall of pharmaceutical products.

(2) A registered pharmacist must have completed certified training in cardiopulmonary resuscitation, first aid and administration of injections, approved by the Council.

(3) A registered pharmacist may administer authorised substances by injection supported by a prescription.

(4) No registered pharmacist shall purchase, possess, sell, supply or dispense an unregistered pharmaceutical product, except where authorised by the Ministry responsible for the subject of health.

(5) Every registered pharmacist shall supply pharmaceutical products which are labelled or provided with patient information leaflets, either in English or French in accordance with the appropriate laws.

PART VI — DELEGATION OF DUTIES

10. Overall responsibility of the pharmacist

Every registered pharmacist shall be responsible for every act involving the practice of pharmacy that takes place in the pharmacy in respect of which he is in charge.

11. Pharmacy personnel

Where a person other than a registered pharmacist is required to perform any act which requires the supervision of a pharmacist in a pharmacy, the pharmacist in charge of that pharmacy shall be available for immediate consultation and shall exercise direct supervision over the person and the act performed.

12. Supervision and responsibility

(1) Every registered pharmacist shall, in accordance with applicable laws, attend the pharmacy for which he is in charge between such hours as are set out in his arrangement or contract with the owner of the pharmacy.

(2) Every registered pharmacist shall ensure that —

(a) the supporting staff to whom tasks are delegated have the competencies necessary for the efficient and effective undertaking of these tasks; and

(b) all information provided to patients, other members of the public and other health professionals is accurate and readily understood.

13. Continuing Professional Development

(1) Every registered pharmacist shall keep abreast of new knowledge and advancement relevant to his practice by actively

engaging in continuous study throughout his professional life in order to merit the confidence in their professional competence.

(2) Registered pharmacists shall follow such CPD programmes as the Council may approve.

(3) Every registered pharmacist shall comply with the minimum CPD points determined by the Council to be eligible for the renewal of their registration at the beginning of each year.

14. Relationship with the pharmaceutical industry

(1) While cooperation between registered pharmacists and the pharmaceutical industry is encouraged, every registered pharmacist shall act ethically while dispensing products and refrain from favouring any product, company, or brand.

(2) (a) Every registered pharmacist shall report to the appropriate authority any initiative, promotion, or intervention from the pharmaceutical industry that appears unethical or illegal to them.

(b) No registered pharmacist shall be involved in unethical or illegal initiatives, promotion or intervention including, but not limited to, selective distribution of drugs to a number of pharmacies only.

(c) Every registered pharmacist shall report any Adverse Drug Reaction (ADR) to the Pharmacovigilance Unit of the Ministry responsible for the subject of health.

15. Professional relationship between pharmacist and licensee

A registered pharmacist shall at all times be in control of the operations of the pharmacy for which he is in charge in so far as it relates to the practice of pharmacy and shall not act under the directions or instructions of the licensee of the pharmacy.

PART VII — ABUSE OF PROFESSIONAL PRIVILEGES AND SKILLS

16. Dangerous drugs

No registered pharmacist shall unlawfully offer, offer to buy, sell or distribute any dangerous drug to any person.

17. Sale of poisons and dangerous drugs

(1) Every registered pharmacist shall ensure that poisons and other potentially dangerous preparations or substances shall be handled and dispensed by suitably qualified persons.

(2) Every registered pharmacist shall report to the Council any complacent false, erratic or irrational prescription.

PART VIII — CONDUCT DEROGATORY TO REPUTATION OF PROFESSION

18. Personal behaviour

Every registered pharmacist is expected, at all times, to observe proper standards of personal behaviour and decency.

19. Dishonesty

Every registered pharmacist shall be honest in dealings with patients, other pharmacists, pharmacy dispensers, health professionals, suppliers and any other person encountered in business dealings related to the practice of their profession or the operation of a pharmacy.

**PART IX — ADVERTISING, CANVASSING AND RELATED
PROFESSIONAL OFFENCES**

20. Advertising, canvassing and related professional offences

(1) Every registered pharmacist may, in the public interest, provide information about available services in or from a pharmacy.

(2) Every registered pharmacist shall impress upon the public that pharmaceutical products are not normal commodities of trade and that a pharmacist, in addition to supplying medicines, provides skilled and informed advice and counseling on pharmaceutical matters and health care.

(3) The Council recognises that the profession has a duty to disseminate information on advances in pharmaceutical sciences and therapeutics provided it is done in an ethical manner.

(4) Every registered pharmacist shall refrain from inducing or forcing patients to enter his pharmacy by any physical means or through the use of public canvassers that direct patients coming out from the surgeries of nearby medical practitioners to the pharmacy which they are in charge of.