

Fact sheet

About the Council



Council of New South Wales

Summary

This fact sheet provides information about the role of the Pharmacy Council of New South Wales. It covers:

- the role of the Council, how we are funded and who we are
- how pharmacists are regulated in New South Wales (NSW), and
- how we define a complaint and the types of complaints we manage.

i What is the Council?

The Council is a statutory body that was established in July 2010 under the *Health Practitioner Regulation National Law (NSW)*. It is part of the National Registration and Accreditation Scheme. The Council consists of practising pharmacists, a legal member and community representatives. Some pharmacist members are elected by a vote of practising pharmacists, other members are appointed by the Minister for Health.

What we do

We aim to protect the health and safety of the public by:

- managing complaints about pharmacists and pharmacy students
- promoting compliance with professional standards.

This may include restricting the practice of a pharmacist.

We also maintain the register of pharmacies in New South Wales. We consider applications for changes to the register of pharmacies, on a monthly basis.

Pharmacy proprietors are required to submit annual declarations by 1 June each year, and to pay annual renewals before 30 June each year.

How we do this

We focus on promoting safe professional practise, protecting public safety and minimising risk. Our objective is not to punish a pharmacist. We assess the likelihood of harm to public safety and act to prevent unsafe practise and to minimise harm.

How we are funded

We are funded by a proportion of the annual registration fee and renewal fees paid by pharmacists and pharmacy proprietors.

⚙ How does the regulation of pharmacists work in NSW?

In regulating pharmacists we work with:

- the Health Care Complaints Commission (HCCC). We consult with the HCCC about complaints relating to pharmacists and students working or studying in NSW. The HCCC can independently investigate serious complaints involving poor conduct or misconduct, which can be prosecuted before the Civil and Administrative Tribunal.
- the Health Professional Councils Authority, an administrative agency of the Ministry of Health which supports all health professional councils in NSW
- the Pharmacy Board of Australia, supported by the Australian Health Practitioner Regulation Agency (AHPRA), which manages registration for individual pharmacists. We collaborate with the Board in relation to professional standards

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Further details about complaints

What is a complaint?

A complaint is any concern made in writing about the professional performance, conduct, and/or health of a registered practitioner in NSW. It also covers any concerns about the criminal conduct or health of a student. We use the term 'complaint' to refer to:

1. Mandatory notifications

All registered health practitioners, employers of pharmacists and educational institutions with pharmacy students, must tell the Pharmacy Board of Australia /AHPRA about notifiable conduct.

The *National Law (NSW)* describes 'notifiable conduct' as:

- practising while intoxicated by alcohol or drugs
- sexual misconduct in the practice of the profession
- placing the public at risk of substantial harm because of an impairment (health issue), or
- placing the public at risk because of a significant departure from accepted professional standards.

2. Complaints

Complaints from any person, including employers, educational institutions, or members of the public such as patients or relatives of a patient.

3. Self-notifications

Where a pharmacist informs us or AHPRA about notifiable conduct or an issue which might impact their practice, such as health issues that affect their practice.

4. Complaints about students

Complaints in relation to pharmacy students, if they relate to health or criminal conduct matters.

5. National Board audit notifications

Complaints from AHPRA relating to non-compliance with registration requirements.

Who manages a complaint?

We can manage:

Health matters, such as:

- physical health / mental health or
- drug and alcohol matters

that meet the definition of impairment under the *National Law (NSW)*.

Performance matters, such as unsafe practise or:

- communication issues
- infection control breaches
- inadequate or inaccurate patient records.

Conduct matters, such as:

- breaching patient confidentiality
- inappropriate behaviour
- non compliance with a condition or undertaking
- a criminal conviction or a criminal finding for an offence
- providing unnecessary health services.

The Pharmacy Board of Australia manages

advertising issues and complaints about a person practising while unregistered or using a title when not qualified to do so.

The HCCC manages complaints referred for investigation and complaints about unregulated health workers and health service organisations.

Fair Trading NSW manages complaints about fees, claims for compensation and refunds.

We cannot manage complaints:

- if the person is not a registered pharmacist or pharmacy student
- about industrial issues or personal disputes with pharmacists which are not about unsafe practise.