

23 July 2014

Portfolio:				
Rec'd	24	07	14	
Doc No				
File No				
File Copy	Yes / No	Ack:	Yes / No	
Action				
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The Honourable Jack Snelling MP  
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Dear Minister

On Thursday 10 July 2014 the Pharmacy Regulation Authority SA (PRASA) received a letter from the Premier, Mr Jay Weatherill, informing PRASA of the intention to abolish every government board and committee. The letter went on to suggest that Ministers would be responsible for recommending those board and committees that should be exempt from being abolished.

In communicating with the Department of Health about this matter it has been suggested that should PRASA wish to make a submission then it should be forwarded directly to you as Minister. In line with this advice please find attached a submission outlining considerations to exempt PRASA from being abolished.

In order to progress the best possible option for the community, government and pharmacists in SA, PRASA asks that a decision be reached as to the Authority's future operations as quickly as is possible.

PRASA thanks the Minister for the opportunity to make a submission. Should you have any questions please do not hesitate to contact the Authority's offices.

Yours sincerely



Peter Halstead  
General Manager

## ***Submission - Minister for Health – The Honourable Jack Snelling***

### **Response to the letter of July 8 2014 from Premier Jay Weatherill**

#### **Summary for initial consideration**

The Pharmacy Regulation Authority SA (PRASA) is;

- an independent authority established under legislation
- a self-funding authority with no financial burden for the government or community of South Australia with any changes that result in the transfer of functions within government likely to have substantial financial and resource implications
- providing public protection through activities such as a pharmacy premises inspection program and engaging with the community through its complaints/notifications handling

#### **Background**

The Pharmacy Regulation Authority SA (PRASA) has been advised by letter that South Australian Ministers will be responsible for recommending which boards and committees should be exempted from being abolished in October 2014. In light of this announcement PRASA wishes to provide the following information for consideration in the deliberations regarding its continued existence.

PRASA was established under the *Health Practitioner Regulation National (South Australia) Act 2010*. Through legislation PRASA has been an authority responsible for the protection of the public by regulating pharmacy premises and depots in South Australia. Such a responsibility has been achieved through registering each pharmacy premise, pharmacy depot and pharmacy services provider and the establishment of codes and guidelines for the professional conduct of pharmacy services providers within registered premises. Registration allows PRASA to determine whether a pharmacy premises is suitable for the safe storage and supply of medications to the community and that pharmacy services are only provided by a registered pharmacist. PRASA is also responsible for receiving notifications/complaints against pharmacy service providers made by the public and for providing independent advice to the Minister on the provision of pharmacy services.

The establishment of PRASA as an independent authority is in line with similar entities established for the regulation of pharmacy premises in New South Wales, Victoria, Tasmania, Western Australia and the Australian Capital Territory.

#### **Response**

Premier Weatherill's letter noted a range of factors will be considered in assisting Ministers' decisions with regard to the making of exemptions for abolition. The following comments are provided using the range of factors noted in the Premier's letter as well as consideration of PRASA's influence in carrying out the legislated requirement of *protecting the health and safety of the public by achieving and maintaining high professional standards in the provision of pharmacy services in SA*.

#### **1. Efficiency: is it considered more cost effective to undertake functions in another way?**

As previously noted PRASA is entirely self-funded, cost neutral, receiving no financial support from the government or using any government resources. If PRASA is abolished

the regulation of pharmacy premises and related activities would in all likelihood need to be transferred to government (further details provided in Appendix 1). It is understood that such an option was considered prior to the initial establishment of PRASA but the government was of the view that the activities and the associated resources were best delivered through an external independent agency.

**2. Independence: do the functions require a level of separation from government to ensure objectivity?**

The regulation of pharmacy premises in South Australia has been independent of government since 1935. There are currently 460 pharmacy premises registered, 97 per cent of these registered premises operate outside of government at the community level.

Decisions by PRASA have substantial cost elements tied to the outcomes and both public and private sector applicants require an efficient, timely, transparent and fair process. PRASA's membership drawn from its extended stakeholders has prevented any hint of bias, influence or conflict in any of the PRASA decisions delivered in the four years of its existence and prevented public exposure to inappropriate pharmacy premises. This separation from government or any other body of influence has indeed ensured objectivity and just as importantly the perception of objectivity.

**3. Protection: protecting the health and safety of the public by achieving and maintaining high professional standards in the provision of pharmacy services in SA**

PRASA has engaged (using the principles used by government to guide good engagement) with stakeholders including the community, government and pharmacy professional bodies to establish the "Guidelines for the Operation of Pharmacy Premises by Pharmacy Services Providers". The Guidelines are based on the legislative provisions of the current Act and those components of the pharmacy professional practice standards relevant to pharmacy services providers and pharmacy premises. In order to provide for the protection of the health and safety of the public PRASA undertakes an inspection program for pharmacy premises. Pharmacy premises adherence to the inspection criteria (as set out in the Guidelines for the Operation of Pharmacy Premises) is confirmed at the initial inspection or through subsequent follow-up inspections where required (further details provided in Appendix 1). The work of engaging with pharmacy services providers (operators of the pharmacy premises) through follow-up inspections has ensured that necessary remedial action has been undertaken and allowed pharmacy services providers to provide feedback as to what might be considered to further enhance the inspection program in the future.

PRASA also engages with the community through its role in receiving and resolving notifications/complaints concerning the delivery of pharmacy services from within registered pharmacy premises by pharmacy service providers. It is essential that pharmacy service providers delivering pharmacy services are 'fit and proper persons' adhering to professional standards at the highest level within registered pharmacy premises so that when and if pharmacy services do not match these standards an opportunity is provided to rectify such a situation.

PRASA activities such as the inspection program and notifications/complaints handling are undertaken to ensure the health and safety of the community. The ongoing active engagement of the community as well as the guidance and oversight provided to pharmacy services providers involved in the provision of pharmacy services ensures community confidence that indeed there is a visible, recognizable and skilled independent authority accessible in this critical health and safety area.

## Appendix One

Number of entities registered annually (pharmacy premises, hospitals, depots & pharmacy services providers) for inclusion on the publicly available registers	830 (460 community pharmacies, 16 hospital pharmacies, 15 depots & 339 pharmacy services providers)
Number of primary inspections conducted state wide annually	150-180
Total number of inspections conducted state wide annually including re-inspections	215
Pharmacies inspected in the current 3 year cycle (as of 1 June 2014). Current cycle to conclude by 1 December 2014 with the completion of the cycle	385 out of a possible 460
Pharmacies compliant after; <ul style="list-style-type: none"> <li>• initial PRASA inspection</li> <li>• remediation process conducted by pharmacy services provider for the pharmacy premises on advice from PRASA</li> </ul>	82%
Pharmacies compliant after; <ul style="list-style-type: none"> <li>• initial PRASA visit</li> <li>• remediation process conducted by pharmacy services provider for the pharmacy premises on advice from PRASA</li> <li>• intensive remediation process conducted by pharmacy services provider with guidance from PRASA and further inspection(s)</li> </ul>	100%