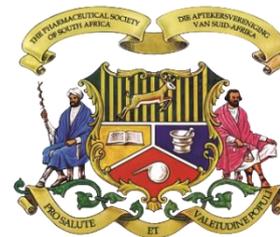




How to respond to a complaint from SAPC



WEDNESDAY 9 MAY 2018 13H00-14H00

Session Facilitator



Dr Mariet Eksteen
PSSA Professional
Development and Support

Speaker



Mr Sham Moodley
ICPA: Chair of the Board
of Directors

Speaker



Ms Jackie Maimin
ICPA: CEO

Speaker



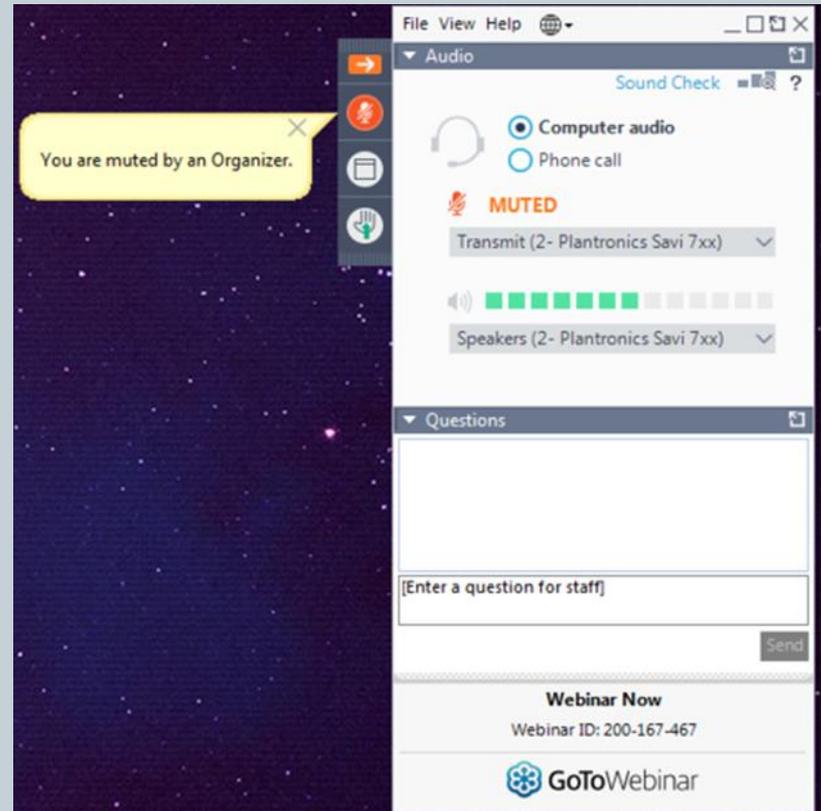
Ms Debbie Hoffmann
SAPC: Senior manager:
Legal Services and
Professional Conduct

How to operate GoToWebinar

Control panel:

- Audio only, microphone muted
- Questions
- Handouts

- Poll



Objectives of this webinar



- Inform pharmacists on their rights and responsibilities during the investigation and at each level of review,
- Empower pharmacists to adequately reply to a complaint received from the SAPC, and
- Distinguish between the role of the different disciplinary committees of the SAPC

Committee of Preliminary Investigation,
Committee of Informal Inquiries and
Committee of Formal Inquiries

Participate in Poll



Pharmacists' rights and responsibilities



Mandate of the SAPC is to protect, promote and maintain the health, safety and wellbeing of patients and the public ensuring quality pharmaceutical service for all South Africans.

Pharmacists' responsibilities



- Ensure your information on the system is up-to-date.
 - Email, phone details, address and courier address details.
 - Changing roles – RP
 - Opening or closures of pharmacy
 - New ownership

Pharmacists' responsibilities (continue)



- Understand Section 39 of Pharmacy Act 53/1974
 - Relates to enquiry into any matter which is brought to attention of Council.
- Rules relating to acts or omissions for which the Council can take disciplinary action (“Ethical Rules”)
- Study the Rules relating to the Code of Conduct
 - Sets the standards of professional conduct for all pharmacy personnel

Pharmacists' responsibilities (continue)



- **If you have an internal complaint in the pharmacy**
 - Have a Complaints book with SOP
 - Document the complaint
 - Record all steps taken to rectify with evidence
 - Obtain statements/affidavit from staff involved.
 - Address the issue immediately
 - Record all contact with patient – Telephonic/Written

Pharmacists' responsibilities (continue)



In an inspection process

- Allow Officer of Council (Compliance, Inspection) full access to pharmacy for inspection
- Provide all the necessary information to ensure a successful inspection
- Check the report before you accept- if there are disputes provide immediate evidence online.

Pharmacists' rights



- To be provided with the correct charge in writing by the Registrar
- To be provided with any information needed to answer such a charge including access to the original complaint.
- Right to appear before CII or CFI if you disagree with a finding at CPI.
- Right to bring witnesses to CII/CFI or provide witness affidavits to CPI.
- Right to consult associations/ legal for advise.
- Right to have an attorney present at CFI.

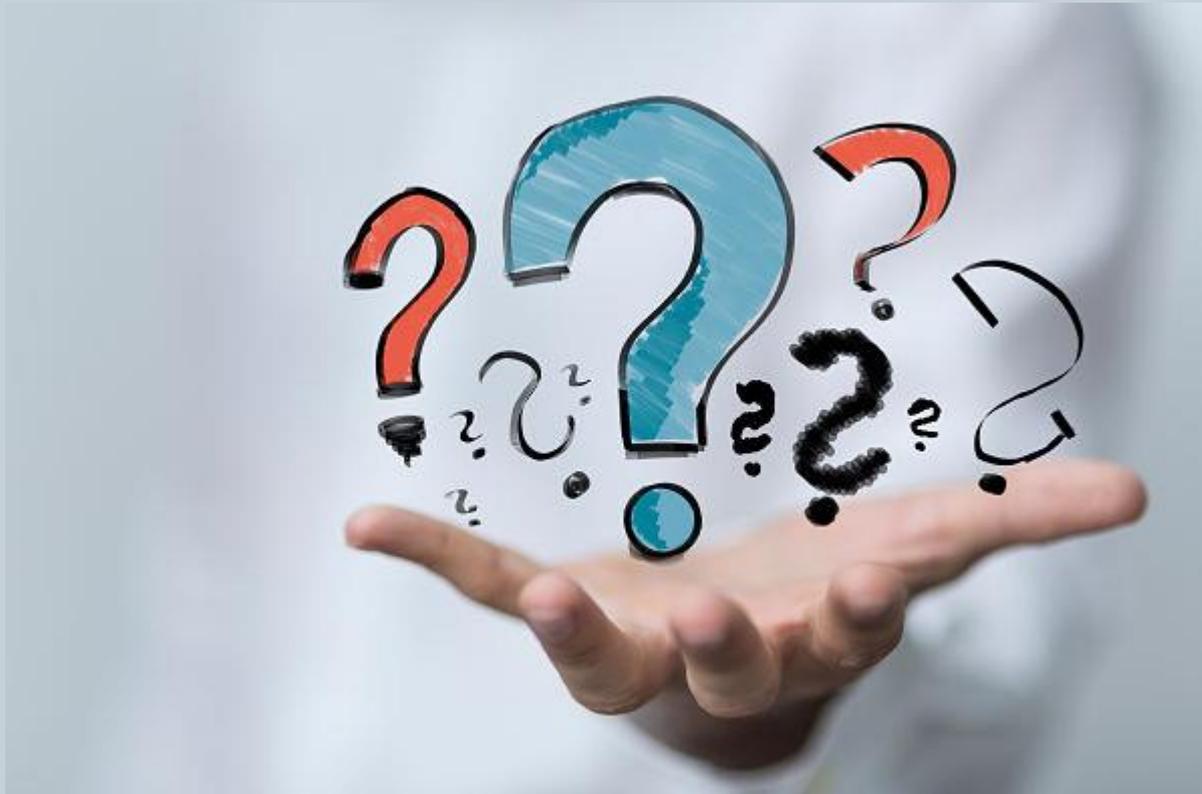
Pharmacists' rights (continue)



- Right to contest an inspection report – at the time of inspection or immediately after it is logged online- with the necessary evidence.

(more difficult to do this after a complaint letter)

Questions?



Participate in poll



How to Respond to a Complaint



LEGAL SERVICES AND PROFESSIONAL CONDUCT

Ms A Pharmacist
Community Pharmacy
South Africa

Per fax no _____ Per email address _____

Dear Madam

| Your Reference | Our Reference | Date |
|----------------|---------------|-------------|
| | KC / P | 09 December |

COMPLAINT:

- Please be informed that on 23 November 2015 Council received a complaint from Mr O _____ and he alleges the following:
 - On 29 October 2015, you _____ (Please find attached the complaint letter for ease of reference). It is therefore alleged that you contravened Rule 4 (a) of the Rules relating to acts or omissions in respect of which Council may take disciplinary steps.
- In terms of regulation 3(2)(a) of the Regulations relating to the conduct of inquiries held in terms of Chapter V of the Pharmacy Act, 1974, (Act 53 of 1974), you are hereby informed in writing of the nature of the complaint and afforded the opportunity to respond in writing to such complaint and give reasons why you are of the opinion that the complaint does not constitute unprofessional conduct.

South African Pharmacy Council

Registered Office
SAPC Building
591 Belvedere Street
Arcadia, Pretoria, 0083

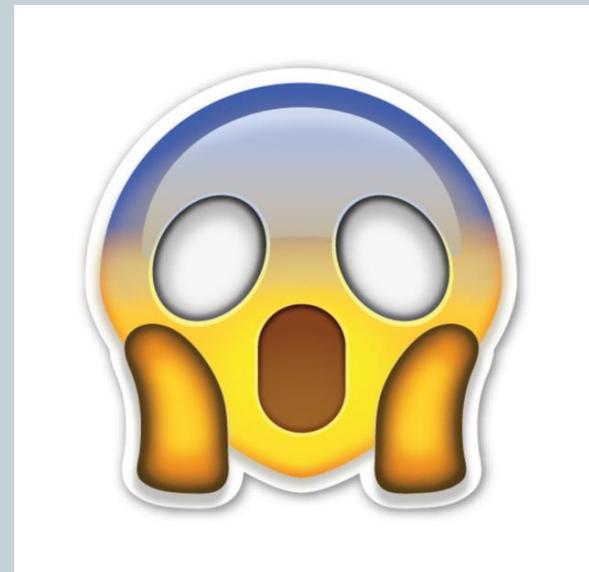
Postal Address
Private Bag X40040
Arcadia, 0007

Customer Care Line
0861 SAPC 00
or
0861 7272 00

Fax
(27)12-321 1492 /1479

E-mail
customercare@sapc.za.org

Website
www.sapc.za.org



The Beginning of a nightmare?



- The first you may know of a patient complaint is when you receive a letter from SAPC (Legal Services and Professional Conduct Department)
- A complaint about your professional conduct can be a stressful and confronting experience
- Many view this as a direct assault on their personal and professional integrity

TAKE A DEEP BREATH

What to Expect



The letter will contain the following:

- The nature of the complaint against you
- Details of the alleged transgression
- Offer of an opportunity to respond
- Deadline for your response
- An outline of what happens next

What Ever You Do...



What Should You Do?



- At this early point in the process it is important to ensure you:
- **DO NOT** contact the patient or the person who has made the complaint. This could be interpreted as an attempt to dissuade that person from complaining or to encourage them to withdraw their complaint. Such a move could be considered inappropriate conduct
- **DO NOT** contact SAPC until you have sought advice – if emotions are running high, you could say something that may hinder resolution of the complaint
- **Do** – seek advice on how best to respond to the complaint
- **Do** - Have a right NOT to respond

Ask for Assistance



- Read the letter carefully
- Note the deadline – usually 21 working days from the date of the letter
- Acknowledge receipt of the complaint
- Request extra time if required

Contrary to popular belief, Council is not out “to get you” but rather to gather the facts of the case and then to allow a peer-reviewed process to adjudicate the presented evidence and make a decision on the balance of probabilities

Where Can You Get Help?



PSSA – members of the PSSA have access to;

- experienced personnel who can give guidance
- one free telephonic consultation with an attorney
- assistance with any claim from indemnity insurance
(you must have indemnity insurance!)

ICPA – independent community pharmacy owners and their staff

- advice and guidance from experienced peers and a legal advisor

Head Office if you are part of a corporate group

Lawyer – you may prefer advice from your own attorney

The Response



The complaint may be from a while ago and you may need to do some investigating:

- Review details around the event
- Who was involved – check who was on duty and the chain of command
- Who was responsible – the RP often gets the complaint and will need to identify the persons involved
- What actually happened – how and why
- Gather evidence
- Prepare a factual response with reference to evidence