

How to respond to a complaint from SAPC

Q&A from Webinar hosted on 9 May 2018

Q1	<p>Just want to emphasize from personal experience - it pays off to be calm and professional when dealing with any complaint - direct as well as from SAPC. And keep a journal of incidents no matter how small or insignificant.</p> <p>Answer(s): Thank you for sharing this. This is sound advice.</p>
Q2	<p>If a pharmacist / PSP [<i>pharmacy support personnel</i>] notice RP [<i>Responsible Pharmacist</i>] doing illegal things (e.g. selling S5 without Rx [<i>prescription</i>])- what is the responsibility of that pharmacist / PSP?</p> <p>Answer(s): The first recommendation would be to try and solve the problem internally. Tackle the problem head on with the person concerned, they may not realise that they are performing an illegal act. If you are not comfortable approaching the person directly then report the incident to their superior or a colleague who is in a position to have a private conversation with them. However, if the transgressions continue I would recommend that you lodge a complaint with Council. You can request to remain anonymous but give your contact details as Council may require extra information to proceed with the case. Remember that as pharmacists we are the custodians of medicine, we undertook an oath to hold ourselves and our colleagues to the highest principles of our profession's moral, ethical and legal conduct in the interests of patient care.</p>
Q3	<p>Are inspection reports assessed by senior staff [<i>of the SAPC</i>] before being put on the website?</p> <p>Answer(s): The grading of a pharmacy after an inspection is immediate. However if a Responsible Pharmacist responds to the shortcomings online, a senior staff member will review the report and it could result in a grading change, then that grade will be adjusted.</p>
Q4	<p>Are complainants notified about the outcome of their complaint?</p> <p>Answer(s): Yes. The Complainant is the client and must be notified of the outcome of the matter and the reasons for the outcome.</p>
Q5	<p>What are the consequences of admission of guilt in regards of indemnity insurance?</p> <p>Answer(s): This is a complicated matter. If this is a complaint not involving a third party or patient e.g. not wearing a nametag, or not balancing the Schedule 6 register, this will not influence professional indemnity insurance. However, in the case where the complaint is linked to a patient e.g. selling of expired stock. This will have an influence on professional indemnity insurance.</p> <p>**PSSA together with PPS will host a webinar on this topic and provide more information.</p>
Q6	<p>How often are people found guilty at a formal enquiry? Provide a scenario of someone that has been in this situation.</p> <p>Answer(s): If a person is found guilty at CFI, the matter and the finding is reported in the <i>e-pharmacia</i> and the statistics are provided in the SAPC's annual report.</p> <p>Abstract from the 2017 SAPC Annual Report: Committee of Formal Investigation <i>The Council held 6 formal inquiries heard by the Committees of Formal Inquiries (CFI) during</i></p>

2016 which Committees found 3 respondents guilty and 2 respondents not guilty 1 respondent was referred to the Health Committee before a suitable sentence could be imposed. The total value of the fines ordered by CFI amounted to R80 000 with corresponding cost orders of R38 355,11.

A year on year analysis of the total of CFI case number is provided hereunder:

2012	2013	2014	2015	2016
7	1	10	11	6

Q7	<p>Can you please explain what a cost order is?</p> <p>Answer(s): A cost order is the amount recovered from a Respondent over and above the penalty used to defray the costs of convening the disciplinary committees, and other costs involved in the investigation.</p>
Q8	<p>If as a complainant I have not heard anything from SAPC, what does that mean?</p> <p>Answer(s): It means that the Complainant should contact the SAPC Legal Services and Professional Conduct department and find out what the status of their case is.</p>
Q9	<p>I would like to know what the expected time frame of the whole process is. Between complaint, CPI, CII , CFI.</p> <p>Answer(s): In terms of realistic time frames, if a matter goes all the way to CFI it should be finalised within a total of a 12 month period. If a matter is concluded at CII this normally takes around 6 months depending on the quality of the evidence and the timing of the complaint versus meetings. We hold 3 two day meetings per year for CPI and CII.</p>
Q10	<p>Is there a similar response or action taken with regards to pharmacists in industry? Or hospital?</p> <p>Answer(s): No distinction is made as to which sector a pharmacist comes from. Each matter is deal with on its own facts and merits.</p>
Q11	<p>Postal service could delay the delivery of the letter – how do we respond to that if we receive it late? Unless it is backed up by email?</p> <p>Answer(s): The SAPC Legal Services and Professional Conduct unit has discarded the use of the postal system as its main means of communication and only uses the mail when we have NO other form of contact with the respondent. Our preferred means of communication is email, telephone and if need be SMS.</p>
Q12	<p>There are some observations that come from private doctors who dispense medicine where the labels do not indicate the medicine names, and those patients will in return come to the pharmacy for a refill of those unknown medicines. What measures are taken against such doctors?</p> <p>Answer(s): In the event of a medical practitioner not acting according to the HPCSA Code of Conduct, such person must be referred to the HPCSA for disciplinary action.</p>