

Regulation Development- Expert Advisory Group (EAG): Terms of Reference

Purpose

1. The purpose of the Regulation Development Expert Advisory Group (EAG) is to support Te Pou Whakamana Kaimatū o Aotearoa | Pharmacy Council (Council) to develop and review its regulatory tools, as required by Council based on the complexity of the matter under consideration and the expertise required.

Context

2. As a responsible authority, independent from the Crown, Council recognises its role and responsibilities to meet its obligations under Te Tiriti o Waitangi. To enable Council to meet its obligations, it acknowledges the Te Reo Māori text and is committed to proportionate universalism¹.
3. The Council is responsible for setting scopes of practice, prescribed qualifications required for each scope; and standards of clinical and cultural competence (including competencies that will enable effective and respectful interaction with Māori); and ethical conduct to be observed by health practitioners of the profession.
4. Scopes of practice, prescribed qualifications and professional standards are secondary legislation set by the Council. These set the context for use of other regulatory tools such as accreditation standards, recertification and competence programmes, monitoring and enforcing compliance. Further clarification of Council's position and expectations can be set for specific situations, by publishing policies and statements.² All these options may be included within the EAG's remit.
5. As part of good regulatory practice, the Council ascribes to the Right-Touch Regulatory Principles and associated practical elements³ for developing new regulation.

Functions

6. The EAG functions are to:
 - **Advise:** work closely with Council team members to provide objective and independent subject matter insight, expertise, and experience to understand the regulatory problem, assess the options for mitigation and provide guidance on the development and delivery of high-quality regulatory tools.

¹ See Council's Te Tiriti o Waitangi Policy Statement, page 15 of [Governance Charter](#).

² Health Practitioner Competence Assurance Act (HPCAA) 2003, [section 118](#), list's Council's functions of authorities.

³ Professional Standards Authority (UK)- [Right-touch regulation \(2015\)](#)

- **Assure:** provide a level of assurance to Council and the Te Tiriti Advisory Group (TTAG)⁴
- **Synthesise:** provide objective, independent, and critical analysis and advice on stakeholder feedback and any other information (e.g., survey results, focus group feedback) received in relation to the proposed regulation.

Appointment

7. Appointment of up to six individual members; four, longer-term members and two, short-term members, who are context experts dedicated to planned work; (see attachment 1 for details),
8. As well as having expertise & experience in regulation, a member should also have expertise in at least one of the following areas:
 - Professional regulation,
 - Application of Te Tiriti principles to regulation,
 - Systems approach and familiarity with the health system's complexities,
 - Consumer interface with health regulation,
 - Expertise described for the upcoming work described in attachment 1.

Context experts with the right skill mix are not precluded from applying to be a long-standing member.

9. **Selection criteria:** Council welcomes applications and suggestions for relevant experts to be considered for EAG appointment. Preference will be given to individuals who have expertise which complement the team mix, reasonable availability and where there are relatively less perceived or real conflicts of interests.⁵
10. **Selection process:** Appointment will be made by a selection panel comprising of Council team members and other independent voices, as needed.
11. **Term of appointment:** The EAG Members will be appointed for the following term:
 - **Long-standing members** for the duration of the development and delivery of the projects described in attachment 1. A term may be extended for future work at Council's discretion.
 - **Context expert members** for the duration of either or both projects (see attachment 1) assigned to the member.

⁴ TTAG partners with Council to give authentic effect to Te Tiriti and support the Council, provide them with the necessary advice in areas requiring expertise in mātauranga Māori and the application of a health equity lens.

⁵ Experts in substantive roles within existing professional associations or education providers will have separate opportunities to provide their views, suggestions, and the feedback via their respective organisations as part of any planned consultation on early drafts and when required, the external stakeholder engagement processes.

Fees

12. The EAG members will be paid appropriate and reasonable fees set by the Council and actual and reasonable travel and accommodation expenses, when required.

Meetings

13. Meetings will generally be *kanohi ki te kanohi* (face-to-face) for a first meeting for new work and meetings requiring substantive consideration, with as required online hui for shorter meetings, up to three hours.

Confidentiality

14. EAG members must not disclose to any person or entity any confidential information belonging or relating to the Council unless written approval to do so is given by the Council. NB: All material developed as part of EAG will be the intellectual property of Council.
15. EAG members must take all reasonable steps to prevent the unauthorised or improper use or disclosure of any confidential information, including the use of material or information for their own personal or employment benefit.

Attachment 1: Current work description.

A. Pharmacist Prescriber scope of Practice

1. To challenge and refine the definition of the current and emerging risks identified by Council associated with current Pharmacist Prescriber practice.
2. To advise Council on its provisional review of the Council's current registration and recertification and associated policies for Pharmacist Prescribers.
3. To advise Council on options for amending its regulation of Pharmacist Prescribers⁶.
4. To provide feedback to Council on emerging themes relating to Pharmacist Prescribing and the priority of any potential work related to the themes.

Context expertise required:

- Experienced pharmacist prescriber able to articulate and explain the current environment for pharmacist prescribers and have good understanding of the role of the regulator for professional regulation.
- Experienced health practitioner, with good understanding of professional regulation and experience of working with multi-disciplinary teams, including pharmacist prescribers.

B. Positional statement on innovative practice.

The purpose of a positional statement on innovative practice is to clarify the role of Council in relation to new services, including:

- Clarification of Council's mandate to ensure safety of innovative services via scope of practice, competence standards, recertification and competence programmes and statements.
 - Explicit expression of dependencies to identify practice that may fall outside of scope, to ensure safe delivery of in-scope innovations, including educational/ professional development support, employment support, coaching, mentoring and peer support.
 - Describing a pathway to enable innovation, including steps that are dependent and independent of Council.
1. To review and refine a draft positional statement on innovative practice.
 2. To advice Council on maximising the effectiveness of the statement.

Context expertise required:

- Understands health sector priorities for innovative services and have experience of implementing sustainable new services.
- A pharmacist with experience in developing and establishing innovative services and a good understanding of the role of the professional regulator for this context.

⁶ The scope of the work excludes reviewing the accreditation standards, the competence standards and prescribed qualification for the Pharmacist Prescribers