

25 January 2024

Pharmacy Council of New Zealand  
Level 7  
22 The Terrace  
Wellington 6143

Sent via email to: [consultations@pharmacycouncil.org.nz](mailto:consultations@pharmacycouncil.org.nz)

Dear Sir/Madam,

**Re: Pharmacy Council consultation on Naming Policy proposed changes**

Thank you for the opportunity to provide feedback on the above consultation.

The Pharmacy Guild of New Zealand (Inc.) (the Guild) is a national membership organisation representing the majority of community pharmacy owners. We provide leadership on all issues affecting the sector and advocate for the business and professional interests of community pharmacy.

The Guild is supportive of the proposed amendments recommended by Claro Law to the Pharmacy Council's Naming Policy and the intention to improve the current policy's clarity and transparency.

We would expect that the Naming Policy would only be used in instances where negligence is severe or when there has been non-compliance with corrective actions or orders requested by the Council and not be used as punitive action. We would also expect these measures to only be used after exhaustive substantiation of all facts involved.

We believe that the Council have other sufficient formal mechanisms to manage public safety risk, such as the ability to apply conditions on a pharmacist's practising certificate or to suspend a practising certificate, and we encourage greater focus towards ensuring processes are in place to support pharmacists in the best way possible during such investigations, including reaching out to member organisations, such as the Guild, that might be able to assist pharmacists to consistently practice safer and better, mitigating both the risk to patients and possibly the need to enforce the Naming Policy.

We would like to further understand the factors considered when deciding the different mediums to publish a notice. We believe the Council website and newsletters and any official news publications are appropriate.

We do not support and would request that the Council refrain from using social media platforms to target specific groups and communities, as disclosure to a targeted audience cannot be controlled on these platforms and it may be impossible to revoke or remove any existing disclosures. This is especially important when there is likely harm to the practitioners personal and professional reputation from a matter that is unsubstantiated and involves a serious allegation or there is a heightened risk of personal harm, e.g., physical or mental health of the practitioner. Striking the right balance between transparency and

privacy is essential to ensure confidence in the regulatory process whilst maintaining the public's confidence in the profession.

While the inclusion of legal considerations in the proposed amendments, such as 'fairness, reasonableness, proportionality, and rational connection,' is appreciated, it is essential to emphasise the protection of a health practitioner's reputation and ensure that the Naming Policy balances the need for disclosure with the practitioner's right to privacy as described in the Privacy Act, and to have a process in place, ideally initiated and guided by the Council, that can restore a practitioner's reputation in full once rehabilitative actions have been completed.

The enquiry into the availability of a remedial process for pharmacists' post-disciplinary action is linked to patient safety and workforce concerns. A fair and supportive rehabilitation process is essential not only for the practitioner's professional recovery but also for ensuring their ongoing commitment to patient safety.

Thank you for your consideration of our response. If you have any questions about our feedback, please contact our Senior Advisory Pharmacists, Martin Lowis ([martin@pgnz.org.nz](mailto:martin@pgnz.org.nz), 04 802 8218) or Cathy Martin ([cathy@pgnz.org.nz](mailto:cathy@pgnz.org.nz), 04 802 8214).

Yours sincerely,



**Nicole Rickman**

General Manager – Membership and Professional Services