

Sanctions

Sanctions available to the Pharmaceutical Society NI's Scrutiny Committee

After the initial action taken by the Registrar, allegations that meet the threshold criteria are referred to the Scrutiny Committee for further consideration. In some specific defined circumstances, the Registrar may refer an allegation directly to the Statutory Committee, by-passing the Scrutiny Committee.

The Scrutiny Committee's powers on consideration of an allegation are as follows:

- dismiss the case,
- in relation to a health allegation, to require the registered person to undergo a medical examination,
- issue warnings to the registered person in connection with any matter arising out of or related to the allegation and give a direction that details of the warning be recorded in the person's entry on the register;
- agree undertakings,
- to give advice to the registered person in connection with any matter arising out of, or related to, the allegation, and advice to any other person or other body involved in its investigation of the allegation on any issue arising out of, or related to, the allegation; or
- refer the matter to the Statutory Committee.

Sanctions available to the Pharmaceutical Society NI's Statutory Committee

The Statutory Committee deals with all categories of alleged impairment referred to it by either the Registrar or the Scrutiny Committee. This includes allegations that the registered person's fitness to practise is impaired by misconduct, deficient professional performance (which includes competence) and adverse physical or mental health and the other factors as set out in Paragraph 4 of Schedule 3 to the Order.

The Statutory Committee also deals with interim orders, restoration applications and review hearings. The Committee has additional functions assigned to it under the Medicines Act (disqualification allegations).

The sanctions available to the Committee are as follows:

Registered Persons

(a) Where an allegation or matter is referred to the Committee and the Committee determines that the fitness to practise of the person in respect of whom the allegation is made is impaired, it may:

- give a warning to the registered person in connection with any matter arising out of, or related to, the allegation and give a direction that details of the warning be recorded in the Register,

- give advice to any other person or other body involved in the investigation of the allegation on any issue arising out of, or related to, the allegation
- impose conditions on the registered person's registration for a period not exceeding three years
- suspend the registered person's registration for a period not exceeding twelve months
- give a direction that the name of the registered person be struck off the Register.

Please note that the sanction of conditional registration and suspension may be subject to review.

(b) If the Committee determines that the fitness to practise of the registered person is **not impaired** the Committee may give:

- a warning to the registered person in connection with any matter that the Committee considers necessary or desirable taking into account the Committee's findings and give a direction that details of the warning be recorded in the Register,
- advice to the registered person in connection with any such matter, and
- advice to any other person or other body involved in the investigation of the allegation on any issue arising out of, or related to, the allegation.

(c) **Health cases.** If the Committee determines that a person's fitness to practise is impaired solely by reason of adverse physical or mental health, it may not give a direction that the entry in the Register in respect of that person is struck off.

(d) **Criminal proceedings.** If, having considered the allegation, the Committee considers that the Department of Health, Social Services and Public Safety should consider exercising any of its powers to bring criminal proceedings under any statutory provision it must notify the Department accordingly.

A person whose entry has been removed from the Register, in accordance with a direction by the Committee may apply to the Registrar for restoration to the Register only after the expiration of five years from the date of the removal.

(ii) Corporate bodies

In addition to the powers set out above the Committee also has the power to deal with 'disqualification allegations' made against a corporate body that carries on a retail pharmacy business. The Committee may direct that:

- A corporate body should be disqualified for the purposes of Part IV of the Medicines Act 1968.
- A "representative" of the corporate body should be disqualified as being a representative for the purposes of Part IV of the Medicines Act 1968.

- The Registrar should remove from the Register of Premises some or all premises entered in that Register as being premises at which the corporate body carries on retail pharmacy.
- The Registrar should remove from the Register of Premises some or all premises entered in that Register as being premises at which the corporate body carries on retail pharmacy, “for a limited period.”