

Pharmacy fails to provide services of an appropriate standard to consumers

20HDC00582 / 21HDC00641

The Health and Disability Commissioner has found a busy supermarket pharmacy in breach of the Code of Health and Disability Services Consumers' Rights (the Code).

Morag McDowell found Countdown Pharmacy Bayfair in breach of Right 4(1) of the Code – the right for consumers to have services provided with reasonable care and skill.

An initial complaint involved dispensing errors made to three consumers. However, a subsequent Commissioner-initiated investigation uncovered further errors involving a number of consumers from 2019-2020.

Ms McDowell says, "I consider Countdown Pharmacy Bayfair failed to provide services to multiple consumers with reasonable care and skill and breached the Code."

Ms McDowell noted concerns about the systems in place at the pharmacy at the time of the dispensing errors. There was a lack of staff oversight and support, staffing levels were inadequate and a lack of monitoring to detect errors resulted in a failure to take timely action.

"A pharmacy is required to ensure the provision of services that are safe and appropriate. This includes providing adequate support and oversight to staff to enable them to provide safe and accurate dispensing," Ms McDowell said.

She also found the pharmacist employed during the complaint period in breach of right 4(1) of the Code, although she acknowledged that systemic and mitigating factors influenced the pharmacist's practice.

"The pharmacist had a professional responsibility to ensure the services she provided were of an appropriate standard," Ms McDowell said. "By failing to ensure she performed final checks adequately, and making dispensing errors, the pharmacist failed to provide services to multiple consumers with reasonable care and skill and this breached the Code."

Affected consumers have already received apologies, so no further apologies were recommended by Ms McDowell. However, she made a number of other recommendations for Countdown Pharmacy Bayfair and the pharmacist, including:

- For the pharmacy to provide HDC with a report detailing all incidents occurring six months prior to this report.
- For the pharmacy to provide HDC with a review of the effectiveness of the dispensing robot in preventing incidents. The robot was installed by the pharmacy after the dispensing errors.

- For the pharmacy to undertake an audit of staff compliance with the updated dispensing standard operating procedures (SOPs).
- For the pharmacy to provide education to staff across Countdown Pharmacy sites on the issues identified in this report.
- For the pharmacist to provide HDC with a report detailing any errors made over the six months prior to the report, including actions taken to prevent similar errors in future

“I am pleased to see this matter has been taken seriously and changes made to improve the working environment and that appropriate support has been provided for the pharmacist,” said Ms McDowell.

13 February 2023