

Information Statement

Public Authority: Pharmacy Council

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Introduction to Your Rights under Public Access to Information

This document is the Information statement for the Pharmacy Council (the Council). In accordance with the Public Access To Information (PATI) Act 2010, every public authority has a legal duty to maintain an Information Statement.

The purpose of the PATI Act and this document is to make information readily available to the public without the need for specific written requests, to encourage authorities to proactively publish information and to develop a culture of openness. Every person who is a Bermudian, or resident of Bermuda, has a right to access any record held by a public authority, and a right to amend their personal information held by a public authority if it is incorrect or misleading. However, several classes of information are exempt, including: Personal information (unless it relates to the requestor); Sensitive commercial, information received in confidence; Operations and deliberations of Public Authorities; Cabinet, Ministerial and Governors documents; and Legal documents. All exemptions are subject to the public interest test, except those that would be in contempt of Court, infringe Parliamentary privilege or are prohibited by other legislation [for more information see sections 21 to 40, PATI Act].

How to make a request

Requests for information, or to amend your personal information, must be made using the application form, and submitted in person to the Ministry Information Officer. See Section G for how to make a request including the documents needed, record specificity, contact information and process timelines.

Key, including definitions

- Act means the Pharmacy and Poisons Act 1979
- Council means the Pharmacy Council
- Ministry means the Ministry of Health and Seniors
- PATI means Public Access To Information

- [] Square brackets, refer to sections of the PATI Act, unless another Act is indicated

Section A: Structure, Organization and Governing Legislation [s5(1)a]

Structure of Authority (text, and figure if latter useful)

The Pharmacy Council consists nine members [Section 4, the Act]:

- i Seven voting members –
 - a. a Chairman, and
 - b. a physician appointed by the Minister of Health
 - c. a representative of the association appointed by the minister
 - d. and four members elected from among registered pharmacists practicing the profession.
- ii A representative of the Pharmacy Owners Association as a non-voting member.
- iii The Government Pharmacist has also been co-opted as a non-voting member.

Please see the Government website for the list of current members at <https://www.gov.bm/government-boards-and-committees>; then select current Boards and Committees and then search for the Pharmacy Council

Insert Governing Legislation:

Primarily: Pharmacy and Poisons Act 1979 (amended 2013)

Other legislation for administering the Act: Misuse of Drugs Act 1972 and its Regulations 1973

Section B1: Legislated Functions, Powers, duties of the Authority [s5(1)b]

Insert Power, Duties and Functions of the Authority (cite Act or Policy):

The major function of Pharmacy Council is to secure high standards of professional competence and conduct in the practice of pharmacy in Bermuda [section 3 and 4A, the Act]. This includes:

- i To appoint a Registrar to be responsible for the establishment and maintenance of a register of pharmacists (section 7(1) and (2)) and pharmacies (section 16 (1))
- ii To review applications for registration as a pharmacist and register persons who meet the established qualification and training requirements set out in section 7 (4) and (5)
- iii To review applications for re-registration (section 7 (4A))
- iv To remove from the register any pharmacist for reasons of misconduct or being unfit to practice (as listed in section 8(1) a to d, the Act);
- v To restore to the register any pharmacist whose name was removed either voluntarily or for reasons of misconduct, and is deemed fit to practice again (section 12, the Act).
- vi To appoint examiners to conduct examinations for persons applying for registration as pharmacists
- vii To establish and amend as necessary, a Code of professional conduct (section 9)
- viii To prepare an annual report for the Minister
- ix To make periodic recommendations to the Minister regarding any necessary amendments to the Act especially in reference to the Third and Fourth schedules; i.e. how drugs are classified (prescription only, pharmacist only or pharmacy only) (Section 4A, the Act)

- x To perform any function under the Act

Section B2: Obligations under PATI Act [s5(1)b]

(same for all public authorities)

Obligations of the Authority under the PATI Act

1. To provide an **information statement** for the public and promulgate it [s5],
2. To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:
 - a. General information, e.g. activities of the Authority
 - b. Log of all information requests and their outcome
 - c. Quarterly expenditure (upon request) [s6(5)]
 - d. Contracts valued at \$50,000 or more.
3. To **respond to information requests** in a timely manner [s12-16]
4. To **track information requests**, and provide this data to the Info Commissioner [s5(8)3]
5. To respond to requests from the Information Commissioner [s9]
6. To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s19]
7. To conduct an **internal review** if formally requested [part 5]
8. To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required
9. To provide an **annual written report** to the Information Commissioner of the status of information requests [s58(3)].
10. To **do anything else as prescribed** under the PATI Act and Regulations [s59, 60], including:
 - a. **Managing Fees** for Requests for information
 - b. Management and maintenance of **records**
 - c. **Following procedures** for administering the Act
11. To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
12. To **designate an officer** to be the person to whom requests are directed [s62]

Section C: Services and Programmes provided [s5(1)c]

Insert a summary of services and programmes provided by the authority:

Services

1. The registration of pharmacists
2. Investigation of complaints against practitioners
3. Makes recommendations to the CMO and Minister for amendments to the **Act**

Programmes. Not applicable - the Council has no programmes.

Comment [s1s1]: Additional function of Pharmacy Council (Dec 2018)

Section D: Records held [s5(1)d]

List and describe the classes of records held by the authority:

Registration Records

1. *The Pharmacists Register.* (Last 10 years; Gazetted annually). Government of Bermuda. (Public Access). The Register is a list of practitioners authorized to practice in Bermuda. It is an

electronic database, an official copy of which is Gazetted every year.

2. *Registration Applications*. (Last 10 years). Pharmacy Council. (Exemption section 23 – Personal Information). Contains application information such as qualifications and work experience

Activities of the Council

3. *Meeting minutes of the Council*. (2003 to current). Pharmacy Council. (Public Access, with personal identifiers redacted). Records the business addressed and attendance.
4. *Annual Report of the Council*. (2003 to current). Pharmacy Council. (Public Access, with personal identifiers redacted). Summarizes the activities of the Council for the preceding year, includes business addressed, registration and complaints statistics, member attendance.

Section E: Administration manuals [s5(1)e]

Insert list and description of all administrative manuals/ guidelines used by employees for administering or carrying-out activities:

1. *Registration Guidelines for Applicants*. (2013). Pharmacy Council. (Public access). Describes the requirements for registration as prescribed in the Act, and explains the process. The document is intended for use by the applicants.

Section F: Decision-making documents [s5(1)f]

List and description of all policies and guidelines for decision making in respect to any person.

1. *Pharmacy and Poisons Act 1979*. The Government of Bermuda. (Public Access). The legislation that governs the power, functions and procedures of the Council, and the process for registering practitioners and handling complaints against practitioners.
2. *Misuse of Drugs Act 1972 and its Regulations 1973*. The Government of Bermuda. (Public Access). The legislation that identifies controlled drugs (includes narcotics and benzodiazepines) and their regulation, with regard to possession, dispensing, storage, record keeping and penalties
3. *Code of Conduct*. Version 2 (about 2005) Bermuda Pharmaceutical Association. Describes the ethical conduct expected of registered pharmacists. Version 1 dated 1979.
4. *Standards of Practice for Pharmacists* (December, 2013). Pharmacy Council. (Public access). A statement of professional conduct describing responsibilities including skills and judgment as required in the practice of Pharmacy to promote a consistent quality of professional performance.
5. *Re-Registration Requirements for Pharmacists* (v1, 2014). Pharmacy Council. (Public access). Describes the conditions for re-registration which include continuing professional development (continuing education) and minimum practice hours (the minimum number of hours a pharmacist must work in any registration period) as required by the Act are outlined.

Comment [s2]: Is it superseded by the 2013 standards or compliments them? See Steph's reply

Section G: How to Contact the Information officer and Make a Request [s5(1)g and (h)]

Insert name and contact information:

How to make a request for information, or to amend your personal information

Requests must be made using the application form and submitted in person to the Information Officer.

You must also provide Government-issued identification to prove that you are a Bermudian or a resident of Bermuda, such as a passport or Bermuda driver's license. The process and application form are located at: <https://www.gov.bm/online-services/make-pati-request>

A request must identify the record, the subject and time period. Requests should specify the manner in which access is preferred, for example by inspection or by copy. There is a fee charged for reproducing materials (see list of fees on the PATI website at: <https://www.gov.bm/pati-service-fees>).

Your request will be acknowledged within 5 days. The Public Authority has 6 weeks to make a decision regarding the request. Access to the record may be provided in full, in part or denied. If you are not satisfied with the outcome you may appeal the decision via several mechanisms: an Internal Review by the head of the Authority, an External Review by the Information Commissioner, and a Judicial Review in the Supreme Court. These processes are described on the PATI website (<https://www.gov.bm/public-access-information-pati>).

Contact	PATI Information Officer, Dr. Peek-Ball c/o Administrative assistant Ministry of Health and Seniors Office of the Chief Medical Officer <i>Re: Pharmacy Council</i>
Hand deliver to	Continental Building, 48 Church Street, Hamilton
Email*	OfficeofCMO@gov.bm Add subject line: PATI request re Pharmacy Council
Mail*	P.O. Box HM 380, Hamilton HM BX, Bermuda
Tel	278-4904/ 278-4968

* Note requests for information will only be accepted for submissions made in-person so as to verify the requestor's identity.

Section H: Further Information [s5(1)h]

Insert any other information that you think might be useful for the public to know, so as to decrease requests for information [s6]:

1. **About us** is available on the Bermuda Health Council's website at: <http://www.bhec.bm/for-professionals/professional-bodies/> select Pharmacy. This includes the list of registered practitioners..
2. The **legislation** listed may be found at Bermuda Laws Online www.bermudalaws.bm.
3. **Financial Information.** As with all statutory boards, the fees for services and the remuneration of board members for service is governed by the following legislation:
 - Government Fees Act, 1965; and the Government Fees Regulations, 1976. The Act governs the charging of fees to applicants for services. The Regulations lists the fees for the services.
 - Government Authorities (Fees) Act, 1971. The Act governs the remuneration of body members for services. In brief: the Chair receives \$100, and other members receive \$50, per meeting. Public Officers receive no monies.

Section I: Other Information As Prescribed [s5(1)i]

At Aug 2016 the Regulations do not specify additional requirements for the Information Statement. But note, that the following shall be provided in accordance with s6 of the PATI Act:

1. **Log of PATI** information access requests: To be provided upon request and with personal identifiers deleted.
2. **Contracts:** Any contracts entered into, with a value greater than or equal to \$50,000 [s6(6)]. Note for this authority, there is no power to enter into any contracts.
3. **Expenditure:** Quarterly expenditure will be provided upon request. Other than remuneration to members for attending meetings, as described in section H (3) above, the Authority has no expenses
4. **Salaries:** The Minister responsible for PATI shall publish a list of title and salary range of every post of public officers [s6(6)].

Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]

Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times at [s5(2-5), PATI Act]:

Locations of Information Statement (Confirm copies of Information Statement are available at):

- Office: Ministry Headquarters, Continental Bldg., 25 Church St, Hamilton Y
- The Bermuda National Library Y
- The Bermuda Archives Y
- Available electronically at:
 - PATI website <https://www.gov.bm/public-access-information-pati> Y
 - Authority's website – there is no website for the authority n/a
- With the Information Commissioner. Y

Have you published a notice in the Gazette indicating the places where the information statement is available for the public? Y

Date Information Statement was updated:

Date: 28th December 2018

Sign:



Name: S. Simons, Chair
Post: Chair, Pharmacy Council

(Subject Matter Expert: Karen Leseur)

Ends