

Code of Ethics – Draft revision¹ 2010

Preamble

The philosophy of pharmacy practice

The philosophy of pharmacy practice acknowledges pharmacists as health professionals with the knowledge, skills and attributes to take responsibility for the management and utilisation of medicines, in order to “achieve definite outcomes that improve or maintain a patient’s quality of life”.² The scope of pharmacy practice includes patient-centred care with all the cognitive functions of counselling, providing drug information and monitoring drug therapy, as well as technical aspects of pharmaceutical services, including medicines supply management.

Legal authority of the Code of Ethics – to be updated as per 2004 Code of Ethics

Throughout this document any reference to a pharmacist also refers to an intern pharmacist.

Status of the Code of Ethics

The principles of the Code of Ethics are mandatory. They are intended to capture the philosophical foundation of pharmacy practice and express the responsibilities and professional values that are fundamental and inherent to the pharmacy profession. They reflect and support developments in the profession, patient-centred practice and take into consideration patients’ rights and responsibilities. The work of a pharmacy professional can take many forms and you may work with varying levels of responsibility and in different settings, including clinical practice, education, research and industry. As a pharmacy professional these principles apply to you, even if you do not treat, care for or interact directly with patients and the public.

Treaty of Waitangi

The Code acknowledges the contemporary application of the Treaty of Waitangi through the principles of partnership, participation and protection. The Pharmacy Council expects pharmacists to ensure Māori receive services commensurate with their needs, and in a manner that respects and acknowledges their individual and cultural values and beliefs.

Breaches of the Code of Ethics

Pharmacists are obliged to bring a breach of the Code of Ethics to the attention of the Registrar of the Pharmacy Council. However, pharmacists who bring matters to the attention of the Registrar must do so in good faith. Pharmacists who bring matters to the attention of the Registrar maliciously, or who make spurious or vexatious reports, may be in breach of Obligation 7.8

¹ The Code was revised with reference to similar documents from the Royal Pharmaceutical Society of Great Britain, the American Pharmaceutical Association, the Pharmaceutical Society of Australia and the International Pharmaceutical Federation (FIP) statement of professional standards.

² International Pharmaceutical Federation (FIP) 1998.

The Code of Ethics is to be read in conjunction with current Acts and Regulations and Codes of Practice.

Acts and Regulations and Codes of Practice that directly or indirectly impact on the professional practice of pharmacy include:

Advertising Standards Authority Inc. Code for Therapeutic Advertising 1999
Consumer Guarantees Act 1993
Dietary Supplement Regulations 1985
Fair Trading Act 1986
Hazardous Substances and New Organisms Act 1996
Hazardous Substances and New Organisms Regulations
Health Act 1956
Health and Disability Commissioner (Code of Health and Disability Consumers' Rights) Regulations 1996
Health and Disability Services – Pharmacy Services Standard NZS 8134.7:2010
Health and Safety in Employment Act 1992
Health and Safety in Employment Regulations 1995
Health Information Privacy Code 1994
Health Practitioners Competence Assurance Act 2003
Health (Needles and Syringes) Regulations 1998
Health (Retention of Health Information) Regulations 1996
Human Rights Act 1993
Ministry of Health, Code of Practice for Child Resistant Packaging of Toxic Substances, 1998
Medicines Act 1981
Medicines Regulations 1984
Misuse of Drugs Act 1975
Misuse of Drugs Regulations 1977
Privacy Act 1993
Toxic Substances Regulations 1983

Additional references that directly or indirectly impact on the professional practice of pharmacy include:

- He Korowai Oranga: Māori Health Strategy 2002
- Māori Health Strategy for the Pharmacy Profession 2007
- Pharmacy Council Protocol for the Sale and Supply of Pharmacist Only Medicines for Chronic Conditions 2004.
- Pharmacy Council Statement *Promotion and Supply of Medicines Over the Internet* 2007.
- Pharmacy Council Statement *Raising Concerns with Prescribers* 2008.
- Pharmacy Council & Pharmaceutical Society Inc. *Guidelines Advertising to the Consumer and Promotion of Products of Potential Misuse* 2009.

The seven principles

The principles of the Code and their supporting explanations and obligations form the basis for a consistent high quality professional service which safeguards and promotes the well-being of patients and society and maintains public confidence in the profession. Each principle can normally be met in more than one way and the way in which you meet these may change over time. The principles are equally important.

You are professionally accountable for your practice. This means that you are responsible for what you do or do not do, no matter what advice or direction your manager or another professional gives you. You must use your professional judgement when deciding on a course of action and you should use these principles as a basis when making those decisions. You may be faced with conflicting professional or legal responsibilities. In these circumstances you must consider all possible courses of action and the risks and benefits associated with each one to decide what is in the best interests of patients and the public.

As a pharmacist you must:

1. MAKE THE HEALTH AND WELL-BEING OF THE PATIENT YOUR FIRST PRIORITY.
2. PROMOTE PATIENT SELF-DETERMINATION, RESPECTING PATIENT'S RIGHTS, AUTONOMY AND FREEDOM OF CHOICE.
3. USE YOUR PROFESSIONAL JUDGEMENT IN THE INTERESTS OF PATIENTS AND THE PUBLIC AND PROMOTE FAMILY, WHĀNAU AND COMMUNITY HEALTH.
4. EXERCISE YOUR DUTIES WITH PROFESSIONALISM AND RESPECT.
5. ACTIVELY SEEK AND APPLY CONTEMPORARY PHARMACY KNOWLEDGE AND SKILLS TO ENSURE A HIGH STANDARD OF PROFESSIONAL COMPETENCE.
6. ACT IN A MANNER THAT PROMOTES PUBLIC TRUST IN THE KNOWLEDGE AND ABILITY OF PHARMACISTS AND ENHANCES THE REPUTATION OF THE PROFESSION.
7. PRACTISE IN A MANNER THAT DOES NOT COMPROMISE YOUR PROFESSIONAL INDEPENDENCE, JUDGEMENT OR INTEGRITY, OR THAT OF OTHER PHARMACISTS.

1. Make the health and well-being of the patient your first priority.

The care, well-being and safety of patients are at the centre of everyday professional practice. They must be your primary and continuing concern when practising, irrespective of your field of work. Even if you do not have direct contact with patients your actions or behaviour can still impact on their care or safety.

You must:

- 1.1. Endeavour to optimise medicines related health outcomes for the patient as a fundamental principle of pharmacy practice.
- 1.2. Endeavour to provide professional patient focused care in all matters and take action to protect the well-being of patients, particularly children and other vulnerable individuals.
- 1.3. Regard your duty to a patient or to patients collectively as overriding any loyalty to or interests of an employer or other healthcare provider.
- 1.4. Act to prevent harm to the patient and the public.
- 1.5. Only supply a medicine, complementary therapy, herbal remedy or other healthcare product to a patient when you are satisfied that the patient understands how to use it safely.
- 1.6. Confer with the prescriber and document the details and outcome where you have reasonable grounds to consider that a prescription contains any error, omission, irregularity or ambiguity or is not legitimate, or that a prescribed medicine could be detrimental to a patient's health.
- 1.7. Endeavour to ensure that any medicine or poison implicated in childhood poisonings is dispensed with child resistant packaging unless otherwise requested or if no suitable child resistant packaging exists for a particular medicine or poison.
- 1.8. Exercise compassion and care towards patients.
- 1.9. Provide a comparable standard of information, advice and service to that which would have been received by a patient present in a pharmacy and in direct face to face consultation with a pharmacist when medicines are supplied by any other means e.g. post, courier, internet.
- 1.10. Refer a patient in your care to other team members or to other services when appropriate or consult with colleagues or other health care providers when additional knowledge or expertise is required, at all times being aware of the patient's right to confidentiality and informed consent.
- 1.11. Only enter into or continue with any relationship (personal or professional) with patients or their carers where such a relationship will neither exploit nor harm nor have the potential to exploit or harm the patient or the family/whānau of the patient.

2. Promote patient self-determination, respecting patient's rights, autonomy and freedom of choice.

Patients have a right to be involved in decisions about their treatment and care. They should be encouraged to work in partnership with you and others to manage their healthcare needs. Successful partnerships require effective communication and an ability to identify the individual needs of patients.

You must:

- 2.1. Respect the rights of individual patients to participate in decisions about their treatment and encourage them to do so.
- 2.2. Give patients adequate, accurate and independent information, effectively communicated in an appropriate manner, to allow them to make an informed decision about whether they wish to use particular services or treatment options.
- 2.3. Ensure that your advice is impartial and independent of personal commercial considerations.
- 2.4. Respect a patient's right to refuse to receive a professional service.
- 2.5. Only get involved in any agreement or arrangement or business association with a medical or other healthcare provider which does not limit a patient's free choice of who they use to provide health services.
- 2.6. Obtain consent for the professional services, treatment or care you provide and the patient information you use.
- 2.7. Provide all professional services or interventions based on accurate, independent and current information, endeavouring to ensure you have all the relevant information required to assess an individual's needs and provide appropriate treatment and care.
- 2.8. Only request a prescription from a prescriber when the patient or their carer has given informed consent for you to do so and the prescription is for the continuation of existing therapy.
- 2.9. Ensure that when a patient is not legally competent, any treatment or care you provide is in accordance with the appropriate legal requirements.

3. Use your professional judgement in the interests of patients and the public and promote family, whānau and community health.

Balancing the needs of individuals with those of society is essential to professional practice. Guidelines, targets and financial constraints need to be taken into account, but they must not be allowed to compromise your ability to make an informed professional judgement on what is appropriate for patients in specific situations.

When acting in your professional capacity you must:

- 3.1. Collaborate with other health professionals to ensure that the best possible quality of healthcare is provided to the individual, the community and society at large.
- 3.2. Ensure that all information provided to healthcare providers, patients and the community is accurate and objective and is given in a manner designed to ensure it is understood.
- 3.3. Recognise the status of Māori, Te Tiriti o Waitangi and the Treaty of Waitangi in the New Zealand health sector and endeavour to ensure Māori receive services appropriate to their needs, and in a way that respects and acknowledges their individual and cultural values and beliefs.
- 3.4. Only undertake research involving any patients or volunteers or members of the community when informed consent to participate has been given, and obtain any necessary permission from the appropriate regulatory authorities.
- 3.5. Endeavour to be fair and equitable when responsible for the allocation of health resources, and make best use of the resources available to you.
- 3.6. Endeavour to advocate for patients to seek the provision of appropriate resources for the treatment of patients' needs.
- 3.7. Use your professional judgement to prevent the supply of any medicine, complementary therapy, herbal remedy or other healthcare product likely to constitute a hazard to health.
- 3.8. Ensure that medicines restricted to sale from pharmacies are stored or displayed in such a way that you can supervise their sale.
- 3.9. Make certain the public cannot self-select medicines you know or should reasonably be expected to realise are likely to cause or have a potential for misuse, abuse or dependency.
- 3.10. Endeavour to prevent the supply, by any means, of unnecessary or excessive quantities of any medicine which you know or should reasonably be expected to realise is likely to cause or have a potential for misuse, abuse or dependency.

4. Exercise your duties with professionalism and respect

Demonstrating respect for the dignity, views and rights of others is fundamental in forming and maintaining professionally appropriate relationships with patients, their carers, colleagues and other individuals with whom you come into contact with.

In your professional practice you must:

- 4.1. Act with honesty and integrity.
- 4.2. Maintain the highest ideals of professional attributes required by the profession and accept responsibility and accountability for membership in the profession.
- 4.3. Recognise and respect the cultural differences, beliefs and values of others and endeavour to support the health development of all cultural, religious, social and ethnic groups.
- 4.4. Ensure that if your moral or religious beliefs prevent you from providing a particular professional service, you tell the relevant people or authorities and refer patients and the public to alternative providers.
- 4.5. Ensure you provide the appropriate levels of privacy for patient consultations.
- 4.6. Use information obtained in the course of professional practice only for the purposes it was given or where otherwise lawful.
- 4.7. Respect and protect the dignity and privacy of others. Take all reasonable steps to prevent accidental disclosure or unauthorised access to confidential information. Never disclose confidential information without consent unless required to do so by the law or in exceptional circumstances.
- 4.8. Maintain proper professional boundaries in your relationships with patients and others that you come into contact with during the course of your professional practice.
- 4.9. Respect the special competencies and responsibilities of your own and other professions, and of the institutions, statutory and voluntary agencies that constitute your working environment.
- 4.10. Endeavour to foster, develop and maintain effective relationships with professional colleagues and other healthcare providers and cooperate with them to achieve beneficial medicines related health outcomes for patients and the community.
- 4.11. Demonstrate concern and compassion for colleagues in need.

5. Actively seek and apply contemporary pharmacy knowledge and skills to ensure a high standard of professional competence.

Up-to-date and relevant professional knowledge and skills are essential for safe and effective practice. At all stages of your professional working life you must ensure that your knowledge, skills and performance are of a high quality, up to date and relevant to your field of practice.

You must:

- 5.1. Maintain and demonstrate professional competence relative to your sphere of activity and scope of practice.
- 5.2. Be accountable for practising safely and only provide services in those areas in which you are competent to do so and within your scope of practice.
- 5.3. At all times practise in accordance with the current version of the Health and Disability Services - Pharmacy Services Standard (NZS 8134.7:2010) or equivalent.
- 5.4. Maintain a working knowledge of current Acts and Regulations, Rules, Codes, and Council statements which impact on your area of pharmacy practice and comply with the obligations contained in them at all times.
- 5.5. Contribute to the development, education and training of colleagues and students, sharing relevant knowledge, skills and expertise.
- 5.6. Undertake and keep up-to-date evidence of continuing professional development relevant to your field of practice.
- 5.7. Practise only if you are fit and competent to do so. Report to the Registrar of the Pharmacy Council any concerns where your own or another pharmacist's professional performance or health may compromise patient care or public safety.

6. Act in a manner that promotes public trust in the knowledge and ability of pharmacists and enhances the reputation of the profession.

Patients, colleagues and the public at large place their trust in you as a pharmacy professional. You must behave in a way that justifies this trust and maintains the reputation of your profession.

You must:

- 6.1. Uphold reasonably accepted standards of personal and professional behaviour both within and outside your professional practice and refrain from any conduct that might bring the profession into disrepute or impair the public's confidence in the pharmacy profession.
- 6.2. Ensure you do not abuse your professional position or exploit the vulnerability or lack of knowledge of others.
- 6.3. Be accurate and impartial when teaching others and when providing or publishing information to ensure that you do not mislead others or make claims that cannot be justified.
- 6.4. Respond honestly, openly and courteously to complaints and criticism.
- 6.5. Comply with legal requirements, mandatory professional standards and accepted best practice guidance.
- 6.6. Honour commitments, agreements and arrangements for the provision of professional services.
- 6.7. Endeavour to maintain the confidence and trust placed in colleagues and other healthcare providers by patients and do not make any statements that could detract from their reputation or harm the relationship they have with patients by criticising their professional services.
- 6.8. Avoid conflicts of interest and declare any personal or professional interests you have. Do not ask for or accept inducements, gifts, hospitality or referrals that may affect or be seen to affect, your professional independence or judgement.
- 6.9. Only purchase, supply or promote any medicine, complementary therapy, herbal remedy or other healthcare product where there is no reason to doubt its quality or safety and when there is credible evidence of efficacy.
- 6.10. Ensure you do not purchase or sell from a pharmacy any product or service which may be detrimental to the good standing of the profession or bring the profession into disrepute.

7. Practise in a manner that does not compromise your professional independence, judgement or integrity, or that of other pharmacists.

Working in a team is an important part of professional practice and requires respect, co-operation and communication with colleagues from your own and other professions. When working as part of a team you are accountable for your own decisions and behaviour and any work you supervise.

You must:

- 7.1. Be responsible and accountable for your own professional activities and for all activities done under your direct supervision. This includes all dispensing activities undertaken or directly supervised by you regardless of the packaging process involved.
- 7.2. Ensure that all professional activities that you undertake or are under your control are covered by appropriate professional indemnity arrangements.
- 7.3. Ensure that at all times there is in the pharmacy a pharmacist who has agreed to perform the role of Charge Pharmacist.
- 7.4. Ensure, if you are the Charge Pharmacist, that all dispensing is under the supervision of a pharmacist who must be available and willing to intervene, advise or check the dispensing and issuing of any prescription.
- 7.5. Ensure that you are able to comply with your legal and professional obligations and that your workload or working conditions do not compromise patient care or public safety.
- 7.6. Make sure your actions do not prevent others from complying with their legal and professional obligations, or present a risk to patient care or public safety.
- 7.7. Be satisfied that appropriate standard operating procedures are in place and are followed.
- 7.8. Raise concerns if policies, systems, working conditions or the actions of others may compromise patient care or public safety. Take appropriate action if something goes wrong or if others report concerns to you.
- 7.9. Endeavour to promote collegial relationships by assisting colleagues and other healthcare providers when asked for advice or support to enable them to carry out their professional duties and in order to maintain standards in the interests of patient care and public safety.
- 7.10. Co-operate with investigations into your or another healthcare professional's fitness to practise and abide by commitments you give or any restrictions placed on your practice.
- 7.11. Ensure that commercial interests of either yours or your employer do not override the independent exercise of your own professional judgement on behalf of a patient or compromise the standard of care provided by you or affect your cooperation with other healthcare providers.
- 7.12. While professional cooperation between you and other healthcare providers is desirable, you must only enter into, or engage in, any agreement, arrangement or business association with any other healthcare provider which does not compromise your professional independence or judgement.

Definitions

Charge Pharmacist

The Charge Pharmacist is the pharmacist who is present in the pharmacy from which pharmaceutical services are provided, and at any particular time is responsible for overall control of the provision of pharmaceutical services from that place.

Patient

The patient is any person receiving any health or disability service from the pharmacy or other place from which services are provided by the pharmacist or other personnel for whom he or she has responsibility.

Pharmacy practice

Pharmacy practice embraces a diverse range of medicines-related services and initiatives designed to optimise the benefits and use of medicines.

DRAFT