

GUIDE TO MAKING A COMPLAINT



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ABOUT THIS GUIDE

This guide serves to inform the general public at large about what can be done if an individual is unhappy about the way they have been treated by a pharmacy, pharmacist, pharmacist intern, pharmacy technician, or any other healthcare practitioner or facility registered under the Pharmacy Act, 2009 [Ch. 227] within the Commonwealth of The Bahamas.

If you are not happy with the treatment you have received in a pharmacy, or if you have concerns about the behavior, conduct, practice or health of a pharmacist, you can make a complaint to the Bahamas Pharmacy Council (BPC), the pharmacy regulator. It is the role of the BPC to consider complaints made about a pharmacist or a pharmacy and to take action, if necessary, to address the matter.

This guide explains the complaints and disciplinary process, including what complaints can be dealt with by the BPC, how to make a complaint, and what happens after you make a complaint.

THE BAHAMAS PHARMACY COUNCIL (BPC)

The Bahamas Pharmacy Council (BPC) is a corporate body established under the Pharmacy Act, 2009 [Ch. 227] that is responsible for the statutory regulation of all aspects of the practice of pharmacy in The Commonwealth of The Bahamas. The BPC regulates the profession and practice of pharmacy in the interest of patient safety and public protection.

The BPC employs a Registrar and Inspectors to carry out its functions that include the registration of pharmacy facilities, the licensing and registration of pharmacists and pharmacy technicians, and the licensing of pharmacy interns.

Pharmacists who want to practice in the Commonwealth of The Bahamas must be registered and licensed with the BPC and pharmacies must also register with the BPC to operate. You can check the registration status of a pharmacist or pharmacy in the public online registers that are located on the BPC website at bahamas@pharmacycouncil.net.

The office of the BPC is located at #23 Capital House, Augusta and Virginia Streets, Nassau, N.P. Bahamas. The BPC can be contacted by telephone, fax or postal service at  (242)-326-5066 or (242)-322-1020,  (242)-322-3118 or  P.O. Box N-4460, respectively.

Disclaimer: The details of the complaints and disciplinary process and the role of the Bahamas Pharmacy Council are contained in full in the Pharmacy Act, 2009 [Ch. 227]. This guide is not a legal interpretation of the Act. You can find the Pharmacy Act, 2009 [Ch. 227] on the BPC website and at <http://laws.bahamas.gov.bs>.

WHAT YOU SHOULD KNOW ABOUT MAKING A COMPLAINT

What can I do if I am unhappy with the treatment I receive from a pharmacist or pharmacy?

It would be politically correct to speak first with the pharmacist or pharmacy owner in a good faith effort to resolve the dispute. Most complaints can be resolved directly with your pharmacist. However, if you are unsatisfied with the outcome of an attempt at resolution, or if you are concerned about the behavior, conduct, practice or health of a pharmacist, or if you are not satisfied with the treatment you received in a pharmacy, you can make a formal complaint to the BPC.

The purpose of the BPC complaints process is to consider your complaint and any information that the pharmacist or pharmacy owner provides, and decide whether any further action is needed.

Who can complain?

Anyone from the general public at large is entitled to make a complaint, including patients or customers, employers and other health professionals. You may also have someone complain on your behalf, with your consent. The Registrar of the BPC may also make a complaint about a pharmacist or pharmacy.

What type of complaints will the BPC consider?

The BPC can consider complaints regarding any of the following:-

- ◆ Impairment of the registered individual's ability to practice, i.e., any illness rendering him/her unfit to practice pharmacy, for example, physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs.
- ◆ Dishonesty
- ◆ Negligence or incompetence in the performance of his/her professional functions.
- ◆ Misleading, false or fraudulent representation in the procurement of his/her registration.
- ◆ Serious professional misconduct which may include, but is not limited to, the following:-
 - Improper conduct or association with a patient;
 - Willful or deliberate betrayal of a professional confidence;
 - Abandonment of a patient in danger without sufficient cause and without allowing the patient sufficient opportunity to retain the services of another pharmacist;
 - Knowingly giving a certificate with respect to any matter relating to pharmacy which the pharmacist or pharmacy technician knows or ought to know is untrue, misleading or otherwise improper;
 - The division with any person who is not a partner or assistant of any fees or profits resulting from the taking or advice from another pharmacist without the patient's knowledge or consent;
 - The abuse of intoxicating liquor or drugs;
 - The impersonation of another pharmacist or pharmacy technician;
 - Association with unqualified or unregistered persons whereby such persons are enabled to practice pharmacy;
 - Any willful or negligent misrepresentation as to the curative efficacy possessed by a drug or any other substance, whether inherently or by administration or application thereof;

- Knowingly practicing pharmacy while under the influence of alcohol or drugs to such an extent as to constitute a danger to the public or a patient;
 - The doing of or failure to do any act or thing in connection with his professional practice, which is in the opinion of the BPC unprofessional or discreditable;
 - The willful or negligent failure to comply with any directive given by the BPC with respect to the dispensing of drugs or otherwise; and
 - Conviction of an indictable offence.
- ◆ Failure to obey the conditions attached to registration or licensing.
 - ◆ Failure to comply with any provision of the Pharmacy Act, 2009 [Ch. 227] or the Pharmacy Regulations, 2010.

Are there any complaints that the BPC **CAN NOT** consider?

The BPC cannot consider complaints regarding the following:-

- ◆ Health Professionals who are not registered under the Pharmacy Act, 2009 [Ch. 227], e.g. complaints against a medical practitioner or dentist must be filed with the Bahamas Medical Council or the Bahamas Dental Council, respectively;
- ◆ Pharmacy employees who are not registered under the Pharmacy Act, 2009 [Ch. 227], e.g. cashiers, delivery drivers, etc. These complaints must be lodged with the individual facility or pharmacy owner.
- ◆ Businesses that are not pharmacies or a facility duly registered under the Pharmacy Act, 2009 [Ch. 227], e.g. a complaint against a grocery store, gas station or other premises permissible by law to sell over the counter drug products must be filed with the Department of Consumer Affairs;
- ◆ Commercial matters, such as pricing or non-payment of rent on commercial premises;
- ◆ Employment issues, such as hours of work or contracts of employment.

The BPC is not permitted to:-

- ◆ Give legal advice or provide legal representation;
- ◆ Help you make a claim for compensation, or award compensation;
- ◆ Provide or arrange medical treatment or counseling for you;
- ◆ Ask a pharmacist on your behalf to do something;
- ◆ Force a pharmacist or pharmacy owner to apologize to you;
- ◆ Give you an explanation of what happened.

How do I make a complaint?

YOUR COMPLAINT MUST BE IN WRITING. We cannot accept complaints made over the telephone. You may fill in and sign a copy of the BPC complaint form and return it by post or scanned by email to the BPC. The complaint form is available on the BPC website at bahamas@pharmacycouncil.net. You can also telephone the BPC office and a complaint form will be sent out to you. **YOUR COMPLAINT IN WRITING MUST HAVE YOUR SIGNATURE.**

You must include the following information in your complaint:-

1. Personal details, i.e., your full name, address and daytime telephone number;
2. Details of the event, i.e., as much information about the circumstances of your complaint as you can recall, including names, dates and places;
3. Details of the individual against which the complaint is made, i.e., as much information about the pharmacist or pharmacy as you can recall, such as name and place of work;
4. Supporting documents that you may have, including copies of prescriptions or letters;
5. Corroborating support, i.e., the name and contact details of anyone, such as a witness, who can confirm the matters you describe in your complaint.

Forward your complaint form and supporting documents to the BPC by either of the following:-

By Hand  Bahamas Pharmacy Council
#23 Capital House
Augusta and Virginia Streets
Nassau, N.P. Bahamas

OR

By e-mail  bahamas@pharmacycouncil.net

OR

By post  Bahamas Pharmacy Council
#23 Capital House
P.O. Box N-4460
Nassau, N.P. Bahamas

Do I need legal representation?

No. You do not need legal representation to make a complaint.

Can the BPC help me make my official complaint?

No. The BPC cannot help you make a complaint.

The BPC can assist you by answering your questions regarding the process of making a complaint, what making a complaint means and what might happen after you make a complaint. If you would like to discuss the complaints procedure, please contact the BPC office.

What happens after I make my complaint?

- ◆ When the BPC receives your written complaint, the following procedures will occur:
- ◆ The BPC will write to inform you that we have received your complaint;
- ◆ The BPC will forward a copy of your complaint to the pharmacist or pharmacy against which the complaint is made;
- ◆ The BPC will give the pharmacist or pharmacy owner an opportunity to provide comments in regard to your complaint;
- ◆ The BPC will send you a copy of the response of the pharmacist or pharmacy owner for further comment;
- ◆ The BPC will forward any further comments that you make to the pharmacist or pharmacy owner for their final comment.

Who will examine my complaint?

The complaint will be referred to the Complaints Committee (CC) of the BPC who will consider your complaint and may require further information from you, the pharmacist or the pharmacy owner.

Upon review of the information, the CC will decide whether:-

1. There is a case for further action. If the Council agrees, the case is referred to the Disciplinary Committee.
2. There is insufficient cause to take further action. If the Council agrees, the complaints process ends and no further action will be taken on your complaint.

What sanctions may be imposed?

The BPC may, if it thinks fit, either:-

Suspend the registration of the individual or facility for a period not exceeding one year;

Direct the Registrar to remove his/her name from the register as the case may require; OR

Censure that person.