



When an officer comes knocking

Pharmacists are often approached by various government or other authorities requesting information such as patient records. Understanding your rights and responsibilities in such situations can ameliorate fear of repercussion, incrimination or a breach of duty.

It is, of course, paramount that the pharmacist always considers a patient's entitlements to privacy, as well as their own confidentiality obligations and interests, before responding to requests for information.

Any officer requesting information will be supported by certain powers governed in a myriad of ways. What they can and can't do is usually dictated by legislation and regulations. Importantly, you cannot allow access to a patient's records without that patient's written authority. If the patient has died, written consent of the executor or legal personal representative of their estate is required. However, some laws grant certain authorities investigative powers which override a patient's right to privacy.

While it is impossible to provide advice covering every potential request for information, there are a number of general rec-

ommendations suggested by Guild Legal when facing such a situation.

Be polite

Of course be polite and express an initial desire to help as much as you are reasonably able. This may seem trite but the officer, who is simply doing their job, is less likely to respond by pressuring you into compliance and instead provide you with the time necessary to make further investigations.

Be firm

Yet you are entitled to advise the officer that despite wishing to help as much as possible, you must consider and act in the interests of your patients, in particular their privacy, which is your professional responsibility.

Therefore, do not proffer any information or allow access to patient records until the authority to make such enquiries, or access such documents, has been established. You are entitled to request in writing under what statute they are empowered to make such enquiries and to see the actual statute. If such a circumstance arises and you are insured by Guild Insurance, they can arrange for Guild

Legal to contact you and make the necessary enquiries on your behalf.

If the inquirer also wants answers to certain questions, you are not bound to agree to a lengthy interview process. Guild Legal recommends the questions be put in writing so that you can seek legal help with the answers.

Advise your client

While investigating the inquirer's authority, it's a good idea to advise in writing, if possible, the relevant patient/s that they are being investigated and what information the inquirer seeks. If the patient has an issue with the request, they can then liaise directly with the inquirer.

Tell your insurer

Questions by such an officer may reflect concerns against your patient or against your pharmacy. Therefore, it is strongly recommended that you advise PDL or Guild Insurance to protect your interests.

Obtain legal representation

If the inquiry may result in an adverse finding against you, once again immediately advise PDL or Guild Insurance so that they can arrange legal representation before you answer any questions or provide access to any documents.

While you may still be obliged to answer questions and/or provide documents, a legal representative will ensure that, to the best of your ability, you will not incriminate yourself or breach your duties of confidentiality to your patients.

Complying with request

If you are satisfied that the inquiring officer has the authority to obtain such information, you must ensure that your response to their inquiries are restricted to the relevant patient/s. Do not allow access to computer records which list many of your patients. The inquirer may seek copies of your records and you are entitled to charge for search and/or copying fees. ■

A reminder on scanners—use them!

PDL is concerned that many pharmacies that have installed dispensing scanners are not using them.

The selection of the incorrect product or the incorrect strength of the right product is the cause of over 50 per cent of errors reported and the use of scanners has been proven to reduce the likelihood of this occurring.

The use of a scanner is simple and should be used as directed in the PDL 'Guide to good dispensing'. Following the generation of labels and repeat authorities, check the label against the original prescription and place it on the selected product leaving the bar code exposed. Now scan the bar code of the labeled product for the correct identification.

With the increase in the use of dispensary technicians the above procedure should be followed, but with the additional step recommended by PDL for the supervising pharmacist, who is responsible for the dispensing of the prescription, to scan again at the final check.

Prevent errors and have peace of mind!