

Leading MPs broker agreement for a change in the law on dispensing errors

- Good progress, says All-Party Pharmacy Group, but the issue is not yet resolved.

The All-Party Pharmacy Group is calling on the Department of Health to move swiftly in implementing agreed changes to the way dispensing errors are treated under the law. The call for action follows a meeting on the subject held in the House of Commons on 16 June. The Group heard from a number of stakeholders about the implications of a recent case in which a community pharmacist was given a suspended prison sentence after reporting a single, genuine dispensing error. Key stakeholders were united around a package of measures that will ensure pharmacists are able to report and learn from dispensing errors in future without fear of criminal conviction and a prison sentence.

Dr. Howard Stoate MP, Chair of the All-Party Pharmacy Group said; ‘The meeting demonstrated that there is consensus among all parties that the current legal framework governing dispensing errors is out of date, and does not work in the best interests of patient safety. A regime that strikes fear into pharmacists and discourages them from reporting errors is bad for patients and for the profession. We have agreement on what’s needed, which is good, but now we must see swift moves to make the changes we agreed.

‘We have all been deeply concerned by the implications of recent events, and I was pleased that the Department of Health has agreed that the Medicines Act needs to be changed to remove the prospect of criminal conviction if a pharmacist reports a genuine mistake. This will be done as part of the MHRA’s review of the Act. But that review will take a year, possibly two. Pharmacists’ confidence must be restored well before then. So the interim plan that the Crown Prosecution Service adheres to a new protocol under which pharmacists reporting errors are not prosecuted would be very good news for the profession, for patients and for the NHS..’

‘We urge the Department and the MHRA to engage with the CPS immediately – this issue is too important for weeks and months to slip by without any progress. We will be watching closely and we will be keen to see early progress.

The All-Party Group has written to Minister for Health Services, Mike O’Brien MP, outlining the key points to come out of the meeting and calling for action to be taken:

Importance of the issue

“The risk of imprisonment is a major disincentive for pharmacists to report human errors, and that hinders the profession in learning from mistakes and reforming procedures to guarantee there is the highest level of patient safety”.

DH proposals

“We were pleased that the Chief Pharmaceutical Officer, Dr Keith Ridge, agreed the Medicines Act 1968 needs to be amended in order to decriminalise the reporting of genuine errors, while maintaining legal and regulatory sanction against gross misconduct or deliberate acts likely to cause harm to patients”.

Timescales

“The timescale for this is lengthy, we therefore support Dr Ridge’s proposal that an interim arrangement is put in place to restore confidence among pharmacists in error reporting as quickly as possible”.

“It is vitally important that we quickly restore confidence among pharmacists and encourage them to report errors and to learn from them. Consequently, we must put the interim arrangement in place rapidly, and it must be clearly communicated to the profession and to relevant authorities”.

END

For further information, please contact Toby Pellew at Luther Pendragon on 0207 618 9100 or tobyp@luther.co.uk

Notes to editors

The APPG meeting was held on Tuesday 16th June 2009. The meeting was attended by a number key stakeholders, including early adopters in community pharmacy, DH officials, PCTs, GP’s representatives, as well as representatives of pharmacy and patient groups.

Speakers at the event included:

Steve Churton, President, Royal Pharmaceutical Society of Great Britain

Mark Koziol, Chief Executive, Pharmacists Defence Association

Ian Facer, Chairman, NPA

Dr Keith Ridge, Chief Pharmaceutical Officer for England, Department of Health

Further information is available on the Group’s website:

www.appg.org.uk