



ALL-PARTY PHARMACY GROUP

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All-Party Pharmacy Group Meeting: Investigation into the Decriminalisation of Dispensing Errors

The All-Party Pharmacy Group meeting took place at 16.15 on Tuesday 16th June 2009 in Committee Room 15 in the Palace of Westminster. Dr Howard Stoate MP chaired the well attended meeting, which was standing room only.

The meeting focussed on the implications of disproportionate treatment of human error by community pharmacists and investigated the possibility of decriminalising genuine dispensing errors.

Speakers included;

Steve Churton	President, Royal Pharmaceutical Society of Great Britain
Mark Koziol	Chief Executive, Pharmacists Defence Association
Ian Facer	Chairman, National Pharmacy Association
Dr Keith Ridge	Chief Pharmaceutical Officer for England, Department of Health

Highlights of the session included:

- HS read aloud extracts of a private letter sent to him by Elizabeth Lee, the pharmacist recently convicted and given a suspended prison sentence after reporting a dispensing error.
- MK described his experience of the way that the authorities investigate honest mistakes by pharmacists. He called for changes to the Medicines Act 1968 to decriminalise dispensing errors and argued that the Crown Prosecution Service should adopt new guidelines on how to treat pharmacists who report errors, to avoid similar experiences of that of Elizabeth Lee
- SC emphasised that a “quick fix” to prevent the criminalisation of a genuine dispensing error wasn’t the right course of action. Rather than “on the hoof” reform, the Department of Health needs to address the issue of proportionality of blame and ensure that there are appropriate and responsible responses to dispensing errors.
- IF stressed the importance of pharmacists sharing their experiences, good and bad, and learning from their mistakes. Criminalising human errors in dispensing is a huge disincentive. He added that error reporting was in his experience a cumbersome and unclear process.
- KR noted that the Medicines Act had served the pharmacy profession and pharmaceutical industry well and it will take time (1-2 years) to review and propose changes to the Act. Nonetheless, there will be a comprehensive review of the Act and it will address the issue of decriminalising dispensing errors.
In the interim the MHRA and CPS are working on an agreement that criminal prosecutions for dispensing errors will not be pursued by the police unless there is a clear public interest case. Instead, the case will be handed over to the Royal Pharmaceutical Society.
- KR confirmed that the Health Minister responsible for pharmacy policy would change from Phil Hope to Mike O’Brien
- Comments from the audience focused on the importance of a no-blame culture, which incentivises pharmacists to report errors in order for the profession to learn from mistakes and subsequently reform procedures to increase patient safety

- NPSA reinforced the point of incentivising reporting. NPSA noted that there are between two and three million medication errors.
- Questions from the floor also reiterated the points made by the speakers of the need for a responsible and proportionate legal and regulatory framework. Error reporting must not be discouraged by outdated and legislation that is used in a heavy-handed manner, since this compromises patient safety.
- The role of manufacturers and patients was discussed – highlighting that errors aren't just down to the person dispensing the medicine. Mistakes can also be made as a result of lookalike packaging and labelling, or mistakes made by the patient
- There was universal agreement that the way forward was to ensure the MHRA review of the Act resulted in a change to the provisions that criminalise error reporting, and that in the meantime new guidelines should be adopted by the CPS as soon as possible to ensure that criminal prosecution do not take place in cases where a genuine error is reported.