

Code of Ethics for the Pharmaceutical Profession

Pharmacy Council Malta

Email: pharmacy.council@gov.mt

Preamble

The Code of Ethics for the pharmaceutical profession publicly sets out the principles that are mandatory on registered pharmacists, qualified persons and pharmacy technicians in their professional and personal conduct.

The Code of Ethics is being issued by the Pharmacy Council in accordance to the provisions made under Article 16(d) of the Health Care Professions Act, 2003 which provides that one of the functions of the Pharmacy Council shall be to prescribe and maintain professional and ethical standards for pharmacists and pharmacy technicians and qualified persons and which came into force on 21st November 2003.

The principles express the responsibilities and professional values that are fundamental and inherent to the pharmaceutical profession. They reflect and support the developments in the profession, the patient-centred practice and take into consideration patients' rights and responsibilities.

They are intended to guide and direct pharmacists, qualified persons and

pharmacy technicians in their relationships with patients, colleagues, regulatory and administrative authorities and society.

They 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. They also inform patients and society of the standard of behaviour that is to be expected from members of the pharmaceutical profession.

Pharmacists, qualified persons and pharmacy technicians should make these principles an integral part of their professional life and aspire to the highest possible standard of conduct. They should avoid any action or omission, within their sphere of responsibilities, which would prejudice the provision of a pharmaceutical service; or cause harm to the patient/client or society; or impair confidence in and respect for the profession.

The Code is to be read in conjunction with current legislation that is applicable either directly or indirectly to the pharmaceutical profession and to guidelines issued by the Pharmacy Council.

Status of the Code of Ethics

The Principles expressed in the Code are mandatory. All registered pharmacists, qualified persons and pharmacy technicians, irrespective of their area of practice are to abide by this Code. Their professional and personal conduct will be judged against this Code. Failure to comply with these principles or infamous conduct may lead to disciplinary sanction and could put their registration and licence to practise at risk

The Pharmacy Council wishes to be clearly understood that the Disciplinary Committee will take into account the Code when considering any case that appears before them, but not limited solely to the matters mentioned in it. The Code does not constitute and is not intended to constitute a complete enumeration of the offences that may entail disciplinary action. Nothing in this Code is to be limit the discretion of the Disciplinary Committee in reaching a determination in any case in accordance to the facts brought before it.

Applying these principles

Pharmacists and qualified persons have overall responsibilities for pharmaceutical services they render, in their area of practice. Pharmacy technicians have responsibilities for the work they render to support, develop and/or provide these pharmaceutical services. Pharmacists, qualified persons, and pharmacy technicians are responsible for their actions, and legally and ethically accountable for them.

In their practice of the profession, pharmacists, qualified persons, and pharmacy technicians are expected to apply the principles of the Code when deciding on a course of action and must be able to justify their actions and decisions they take (if asked to do so). In situations where there are conflicting principles they must evaluate the risks and benefits associated with each course of action and decide what is most appropriate in the interests of patients and society.

1. Relationship with patients and society

1.1 Respect human dignity

Members of the pharmaceutical profession, in the practice of their profession must carry out their role with respect for life*.

They must respect and protect the dignity of individuals, respect their physical and mental integrity and their rights.

They must respect the personal and cultural differences, beliefs and values of patients/clients; and must not be judgemental nor impose their beliefs and convictions on them. They must treat all those who seek their professional services with courtesy and with due consideration.

1.2 Establish and preserve a fiduciary relationship

Members of the pharmaceutical profession must endeavour to establish and maintain a professional relationship with their patients.

Members of the pharmaceutical profession must uphold the trust granted

to them by patients and society and build confidence in their commitment and competence to achieve the desired objective and maintain their trust.

1.3 Promote the interest and wellbeing of the patient

Members of the pharmaceutical profession, irrespective of their area of practice, whether they have direct or indirect contact with patients, must have as their prime objective the well-being, best interest and safety of patients.

They must place concern for the well-being of the patient at the centre of their practice.

Members of the pharmaceutical profession must safeguard patient's access to safe medicinal products which are of good quality and efficacy.

Pharmacists must provide individualized care in an emphatic, compassionate and prudent manner.

Such care must be based on scientific knowledge after taking into consideration the patient's perception and needs, in the context of societal interests.

1.4 Act with honesty and integrity and with conviction of conscience

Members of the pharmaceutical profession must act with honesty, integrity and with conviction of conscience in their professional relationships.

They must honour commitments, agreements and arrangements for the provision of their services. They must not abuse of their professional position or abuse the vulnerability of others.

Members of the pharmaceutical profession must, to the best of their abilities, provide truthful, accurate and objective and current information in a manner which is easily understood by patients, society and colleagues.

By their actions, they must not mislead nor make any claims that cannot be justified.

Members of the pharmaceutical profession must respect patients' wishes not to be given information. However, possible consequences of this refusal must be outlined.

Members of the pharmaceutical profession must act with conviction of conscience. They have no obligation to offer or provide a professional service in ways which conflict with their own personal, moral or religious beliefs. In such situations the patient/client must be informed that they cannot render such a service.

1.5 Respect patients' autonomy

Pharmacists must encourage and empower patients, or in certain circumstances their carers/guardians, to actively participate in decisions about their health and care, and to manage their condition. This must be done, when appropriate, in partnership with other members of the healthcare team, and entails an open dialogue.

Pharmacists must respect patients' right to choose whether or not to actively participate in these decisions.

1.6 Respect and safeguard confidentiality

Members of the pharmaceutical profession must respect and safeguard confidentiality and must not disclose voluntarily to others, and must take appropriate measures to prevent

Definitions

Member of the pharmaceutical profession: refers to pharmacists, qualified persons and pharmacy technicians who are regulated by the Pharmacy Council.

Pharmacist: The term 'pharmacist' encompasses, but is not limited to, the following areas of practice: managing pharmacist, community pharmacist, locum pharmacist, clinical pharmacist, hospital pharmacist, pharmacist working in the advertising and marketing of medicinal products including medical representation, responsible pharmacists in wholesale distribution of medicinal products, pharmacists working in industry not including qualified persons, pharmacists practising in regulatory affairs, administration, policy making, academia and in research and development.

Patients: individuals or groups, whether healthy or ill, who have access to or are affected directly or indirectly by a particular professional service/ medicinal product from a member of the pharmaceutical profession.

Society: refers to the general public.

Colleagues: refers to professionals from the pharmaceutical profession or other professions.

Authorities: refers to those entities defined as such by Legislation.

Health care team: refers to the team made up of doctor/s, pharmacist/s and other health care professions who are taking care of patient/s.

Pharmaceutical services: services rendered by members of the pharmaceutical professions.

* The Charter of Fundamental Human Rights of the EU, 2000. Universal Declaration of Human Rights, United Nations, 1948. A Declaration of the promotion of patients' rights in Europe, World Health Organization, 1994.

unauthorised access to, any information and facts entrusted or made known to them in the exercise of their profession except with the informed consent (preferably in writing) of the patient, when permitted to do so by law or in exceptional circumstances.

Members of the pharmaceutical profession must strive to respect privacy whilst providing consultations.

1.7 Give the same dedication and care to all

Members of the pharmaceutical profession must give the same dedication, care and attention to everyone without discrimination.

In rendering a pharmaceutical service they must ensure that the individual needs of their patients are met, taking into consideration societal interest.

1.8 Serves the needs of society

Members of the pharmaceutical profession must be attentive and sensitive to the well-being and healthcare needs of society.

Members of the pharmaceutical profession should act with fairness and equity in the allocation of any health resources made available to them.

Members of the pharmaceutical profession must endeavour to promote measures designed to prevent ill health, and to promote healthy lifestyles.

2. Responsibilities towards the profession

2.1 Uphold the dignity of the profession

Members of the pharmaceutical profession must strive to uphold the dignity and respect of the profession.

Members of the pharmaceutical profession must maintain high standards of personal and professional conduct in conformity with their role as members of the pharmaceutical profession and abstain from any behaviour or activity likely to bring the profession in disrepute or undermine public confidence in, and respect for, the profession even outside the exercise of the profession.

2.2 Exercise professional judgement

Members of the pharmaceutical profession must preserve their professional autonomy and exercise professional judgement in the interests of patients and society, within the parameters of their responsibilities, after taking into account all the relevant circumstances. They must not accept to practise under conditions in which this freedom may be compromised.

Members of the pharmaceutical profession must not allow personal interests, commercial interests such as incentives and targets, technical constraints or other conflicts of interest that may impair their professional judgements.

Members of the pharmaceutical profession should be prepared to challenge their colleague's decisions if they believe that these decisions compromise the wellbeing and safety of patients and society. This without prejudice to the holding of good relationships between them.

2.3 Personal professional responsibility

Members of the pharmaceutical profession, when rendering professional services, are professionally responsible and ethically and legally accountable for their decisions, behaviour and any services/work done under their supervision.

Members of the pharmaceutical profession must ensure that:

- All legislation, applicable to their area of practice is abided by at all times,
- They have the requisite skills and knowledge to undertake, perform or provide services in their area of practice. When additional knowledge or expertise is required they must refer or consult with others who possess the necessary competence,
- They and other personnel in their employment or under their supervision have sufficient language competence to communicate effectively,
- Their practice procedures are accomplished with care and attention and in line with codes and standards of practice applicable to their area of practice,
- They have access to the facilities, equipment and material necessary to provide services to professionally

accepted standards. They must raise concerns, and take appropriate actions if policies, systems, work load and working conditions compromise the standard of practice, patient care or public safety,

- Before accepting and during employment they must disclose any conscientious objection, or conflict of interest and other factors which may affect their ability to render certain professional services.
- They comply with the Guidelines in their area of practice issued by the Pharmacy Council and the Regulatory Authorities,
- They practice only if they are competent to do so and must declare to the Pharmacy Council, employer or relevant authority any circumstances that call to question their fitness to practice or bring the profession into disrepute, including ill health that impairs ability to practice, and any criminal convictions.
- They conduct research in accordance to the relevant Research Ethics Guidelines and with the authorisation of the appropriate research ethics committee.
- If any tasks are to be delegated by them they are delegated to persons, who to their knowledge have the required qualifications, competence and skills to undertake these tasks effectively and efficiently and who comply with work instructions and are authorised to perform these tasks. There must be appropriate supervision.

2.4 Develop and maintain competence to practice

Members of the pharmaceutical profession must develop and maintain professional competence relative to their area/s of practice so as to be able to provide an effective and adequate pharmaceutical service which is of high quality, up to date and evidence based.

2.5 Contribute to the development of the profession

Members of the pharmaceutical profession must strive to be innovative in their endeavours to develop the pharmaceutical services they render to patients and society in line with their needs.

2.6 Educate and train future members of the pharmaceutical profession

Members of the pharmaceutical profession should endeavour to assist in the education,

training and professional formation of future generations of the pharmaceutical profession, and other professions.

Members of the pharmaceutical profession must serve as role models for future members of the pharmaceutical profession. They must foresee how their attitudes and dispositions towards patients, colleagues, and other stake holders would influence the attitude of future members of the pharmaceutical profession and to present model standards of professional behaviour.

3. Inter- and intra-professional relationships

3.1 Cooperate with colleagues

Members of the pharmaceutical profession must establish and maintain good professional relationships with colleagues and respect their competences, responsibilities, professional autonomy and conscience.

Members of the pharmaceutical profession must communicate and collaborate with colleagues to ensure that optimal care, treatment and service is provided to patients and to society.

In interacting with colleagues, Members of the pharmaceutical profession must contribute their technical and scientific expertise so as to facilitate a reciprocal exchange of knowledge and information. They should endeavour to contribute to the development, education and training of their colleagues.

Members of the pharmaceutical profession must avoid any action that can jeopardize the relationship of a patient with colleagues or impair confidence in them. They must also avoid any action which can impair confidence in any profession.

Commercial or financial interests must not motivate or undermine the professional relationship with other colleagues to obtain advantages to the detriment of patients. Members of the pharmaceutical profession must not prevent in any way a patient's free choice of another health care professional or service provider.

Members of the pharmaceutical profession must assist colleagues who need their support or seek their advice.

In situations where members of the

pharmaceutical profession have good reason to believe that a colleague may not be fit to practice the profession due to ill health, or other circumstances that impairs his/her ability to practice, or bring the profession into disrepute, they must act immediately to safeguard patients, society and the profession.

3.2 Maintain good professional relationship with employers and service providers

Members of the pharmaceutical profession should endeavour to maintain good professional relationships with their employers, service providers and stakeholders, in the best interest of patients and society.

4. Relationship with the regulatory and administrative authorities

4.1 Collaborate with the competent authorities and institutions

Members of the pharmaceutical profession must assist and collaborate with the competent authorities and institutions in a relationship based on mutual trust and respect to reach their objectives and to safeguard public health.

5. Promotion and advertising

5.1 Patients and public to freely choose their pharmacist or service provider

Members of the pharmaceutical profession must not promote or conduct any activities that limit or prevent in any way patients and public to freely choose their pharmacist or service provider.

They must abstain from all competition which undermines collegiality or misleads patients.

Members of the pharmaceutical profession must not use their honorary titles and position; whether elective, administrative or academic to depreciate others. It is contrary to public interest and to the dignity of the profession for pharmacists to secure patients or promote one's professional advantage to the exclusion of others. This being however

understood that pharmacists may advertise as per guidelines issued by the Pharmacy Council in local publications in support of their community.

5.2 Personally responsible for publications and educational material under their name

Members of the pharmaceutical profession engaged in publishing material suitable for the public and colleagues in any form whatsoever, printed or audio shall be responsible for any improper or undue self advertising. This does not, however, apply to books on scientific or professional material or to articles or correspondence in professional journals.

Entries in normal type in telephone directories are permitted according to the guidelines issued by the Pharmacy Council.

5.3 Promotion of medical products and other products

It is expressly forbidden for a member of the pharmaceutical profession to use his/her professional status to promote or endorse or in any other manner support publicly any product or medicinal or otherwise.

Members of the pharmaceutical profession must not participate in promotional methods that encourage patients and society to equate medicines with ordinary items of commerce.

5.4 Pharmaceutical services rendered to the public

Pharmaceutical services must not be promoted or advertised in such a way as to draw direct or indirect comparison with other service providers or discredit others.

Members of the pharmaceutical profession must not use financial incentives to encourage patients to use their services or purchase their medicinal products in preference to that offered by other members of the profession. Such prohibited incentives may include but are not limited to:

- Offering standard discounts to clients on medicinal products and pharmacy only items;
- Exhibiting medicinal products prices at less than the recommended retail prices.