
Pharmacist

Report on Opinion - Case 98HDC13093

Complaint The consumer was prescribed Indocid-R 75mg tablets. The consumer's partner took the prescription to a pharmacy to be dispensed. A generic form of the medication was dispensed without either the consumer or his partner being informed. When the consumer became aware the tablets were not Indocid-R he was out of town and continued taking them. He was not satisfied with the effect of the medication which caused a number of problems.

Investigation The complaint was received by the Commissioner on 30 March 1998 and an investigation was undertaken. Information was obtained from:

The Complainant/Consumer
The Provider/Pharmacist
The Proprietor of the pharmacy where the provider worked

Outcome of Investigation In mid March 1998 the consumer's partner took the consumer's prescription to be dispensed to the pharmacy. The medication prescribed was 90 tablets of Indocid-R 75mg. One tablet was to be taken daily. Indocid-R is a brand name for Indomethacin.

The consumer's partner had earlier been to two other chemist shops to try and have the prescription filled, without success. She told the duty pharmacist at the pharmacy, (the provider who is the subject of this opinion) of this. The consumer's partner also told the pharmacist that the consumer was due to go on holiday and he needed the medication prior to leaving.

The pharmacist checked in the dispensary and found that Indocid-R was not available in any quantity. However, an alternative medication Rheumacin SR, also a brand name for Indomethacin, was available and 19 tablets were dispensed, with the balance to be collected later. After leaving town the consumer realised that Indocid-R had not been dispensed, but, as he was out of town, he continued taking the medication. He found the Rheumacin SR less effective than Indocid-R and experienced nausea. On one day he took four tablets which was three more than the prescribed dose.

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Report on Opinion - Case 98HDC13093, continued

**The Code of
Health and
Disability
Services
Consumers'
Rights**

RIGHT 4

Right to Services of an Appropriate Standard

- 2) *Every consumer has the right to have services provided that comply with legal, professional, ethical, and other relevant standards.*

RIGHT 6

Right to be Fully Informed

- 1) *Every consumer has the right to the information that a reasonable consumer, in that consumer's circumstances, would expect to receive...*
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Standards

In forming my opinion I have taken into account the following standards.

Regulation 42(4) of the Medicines Regulations 1984 states:

(4) Where any practitioner or veterinary surgeon refers in a prescription to a medicine by its trade mark or trade name, or by reference to the name of its manufacturer, a pharmacist shall supply that medicine accordingly, unless the practitioner or veterinary surgeon has sanctioned a change -

(a) In relation to that particular prescription; or

(b) In writing generally in relation to that particular medicine; or

(c) In writing generally in relation to medicines in general, -

and any such change, together with the date of sanction, shall be noted on the prescription by the pharmacist who shall sign the prescription.

Rule 2.12 of the Pharmaceutical Society's Code of Ethics states:

A pharmacist must dispense the specific medicine prescribed and must not substitute other medicine unless authority has been given in advance by the prescriber or in cases of obvious error or in an emergency. Where it is not possible to obtain authority before dispensing a medicine, the prescriber must be informed as soon as practicable of the action taken and the reason for that action.

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Report on Opinion - Case 98HDC13093, continued

**Opinion:
Breach** In my opinion the pharmacist breached Rights 4(2) and 6(1) of the Code of Health and Disability Services Consumers' Rights as follows:

Right 4(2)

According to regulation 42(4) of the Medicines Regulations 1984 and Rule 2.12 of the Code of Ethics the pharmacist was required to dispense Indocid-R. To dispense a substitute the pharmacist was required to contact the prescribing doctor and seek his/her approval for the substitution. The pharmacist did not do that and was therefore in breach of legal and professional standards.

Right 6(1)

In my opinion the pharmacist's failure to ensure the consumer was informed of the substitution was a breach of Right 6(1) of the Code of Rights. While I recognise that the pharmacist wished to assist the consumer, who needed the prescription, she should have informed the consumer, through the consumer's partner, of the substitution. Further, she should have informed him that if he had any problems he should call the pharmacy or the doctor.

**Future
Actions** I recommend that the pharmacist apologise in writing to the consumer for breaching the Code of Rights. This apology should be sent to the Commissioner's Office and will be forwarded to the consumer. A copy will be retained on file.

I recommend the proprietor of the pharmacy ensure the pharmacy's policy clearly states the requirements for substitution and all pharmacists working at the pharmacy are informed of this.

A copy of this opinion will be sent to the Pharmaceutical Society.
