



A WORD IN YOUR EAR

Our business is A Word in Your Ear

Constitutional Court ruling

You will no doubt have heard that the Constitutional Court delivered judgment

on the pricing regulation issue. It's taken a long time, but everyone is relieved that the court case is now over, and we can all get on with the important task of determining appropriate dispensing fees.

A large part of the judgment was very technical. It's amazing how adding or taking away just one word can make a difference.

Each of the three components of the price of a medicine was dealt with in detail. In effect, the Single Exit Price remains largely unchanged. The regulations will be amended to make sure that it is clear that VAT must be included in its calculation.

One of the problems with the regulations, the way they were originally published, was that there was no transparency in the fee that was to be paid to wholesalers and distributors. The court has ordered this to be corrected.

From a practice point of view, the most important part of the findings of the court was that the dispensing fee was found to be inappropriate. This was the major concern of the Pharmaceutical Society when it decided to go to court. The fee, as it was published, could not provide enough income to enable pharmacies to keep going. In other cases, they might be able to keep their doors open, but would have to stop providing the services that they had been giving. The first people to be affected were often staff and we know of many retrenchments, so many lives were affected. We also know that some private sector pharmacists have said that they would like to employ more pharmacist's assistants, but they just can't afford it.

A new Pricing Committee has been appointed and, together with the Department of Health and all other stakeholders, will take into account all facts and opinions

before setting a new dispensing fee. This is not going to be easy, but the court has agreed that it is essential.

Pharmacy Council disciplinary matters

A pharmacist's assistant (learner basic) was found by his employer to be stealing money. Pharmacy Council decided that this is unacceptable behaviour for someone registered with a professional council. Theft, whether it is of money or goods, cannot ever be condoned. It was decided that he should be suspended from practising for a year. This is very harsh, but it was recognised that he may have learnt his lesson and he may never do it again. The Council therefore agreed that the suspension itself would be suspended for five years, on condition that he is not found guilty of a similar offence committed during this period of five years.

What this means is that he has been given a second chance. If he steals again, he will be suspended for a year, and he will not be allowed to work in any capacity in any pharmacy for that time. It's also likely that no-one will want to employ him in a pharmacy ever again.

I guess it's true – crime *doesn't* pay.

Dress codes

What an interesting subject! Everyone seems to have a different opinion on what an appropriate dress code is.

It's particularly difficult for women. Especially in summer! After all, if you've got it, flaunt it! (And the rest of us will just cover it up, won't we?) But we know that employers, and a lot of patients, aren't happy when a female employee shows a bra strap, cleavage, a tummy or lots of leg. (Just a thought – how would we react to a good looking young man showing his biceps? Or his six-pack? Mm.)

Footwear can also be a problem. Some employers won't allow employees to wear sneakers or casual shoes, but is this appropriate for people who are on their feet all day? And would the public mind, or would they understand? I think I'll go and soak my aching feet.

Lorraine Osman