

MEMO FOR CABINET BY THE MINISTER OF HEALTH ON THE  
SETTING UP OF A PHARMACY BOARD.

The Pharmaceutical profession in Malta as represented by the Chamber of Pharmacists and the Malta Union of Pharmacists has over several years been advocating the establishment of a Pharmacy Board which would ensure the pharmacists' active contribution and participation in any matter relating to and affecting their interests and practice. Their membership on the Medical Council and Advisory and Executive Board failed to meet their demands for various reasons, but mainly because the profession felt that the scope and composition of such statutory bodies imposed severe limitations on its legitimate aspirations and expression. The Pharmaceutical profession has throughout maintained that such problems as training, ethical conduct, discipline and control of drugs could be more effectively tackled if the task were to be undertaken by an "ad hoc" board rather than by para-pharmaceutical bodies over-burdened with other essential work.

In September, 1962, the then Hon. Minister of Health appointed a board ("The Pharmaceutical Services Board") with these terms of reference:-

"To study the existing laws and regulations concerning the pharmaceutical service in general and to make recommendations for its better running".

The Board is made up of the Hon. Minister of Health, as Chairman, and, of the Senior Health Officer and of representatives of the Chamber of Pharmacists, Malta Union of Pharmacists, General Retailers and Traders Union and the Maltese Parliament as members. At its last sitting held on the 5th July, 1967, the Pharmaceutical Services Board unanimously decided to recommend to Government the setting up of a statutory Pharmacy Board.

It is proposed that the Pharmacy Board will be established under the Medical and Health Department

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(Constitution) Ordinance (Chapter 148) and that its members will be the following:-

- (a) A Chairman to be appointed by the Governor General from among (i) persons who are or have been one of Her Majesty's Judges in Malta; or (ii) persons who have not less than 12 years experience as a practising member of the Bar of Malta or a total of 12 years experience as a magistrate and as a practising member of the Bar of Malta;
- (b) two members to be appointed by the Governor General one of whom shall be a medical practitioner;
- (c) two apothecaries to be appointed by the Governor General;
- (d) one member appointed by the Council of the Royal University of Malta;
- (e) three elected members - apothecaries elected by secret ballot by the apothecaries ordinarily resident in Malta; and
- (f) two additional members - assistant apothecaries elected by secret ballot by the assistant apothecaries ordinarily resident in Malta: provided that such members will be entitled to attend the meetings of the Board only when matters relating to and effecting their interests and practice are due to be discussed and they are requested to attend by the Board.

The duties of the Pharmacy Board will be as proposed hereunder:-

- (a) to advise and make recommendations to the Governor-General concerning the grant of licences to apothecaries to practise their profession;
- (b) to keep a register in respect of apothecaries so licensed;

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- (c) to prescribe the course of training of, and to conduct the examination for the grant of a licence to, assistant apothecaries and to keep a register of those so licensed;
- (d) to prescribe and maintain professional and ethical standards for apothecaries and assistant apothecaries; and
- (e) to advise the Minister responsible for public health on any matter, including legislation, affecting the pharmaceutical practice and service.

It is envisaged that the Pharmacy Board will have the power to appoint Committees and Sub-Committees for specific purposes and to make rules and standing orders on the procedure to be followed in the exercise of the functions conferred upon it. These powers will be laid down by law.

The Hon. Ministers' attention is drawn to the main significant implications consequent on the setting up of a Pharmacy Board. It would be necessary to effect a transfer of duties and/or powers from the Medical Council and the Advisory and Executive Board to the Pharmacy Board wherever these duties and/or powers relate to matters affecting the apothecaries and assistant apothecaries. In virtue of this transfer, it would enable the Pharmacy Board to initiate an enquiry, erase from the respective registers names of apothecaries and assistant apothecaries on grounds of conviction or infamous conduct or infirmity, restore name erased to register, make rules of procedure (with the approval of the Governor-General) and enforce the relevant "prohibitions" i.e. the management of two or more dispensaries, etc.

The Minister of Health, however, would remain bound by law to ask the advice of the Medical Council or the Council of Health, as the case may be, in the publication of scheduled lists of poisons, drugs of dependence or medical substances which do not require a medical prescription and no

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change in this procedure is contemplated. In as much as these matters concern intimately the interests of the medical profession and the health of a far wider audience, the community, the desirability of continuing to rely on these two Councils to tender such advice stems from the breadth and nature of their composition.

The responsibility for regulating the programme of study and training of pharmacists would still be vested in the University governing body and these proposals only seek to facilitate the avowed aims of the pharmaceutical professions at closer relationship with the University authorities. The Pharmacy Board, would, however, prescribe the training of assistant apothecaries.

Honourable Ministers are asked to agree to the establishment of a Pharmacy Board as proposed. The relative Bill to amend the Medical and Health Department (Constitution) Ordinance and the Medical and Kindred Professions Ordinance will be brought to Parliament after it has been duly vetted by the Crown Advocate General.

10th October, 1967.