



SHPA's response: Reforms to health regulation in Victoria, May 2024

The Society of Hospital Pharmacists of Australia (SHPA) is the national, professional organisation for the 6,100+ Hospital Pharmacists, and their Hospital Pharmacist Intern and Hospital Pharmacy Technician colleagues working across Australia's health system, advocating for their pivotal role improving the safety and quality of medicines use. Embedded in multidisciplinary medical teams and equipped with exceptional medicines management expertise, SHPA members are progressive advocates for clinical excellence, committed to evidence-based practice and passionate about patient care.

SHPA welcomes the opportunity to provide input into the proposed legislative reforms to improve the regulatory tools available under health portfolio legislation by the Victorian Government. The Minister of Health is commended for the establishment of the Health Regulator in Victoria to play a vital role in maintaining the health and wellbeing of Victorians.

The implementation of regulatory tools to guide the Health Regulator to better apply a best-practice compliance and enforcement approach that upholds a mutual vision to ensure public health and safety is broadly supported by SHPA.

Please see below SHPA's response and additional feedback regarding reforms to health regulation in Victoria for your consideration.

Part 1 – Improved compliance and enforcement tools

Question 1 - Do you support the Health Regulator having access to the proposed compliance and enforcement tools across the regulatory schemes it is responsible for?

Yes. As the national, professional organisation for Hospital Pharmacists in Australia, our members hold high regard for the delivery of safe and quality health services to attain optimal patient care by abiding to relevant jurisdictional legislation and regulations. SHPA supports the Health Regulator having access to the proposed compliance and enforcement tools across the regulatory schemes it is responsible for, to play a crucial role in preventing serious harm to the health and wellbeing of Victorians.

Question 2 - Do you agree that these compliance and enforcement powers will enable the Health Regulator to adopt a more graduated, risk-based, and proportionate approach to compliance and enforcement?

Yes. The implementation of the listed compliance and enforcement powers will provide greater guidance to the Health Regulator to adopt a uniform and standardised approach based on risk and key priority areas to compliance and enforcement.

Embedding this graduated, risk-based, and proportionate approach, fills the current void recognised in mid-range compliance and enforcement tools in response to breaches. SHPA supports this utilisation of allocative efficiency that enables Health Regulators to shift focus towards key priority areas and assess the level of risk and seriousness of a breach which will then guide the appropriate enforcement tools and compliance strategies employed in a timely and effective manner.

The example in the document referring to the Health Regulator issuing an improvement notice to a regulated entity who do not comply with the storage facility requirements of Schedule 4 and Schedule 8 poisons or SafeScript checking, to take specified action within a certain timeframe instead of resorting to prosecution highlights the disparities in current actions. It is evident that current powers held by the Health Regulator may be inadequate, or potentially unjust given the lack of mid-range compliance and



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enforcement tools. This heightens the need for reform and the implementation of a graduated, risk-based and proportionate approach for breaches, whilst ensuring Victorians are kept safe through coordinated and timely action.

Question 4 - Are there any other matters that should be considered in implementing the proposed compliance and enforcement tools (including any specific impacts or benefits for you, your sector, or the regulated services you use)?

The proposed compliance and enforcement tools in response to breaches are necessary implementations, however, it centres a reactive approach to ensuring the safety and wellbeing of Australians. SHPA advocates that meaningful change is facilitated when holistic approaches are utilised. It is crucial to concomitantly acknowledge the contextual underpinnings that may lead to non-compliance within sectors when implementing regulation. Evolving health system pressures and constraints may be impacting non-compliance amongst regulated entities. Reactive approaches to non-compliance using compliance and enforcement tools is imperative. However, this needs to parallel upstream action that targets the determinants of providing quality and safe care, including compliance to jurisdictional legislation and regulation.

Additionally, SHPA queries the impact and translation of the proposed compliance and enforcement tools on the quality of care provided to patients. The proposed reform must place emphasis that the outcome of compliance is to attain quality, safe, patient care, rather than being perceived as an act upheld to avoid disciplinary action. Therefore, synchronous action is essential such that consideration is made to ensuring not only uptake of compliance but ongoing, effective, maintenance of compliance by regulated entities that promotes a mutual vision to keep Victorians safe.

Question 6 - Do you have any other feedback or suggestions in relation to the Health Regulator's compliance and enforcement approach or other related matters?

SHPA calls for a holistic approach that targets the root cause and determinants that impact non-compliance amongst regulated entities. Health systems continue to grapple with the unabating rise in health complexities and pressures and Victorian pharmacists are key figures in varying health systems who continually strive to deliver optimal patient care. Despite enduring challenges, pharmacists uphold evidence-based practice, quality and safe use of medicines to ensure patient care is not compromised.

SHPA has previously highlighted that the current workforce and medicine shortages negatively impact patient care and place unnecessary burden on the professional practice of pharmacists. Ensuring compliance to state and territory legislation by pharmacists when faced with continual adversity can be confronting. However, if the Victorian government recognises the value of pharmacists in maintaining patient safety and invest in the profession to support their delivery of expert care, this unnecessary burden can be mitigated. In order for pharmacists to carry out professional activities within a timely manner, such as completing thorough SafeScript analyses, whilst ensuring patient care is not compromised, upstream action is imperative such as investment in workforce shortages.

The Victorian Health Workforce strategy released in February 2024 fails to recognise pharmacists as a key priority role in the healthcare workforce, leading to the recurrent lack of investment and support. Despite the National Skills Commission's 2022 Skills Priority List identifying a shortage of pharmacists across all states and territories, the workforce strategy disregards pharmacists as a key priority. Ultimately, this continual lack of recognition results in shortfalls across health system capacity. Pharmacists evidently increase their scope of practice to meet the ongoing demands but are burdened to ensure timely care is delivered whilst maintaining regulatory compliance. Victorian hospital pharmacies must be sufficiently staffed to ensure compliance to regulations are not mounting onto current health burdens and pressures.



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SHPA supports the need to embed compliance and enforcement tools to ensure regulated entities maintain the safety of patients. However, focus needs to shift to targeting the contextual determinants of compliance to facilitate meaningful and effective change that keeps Victorians safe.

If you have any queries or would like to discuss our submission further, please do not hesitate to contact Jerry Yik, Head of Policy and Advocacy on jjik@shpa.org.au.



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