

ARRANGEMENT OF SECTIONS

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SCHEDULE: Repeals

It is hereby notified that the Minister of Health has, in terms of section 70 of Medical, Dental and Allied Professions Act [Chapter 224], approved the following regulations made by the Health Professions Council:-

Title

1. These regulations may be cited as the Pharmaceutical Chemists (Professional Conduct) Regulations, 1989.

Interpretation

2. In these regulations:-

“advertising” includes any advertisement contained in a publication or any advertisement broadcast on radio or television or brought to the attention of the public by any other means;

“approved” means approved by the Council;

“business advertising” shall comprise only details of the name of any business under which a pharmaceutical chemist practises, the address of such business, the hours of attendance thereat and any relevant telephone numbers;

“Community pharmacy” means a pharmacy which is engaged solely in retail trade;

“Pharmaceutical chemist” means a person registered on the register of pharmaceutical chemists maintained by the Council in accordance with the Act;

“publication” includes any newspaper, book periodical, pamphlet, poster, calendar or other printed matter.

Improper or disgraceful conduct

3. Any contravention of these regulations by a pharmaceutical chemist shall for the purpose of section 48 of the Act, constitute improper or disgraceful conduct.

Advertising professional services

4. (1) Subject to subsection (2), no pharmaceutical chemist shall advertise his professional services.

(2) Notwithstanding subsection (1), a pharmaceutical chemist may:-

(a) use, in connection with his practice, printed letter heads, business circulars, envelopes and similar stationery bearing the normal title of the firm;

(b) publish business advertisements in the telephone directory or other approved directories.

Prescriptions

5. No pharmaceutical chemist shall:-

(a) Distribute, or cause to be distributed, blank prescription forms having the name of a pharmaceutical chemist or pharmacy printed therein;

(b) Dispense or in any way to be a party to the use of secret or cipher prescriptions;

(c) Execute orders or compound prescriptions directed to another pharmaceutical chemist without the prior consent of such other pharmaceutical chemist;

(d) Retain any prescriptions not required to be so retained by law, except at the request of the patient.

Canvassing, touting or tendering for business

6. No pharmaceutical chemist shall directly or indirectly:-

(a) Solicit orders for or sell drugs and medicines on a door to door basis; or

(b) Canvas or tout for the provision of any dispensing service; or

(c) Tender for the provision of any dispensing service.

Discount

7. No pharmaceutical chemist shall offer or give any form of discount or inducement for the supply of any prescription or provision of any dispensing service to a person who is not registered in terms of the Act, the Natural Therapist Act, 1981, the Traditional Medical Practitioners Act, 1981, or the Veterinary Surgeons Act [Chapter 227], except:-
 - (a) In terms of a contract entered into by the Pharmaceutical Society of Zimbabwe on behalf of pharmaceutical chemist; or
 - (b) Where the Pharmaceutical Society of Zimbabwe, on receipt of an application giving full details of the case, considers that a person requires long term therapy for a chronic disease or is in financial difficulties, or both grants permission to give a discount in accordance with the terms of that permission.

Appeals to the public

8. No pharmaceutical chemist shall permit the publication of his name or the name of any business with which he is directly or indirectly concerned in connection with any advertisement or appeal to the public on behalf of a sick benefit society or welfare organization

The good name of colleagues and other registered persons

9. (1) No pharmaceutical chemist shall, without good cause, cast any reflection on the probity, professional reputation or skill of another pharmaceutical chemist or any other registered person.
(2) No pharmaceutical chemist shall discuss or criticise any prescription or proposed treatment so as to impair the confidence of the patient.

Divulging confidential information

10. No pharmaceutical chemist shall divulge, either orally or in writing, any information regarding a prescription supplied to, or the treatment or ailment of any person which ought not be divulged, except:-
 - (a) Where so required by law; or
 - (b) With the consent of that person or, where that person:-
 - (1) Is a minor, the consent of the parent or guardian of that person; or
 - (2) Has died, the consent, in writing, of the executor or next of kin of that person.

Substitution or omission of prescription ingredients

11. No pharmaceutical chemist shall substitute or omit any drug or ingredient in a prescription without the approval of the prescriber:

Provided that it shall be permissible for a drug to be substituted without such approval if:-

- (a) The drug substituted is:-
 - (1) Registered or listed with the drugs Control Council; and
 - (2) Contains the same amount of the same active ingredients in the same dosage form as the original prescribed; and
- (b) The pharmaceutical chemist is satisfied that the drug substituted is equivalent to the drug prescribed; and
- (c) The drug substituted is not more expensive the drug prescribed; and
- (d) The patient is advised of and agrees to such substitution; and
- (e) The prescriber has not indicated that a substitution should be made.

Consulting rooms and premises

12. No pharmaceutical chemist shall:-

- (a) Permit a medical practitioner, dental practitioner or veterinary surgeon to have consulting rooms with an entrance through or with a name plate at the entrance to a pharmacy;
- (b) Have or establish a community pharmacy within the same premises as those in which any other person who is not registered in terms of the Act is carrying on any business, profession or calling; or
- (c) Permit any person who is not registered in terms of the Act to carry any business, profession, or calling within the same premises as those in which he carries on the business of a community pharmacy.

Exploitation

13. No pharmaceutical chemist shall permit himself to be exploited in a manner detrimental to the intense of the public or his [profession.

Commission

14. No pharmaceutical chemist shall pay by way of commission any monies or articles, or offer any inducement of any nature to any person, company or organization in return for actual or implied favour or inducement in connection with his practise.

Trading restrictions

15. (1) No pharmaceutical chemist shall sell or supply, offer to sell or supply or associate himself directly or indirectly with the sale or supply or provision of facilities for the sale or supply of mineral waters or beverages, whether aerated or not, for consumption in the pharmacy wherein he conducts business as a pharmaceutical chemist,
(2) No pharmaceutical chemist shall sell or supply, offer to sell or supply or associate himself directly or indirectly with the sale or supply or provision of facilities for the sale or supply of

groceries other than baby or invalid foods in the pharmacy wherein he conducts business as a pharmaceutical chemist.

Conduct of body corporate, company or partnership

16. A pharmaceutical chemist shall, in his capacity as a:-
(a) Director of a body corporate or private company; or
(b) Partner in a partnership;

Which carries on the business of a pharmaceutical chemist, exercise sufficient control over the activities of such body corporate, private company or partnership as will ensure that the body corporate, private company or partnership or any servant thereof does not commit any breach of these regulations.

Availability of regulations

17. A copy of these regulations shall be readily at any premise where a pharmaceutical chemist is employed.

Obstruction of Council

18. No pharmaceutical chemist shall:-
(a) Prevent, hinder or obstruct the Council or any official acting in its behalf from carrying out its duties;
(b) Fail to comply with any notice, order or direction issued by the council in terms of the Act.

Repeals

19. The regulations specified in the schedule are repealed.

SCHEDULE (Section 19)

REPEALS

<i>Title</i>	<i>Rhodesia Government Notice</i>	<i>Statutory Instrument</i>
Pharmaceutical Chemists (Professional Conduct) Regulations, 1972.....	994 of 1972	
Pharmaceutical Chemists (Professional Conduct) Regulations, 1972 (No. 1)	734 of 1976	
Pharmaceutical Chemists (Professional Conduct) (Amendment) Regulations, 1972 (NO. 2).....		569 of 1979
Pharmaceutical Chemists (Professional Conduct) (Amendment) Regulations, 1972 (NO. 3).....		888 of 1981