

Submission to the Department of Health's Review of Pharmacy Remuneration and Regulation

July 2017

Introduction

Thank you for the opportunity to make a submission in response to the *Pharmacy Remuneration and Regulation Interim Report*, with specific reference to the proposed option (Option 3-4) that homoeopathic products should not be sold in PBS-approved pharmacies.

Commentary

Contradiction of Review's Strategic Vision

This submission contends that Option 3-4 directly contradicts the basic criteria of the Review's strategic vision in that it is not in fact 'forward-looking', does not 'encourage innovation' and is inconsistent with 'adapting to the changing needs of the Australian public', who have consistently indicated that they wish to have, and are entitled to, greater access to medicines of their choice, not less.

The democratic right to choose

A healthy democracy protects the rights of citizens to choose and access the healthcare and medicines they want and need – freedom of choice and the right to live a healthy life is at the heart of what it means to live in a democracy, such as that enjoyed in Australia.

The Pharmacy Society of Australia states in its 'Care Principle Two' that 'A pharmacist practices and promotes patient-centred care'. This involves respecting a patient's dignity and autonomy, recognising diversity and providing patients/customers with the information they need to make informed and autonomous decisions about their own health.

Widespread use of homoeopathy

More than one million Australians use homoeopathy because they have experienced its efficacy and have found that it works, and not due to an error of judgment or because they have been duped by so-called 'snake-oil merchants' (as suggested by the CEO of the Panel Review committee, who slandered the sector as being 'snake oil merchants' – hardly a demonstration of an unbiased perspective by a Review Panel that is supposedly impartial).

Homoeopathy and its practice is recognised and respected in more than 80 countries and it has global popularity, with over 800 million people using it worldwide. The World Health

Organisation recognises homoeopathy as a traditional system of medicine. In Europe, approximately 40% of all physicians use or refer patients to practitioners of homoeopathy; it is integrated into the national health care systems of countries like Germany, France, Switzerland, the United Kingdom, Greece, Israel, India, Pakistan and Mexico. Homoeopathy has legal recognition as an individual system of medicine in 42 countries and is formally recognized as a part of complementary and alternative medicine in 28 countries.

Three Europeans out of four know about homoeopathy and, of these, 29 % use it for their health care. 45% of Dutch doctors treat patients using homoeopathy and 39% of Belgian paediatricians are in favour of homoeopathy. In India, there are over 100 homoeopathic medical schools and approximately 250,000 practicing homoeopathic doctors. All these people who use or treat patients using homoeopathy cannot be wrong!

Why then is the Australian Pharmacy Remuneration & Regulation (King Review) Review Panel wishing to discredit and suppress access to homoeopathic medicines, more especially because it proposes to do so in the absence of a credible evidence base?

Review panel reliant on a false premise

It cannot be said that the findings of the NHMRC's Review of Homoeopathy constitute a credible evidence base and yet the Review Panel's conclusions on the efficacy of homoeopathy are based solely on this highly flawed NHMRC Review. (It is noted that in response to the flawed NHMRC review process, a Complaint to the Commonwealth Ombudsman for mal-administration and scientific misconduct was submitted in 2016. While this review is the subject of an Ombudsman complaint, it cannot be used to inform health policy.)

The NHMRC Homoeopathy Review includes a number of misconceptions and lacks scientific and research rigour, including the following failings:

- The NHMRC reported that it 'rigorously assessed over 1800 papers', but only 176 studies were in fact assessed.
- The NHMRC reported that it used 'standardised, accepted methods' when in fact it fell far short of adhering to scientific research methodology and practice.
- In 2012, the NHMRC sacked the principal author of the NHMRC's own guidelines on how to review health evidence, and who had conducted a high quality first review. This first review was then hidden, along with its positive findings and details of the public expenditure.
- The research protocol for a second review was then re-invented, resulting in 171 out of the 176 studies being dismissed outright from any consideration in the findings, so only 5 studies were actually considered in the review.

- NHMRC conducted a sham public consultation process, where a member of an anti-homoeopathy lobby group (Friends of Science in Medicine) was contracted to consider it.
- NHMRC excluded any homoeopathy research experts from the process, which is in breach of NHMRCs own mandatory standards.
- The CEO of the review committee slandered the sector as ‘snake oil merchants’ demonstrating that bias was present at the highest level.
- The Chair of Council informed the public in a press release that “NHMRC does not support homoeopathy” prior to any evidence having been assessed.
- Supporters of anti-homoeopathy lobby groups were appointed on the working committee.
- International studies on homoeopathy involving thousands of people, show positive health benefits and cost savings to healthcare systems. None of this evidence was used by the NHMRC, nor mentioned in the King Interim Report.
- The King Report does not provide any evidence for its position that the ‘sale of homoeopathic products creates risk of harm’.
- The positions of Australian pharmacy bodies are misleading, since they are based on the flawed NHMRC Homoeopathy Review.
- Basing options for the Australian public on the NHMRC Review is poor science at best, causing further unjust damage to the profession of homoeopathy.

The following links provide additional information and may be of interest to the Review Panel:

- [The Australian Report - an in-depth analysis \(YouTube\)](#)
- [Executive Summary to Ombudsman Complaint - NHMRC Homoeopathy Review](#)
- [Homoeopathy FAQs & summary of research evidence](#)
- [Homoeopathy Research Institute \(HRI\) in-depth analysis of NHMRC Homoeopathy Review](#)

The role of pharmacies

As recognized by the Review Panel, ‘the broader role of pharmacies in the primary healthcare system includes:

- dispensing or selling ‘pharmacy only’ medicines (Schedule 2 and Schedule 3) and non-PBS or private prescriptions
- providing advice across a range of healthcare services
- supplying, selling and advising on other health-related products’.

It is therefore argued in this submission, that by refusing to ‘provide advice across a range of healthcare services or refusing to supply, sell or advise on other health-related products’, such as homoeopathic and/or complementary medicines, the pharmacies will be failing in their duty to the public and to health care consumers and will be in breach of key tenets of the Pharmacy

Guild of Australia. In effect, the Review is calling on pharmacies to flout and contradict key tenets of the principles upheld by the Pharmacy Guild of Australia.

Conditions of the submissions process

It is alarming to note that the Review Panel has imposed conditions on those making submissions to what is a public process and one that should be seeking to hear the views of as many Australians as possible, without fear of favour.

It is highly unusual for a Review Process to stipulate that '**... all submissions made to the Review will be treated as public and published on the Review website ...** Authors of submissions who would like part of their submission to remain in confidence **should provide justification for this** at the time of submission. **Should the Panel not agree with an author's request for confidentiality, the author will be given the option to withdraw their submission without public disclosure**'.

This would appear to be an unorthodox approach to inviting the public to provide comment to a review process. The usual practice is to provide the public with an option to either have their name/contact details withheld and/or have their submission published on the website or kept confidential and for the purposes of the Review panel only.

Freedom of speech and freedom of association entitles all citizens to comment and to not necessarily have to justify why they wish their details or submissions to remain in confidence. This conditional approach smacks of control and intimidation and does not engender a spirit of transparency and the inclusion of the widest possible range of perspectives and ideas.

The Review Panel's information regarding submissions indicates that the Department will use any information collected in accordance with the 'Australian Privacy Policy'. This submission holds that the APP is not the appropriate guiding policy to address privacy or confidentiality issues associated with a public call for submissions in response to the *Pharmacy Remuneration and Regulation Interim Report*, and contends that authors should be entitled to submit all or part of their submissions in confidence or in public, without the need to justify or have their position vetted by the Panel.

Conclusions

- The recommendation that 'homoeopathy and homoeopathic products should not be sold in PBS-approved pharmacies' is not consistent with the growing trend of the community's choices.

- The Review has ignored the safe record and widespread use of homoeopathic products in Europe, where 29% of citizens freely access homoeopathic products in pharmacies, and in Australia where 70 per cent of Australians use complementary medicine services and products. Removing homoeopathic products from pharmacies does not represent the views or desires of the Australian community.
- The NHMRC's Review of Homoeopathy does not constitute a credible evidence base and yet the Review Panel's conclusions on the efficacy of homoeopathy are based solely on this highly flawed NHMRC Review. This throws the entire validity and integrity of the Review Panel's recommendations and findings into question.
- This submission expresses a strong rejection of the proposed option (Option 3-4) for homoeopathic products not to be sold in PBS-approved pharmacies. Insufficient and unfounded motivations are provided for this proposed option which lacks all credibility. It is grossly inadequate to argue that simply on the basis of there being 'unacceptable risks' – which remain unexplained by the Review Panel – that homoeopathic products should not to be sold in PBS-approved pharmacies.