



Review of Pharmacy Remuneration and Regulation
#173_BHLF-58KW-N52U-S

21 July 2017

Pharmacy Review (MDP 900)
Department of Health
GPO Box 9848
Canberra ACT 2601

pharmacy.review@health.gov.au

Dear Sir/Madam,

RE: Response to the Interim Report

Blackmores notes the release of the Interim Report from the Review of Pharmacy Remuneration and Regulation and welcomes the opportunity to make a submission in relation to the reform options outlined in Section 3.3.

Section 3.3 Complementary Medicines

Option 3-3 Placement of Pharmacy Only and Pharmacist Only (Schedule 2 and Schedule 3) Medicines within a pharmacy

Access to Pharmacy Only (Schedule 2) and Pharmacist Only (Schedule 3) medicines should be clearly separated from complementary medicines within a pharmacy.

Options to achieve this might include:

A) Ensuring that all Pharmacy Only (schedule 2) and Pharmacist Only (schedule 3) medicines only be accessible from 'behind the counter' in a community pharmacy so that a consumer must always seek assistance or advice in obtaining these medicines

B) Requiring that complementary medicines are not displayed 'behind the counter' in a community pharmacy.

Blackmores comments:

B) Blackmores is opposed to the option requiring that complementary medicines not be displayed 'behind the counter' in a community pharmacy. Although Terms of Reference 5(c) refers to the consumer experience related to access to medicines Blackmores believes that location of stock is beyond the scope of the Review and indicates this option is not warranted.

Certain complementary medicines have been specifically developed and formulated as 'Practitioner Only' for intentional storage 'behind the counter' where they are not directly accessible to the general public. For example, Blackmores' subsidiary, 'BioCeuticals', markets a range of Practitioner Only products that are specifically designed to provide maximum benefit for consumers when combined with practitioner guidance. The range is stored 'behind the counter' to ensure that consumers take practitioner advice on their health management and appropriate product usage.

The option of removing access to 'behind the counter' storage is not supported by any evidence that there is a problem requiring correction. It is simply not appropriate for many of the BioCeuticals products to be self-selected by consumers without professional advice or consultation. The status quo avoids unrealistic expectations, promotes quality use of medicines and ensures that consumers who are seeking a treatment for disease or condition are not delaying or foregoing receiving appropriate practitioner consultation.

BioCeuticals was launched as a Practitioner Only brand with the mission of providing high quality nutritional and therapeutic supplements to healthcare practitioners only. With a strong commitment to research, functional formulas and reliable practitioner support, BioCeuticals products are only available in Health Clinics, selected Health Food Stores and Pharmacies, to ensure they are always accompanied by health professional advice.

In the **Therapeutic Goods Act 1989, section 42AA**, health professionals are described as:

(1)(a) medical practitioners, psychologists, dentists, pharmacists, optometrists, chiropractors, physiotherapists, nurses, midwives, dental hygienists, dental prosthetists, dental therapists or osteopaths; or (1)(c) herbalists, homoeopathic

practitioners, naturopaths, nutritionists, practitioners of traditional Chinese medicine or podiatrists registered under a law of a State or Territory.

According to the **Australian Regulatory Guidelines for Complementary Medicines 2015**:

“Sponsors may choose to supply their products in a dispensing pack solely to healthcare practitioners with the words ‘for practitioner dispensing only’, or words to that effect, included on the label. This product is referred to as a ‘dispensing pack’ in Therapeutic Goods Order No. 69—General requirements for labels for medicines (TGO 69):

‘in relation to complementary healthcare, [dispensing pack] means a pack which is to be supplied solely to complementary healthcare practitioners for supply to a person after affixing an instruction label following a consultation with that person.’

The only difference between ‘for practitioner dispensing only’ products and other listed or registered complementary medicines is that the former do not need to include a statement of their purpose / therapeutic indication on the label [refer to TGO 69 Section 3(2) subsection (m)]. These medicines should only be supplied to an individual after consultation with a healthcare practitioner, at which time, the healthcare practitioner attaches a label to the medicine providing instructions for use for that individual.”

The **CHC Marketing & Supply Code of Practice 2015** includes the following statements relating to Practitioner Only Products:

9.2.9 Practitioner-only complementary medicine products must not be publicly accessible or supplied for sale over the counter without authorisation from a Healthcare Professional.

11.1.3 Practitioner Only Products in retail outlets should not be directly accessible by the general public.

11.1.4 Sponsors should only supply Practitioner Only Products to a retail outlet where a Healthcare Professional is prescribing and dispensing onsite.

Furthermore, Appendix item 1.22 of the Code of Practice provides the following definition:

1.22 Practitioner-only product means a complementary medicine listed or registered on the Australian Register of Therapeutic Goods (ARTG). It must not be publicly accessible or supplied for sale over the counter without a script or authorisation by the healthcare professional.

Section 3.1 of the **CHC Guideline for the Sale and Supply of Practitioner Only Products 2011** states:

Practitioner only products are only to be supplied to and dispensed by a healthcare professional as described in section 42AA of the Therapeutic Goods Act 1989. Retail sale of practitioner only complementary medicine products to patients should only occur after consultation with that person.

In order to adhere to the regulations and guidelines associated with the supply of Practitioner Only Products, BioCeuticals adopts a policy of limiting supply of our Practitioner Only Products to accounts that have a healthcare practitioner available to consult with patients. Our account holders support this policy as it reinforces the importance of professional advice and promotes the welfare of consumers who require in-depth assessment of their particular health status and concurrent medical treatment in order to receive the most appropriate care.

Practitioner Only products are formulated to a higher degree of sophistication than self-selected products and are often formulated for specific conditions, which in turn require a degree of consultation by a practitioner to ensure quality use of medicine, appropriate holistic advice and referral to other medicines or practitioners when the products are not appropriate. This helps support improved patient outcomes and health literacy. Consumers' complex health and wellbeing needs are met with these high-quality, safe and effective products.

Professional advice and assistance promotes appropriate use, ensures safety, allows for general health management and avoids consumer confusion. Furthermore, practitioners' effort and investment in specialist education, and offering a high level of advice and service, are appreciated by consumers for this specialist range of products.

Blackmores' 'BioCeuticals' Practitioner Only range is supported by detailed technical information, which requires a higher level of practitioner knowledge. This is why Blackmores provides continuing education for practitioners reinforced by an

investment in R&D and innovation. For these products, practitioners ensure that all sales are made with the benefit of professional advice and the products are displayed in a way that leads consumers to seek practitioner advice and assistance.

Blackmores' 'BioCeuticals' Practitioner Only products are advertised and marketed consistently with their special value – a quality range selected by an expert with advice tailored to the individual consumer's needs.

Blackmores believes that its 'behind the counter' Practitioner Only range meets an essential consumer need. The growth of the Practitioner Only market over the past five years is evidence of strong consumer interest in this arrangement. The undermining of this arrangement by banning 'behind the counter' display would be counterproductive to consumer health interests and economically and professionally damaging to pharmacists and other healthcare professionals supplying this product/service arrangement.

There are many patients with complex health conditions who need the advice of a healthcare practitioner and suitable healthcare practitioner range. A healthcare practitioner range displayed behind the counter serves a different patient from a customer who takes a general VDS range that is available for self-selection. Blackmores is not convinced that the Review Panel has taken these aspects into account in forming its draft position on 'behind the counter' display of certain complementary medicines. The alternative to being behind the counter means being located in the front of shop where there is less likelihood of a pharmacist intervention which can compromise safe and appropriate use. Pharmacists' role is promoting quality use of medicine for these products is therefore compromised.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R. Henfrey', written in a cursive style.

Richard Henfrey
Chief Operating Officer