

Guidance on matters required to be notified to the VPA

A. General information for all notifications

- Licensees and registration holders for pharmacy businesses and pharmacy departments may be required to notify the VPA about certain matters that arise during their operation.
- These notification obligations are separate from notification requirements that may arise in the context of applications for licences and registration of premises.
- All questions in notification forms must be answered and all required information must be provided. “Not Applicable” responses to any questions will not be accepted.
- All information provided in a notification must be true and correct. Providing false or misleading information may have legal consequences.
- The Authority will not share personal information provided in a notification without the applicant’s consent unless required or authorised by law.

B. Changes to commercial arrangements (VP31)

Pharmacy businesses

- A standard licence condition for pharmacy businesses is that the licensee must notify the VPA of any changes to commercial arrangements that affect the operation of the pharmacy business before those changes take effect.
- The main types of changes that must be notified are:
 - New commercial arrangements
 - Changes to existing commercial arrangements
- In relation to new or existing commercial arrangements, notifications must be made for proposed changes, including but not limited to the following:

- Trust arrangements
 - Service agreements
 - Franchise agreements
 - Partnership agreements
 - Licence agreements
- If there is more than one licensee for the pharmacy business, notification may be made by one or more licensees on behalf of all licensees for the pharmacy business.

Pharmacy departments

- A standard licence condition for pharmacy departments is that the licensee must notify the VPA of any changes to commercial arrangements that affect the operation of the pharmacy department before those changes take effect.
- Such changes include but are not limited to where the licensee proposes to change an existing service agreement or enter into a new service agreement relating to the provision of pharmacy or management services, (for example, inpatient or outpatient dispensing, human resources, stock purchasing/maintenance or the management of accounts).
- Supporting information to evidence the change must be provided as part of the notification to VPA.

C. Changes to company licensees (VP37a and VP39a)

- Under the *Pharmacy Regulation Act 2010* (the Act), if a licensee is a company, it must notify the VPA of changes to the following within 14 days of the change:
 - the shareholding of the company
 - the directorship of the company
 - the office bearers of the licensee
- The types of changes covered by this obligation are:
 - Appointment of new director
 - Resignation of existing director
 - Acquisition of shares in company
 - Disposal of shares in company
 - Entering into or ending an arrangement where a shareholder is the registered holder of shares but does not hold the beneficial interest in those shares
- For the appointment of new directors or acquisitions of shares in a company licensee, a declaration must be made by the new director or person acquiring the shares to:

- demonstrate that the fit and proper person criteria under the Act are met; and
- the obligations under the regulatory framework are understood and will be complied with.

Note: This declaration will be required in the updated version of the VP39a form when it becomes available.

- Supporting information to evidence the change must be provided as part of the notification to VPA.

D. Transfer or sale of ownership (VP37)

- Under the *Pharmacy Regulation Act 2010*, a licensee of a pharmacy business must notify the Authority as soon as practicable, and, at the latest, 14 days before the licensee ceases carrying on the pharmacy business.
- Similarly, if a pharmacy department is to cease operation, the licensee carrying on the pharmacy department must notify the Authority at least 14 days before the pharmacy department is closed.
- The VPA must be notified when either of these events occurs. The notification must be made by a person who is legally authorised to complete it on behalf of all licensees.

E. Closure of registered premises (VP34)

- A separate notification must be made to inform the VPA when registered premises have permanently closed.

F. Appointment of pharmacist in charge (VP32)

- Under the *Pharmacy Regulation Act 2010* (the Act), a registered pharmacist must be appointed to act as the pharmacist who is regularly and usually in charge (PRUIC) of a pharmacy business or pharmacy department when they are open for business.
- The PRUIC has various obligations under the Act, including to oversee, supervise and monitor all registered pharmacists providing pharmacy services and any other staff who assist in the provision of pharmacy services.
- If the PRUIC of a pharmacy business or a pharmacy department changes at any time, one of the following people must notify the VPA about this change and details of the new PRUIC:
 - Pharmacy business:

- Individual who is a licensee
- Director of company licensee
- A person pursuant to section 6 of the Act (e.g. executors and administrators)
- Pharmacy department:
 - Person authorised by licensee of the pharmacy department
- In the notification, the new PRUIC must confirm:
 - their appointment as PRUIC for the relevant registered premises; and
 - that they understand their obligations under the Act.

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