



FAQ

French National Order of Pharmacists – Central Council of Section B – Industrial Pharmacists

Continuing Chief Pharmaceutical Officer activity during a serious health crisis



QUESTION :

As Chief Pharmaceutical Officer can I be placed in temporary and/or part-time "cessation of activity" situation?

Can the Acting Chief Pharmaceutical Officer replace me if I am placed in a "cessation of activity" situation, including part-time?



THE POSITION OF THE FRENCH NATIONAL ORDER OF PHARMACISTS:

The Order's position is defined in terms of the Chief Pharmaceutical Officer's function and his role as a company representative and not in respect of his work contract as a salaried employee, with which a distinction must be made, as explained in the most recent Webcast session on 14th January 2020. This session is available in the pharmacist's space on the Order's website.

As Chief Pharmaceutical Officer you cannot be in a "cessation of activity" situation, because:

- The CPO is a company representative appointed by the competent body (for example, by the Board of Directors) which sets his tasks and duties (Articles R. 5124-34 to 36 of the French Public Health Code).
 - The competent body can revoke the CPO's function "ad nutum". In this event the ANSM (the French National Agency for the Safety of Medicines and Healthcare Products) and the Order (Section B) must be informed without delay. The new CPO must be appointed « without delay » as a company cannot be without a CPO at its head (Article R5124-22 of the French Public Health Code).
 - A role of company representative is not compatible with the concept of either temporary or part-time "cessation of activity".
- The function and tasks of the Chief Pharmaceutical Officer are continuous and permanent in order to organise and supervise the pharmaceutical operations of any establishment and **at all times**.

The Acting Chief Pharmaceutical Officer cannot replace the Chief Pharmaceutical Officer placed *de facto* in "cessation of activity" because:

- In the event of absence, the decision to be replaced by an Acting CPO is the responsibility of the CPO, the Acting CPO must accept the replacement and these decisions must be kept on file for five years (Article R 5124-23 of the French Public Health Code).
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- It is a full, permanent replacement over the set timeframe ("all or nothing"): the Acting CPO accepts the entire company representative role with all its prerogatives and obligations.
- The executive organisation (the Director General or the Director of Human Resources) cannot redistribute the pharmaceutical responsibilities coming within the aegis of the CPO. In order to ensure the protection of public health, the law (the French Public Health Code) provides a framework for all these continuity arrangements.
- Only the company's shareholder or the competent body representing him (for example, the President, the Board of Directors) can decide to change the organisation of pharmaceutical responsibility with official minutes appointing a new CPO.



IN PRACTICE:

It is the responsibility of the Chief Pharmaceutical Officer (or of the Acting Chief Pharmaceutical Officer replacing him/her) to ensure the company's pharmaceutical continuity, regardless of the circumstances. Pharmaceutical operations, and all related tasks, must be maintained under pharmaceutical responsibility even if, in a special crisis situation, they can be organised in a scaled manner.

The capacity of the CPOs to manage crises is vital, by drawing up solutions which meet the various requirements of public health, protecting co-workers and of the company. The Counsellors of Section B of the French National Order of Pharmacists remain at the disposal of their fellow pharmacists to help them in difficult situations.

The ANSM (the French National Agency for the Safety of Medicines and Healthcare Products) must be informed of any difficulty in the performance of professional duties and of any actions taken within the framework of the Plan for Continuing Pharmaceutical Activity: ipplf@ansm.sante.fr.

If the work contract is suspended by unemployment, the Chief Pharmaceutical Officer must inform the ANSM that he/she is no longer in a position to perform his/her CPO duties.



KEY WORDS: Chief Pharmaceutical Officer, continuing activity, health crisis, cessation of activity, part-time unemployment.



REFERENCE ARTICLES OF THE FRENCH PUBLIC HEALTH CODE: *Article R 5124-22 and 23 – Articles R 5124-34 to 36*