



PARLIAMENT
OF THE CAYMAN ISLANDS



PARLIAMENT OF THE CAYMAN ISLANDS
STANDING PUBLIC ACCOUNTS COMMITTEE

HSA OUTPATIENT PHARMACY SERVICES
(NOVEMBER 2021)

*Official transcript relating to the Official Report of the
Standing Public Accounts Committee Meeting
held on 13 January, 2022*

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PRESENT WERE:

PAC Members: Hon. Roy M. McTaggart, JP, MP, Chairman
Hon. Katherine Ebanks-Wilks, MP, Member
Ms. Heather Bodden, OCI, Cert. Hon., JP, MP, Member
Mr. Isaac Rankine, MP, Member

In attendance: Mr. Kenneth Jefferson, Financial Secretary and Chief Officer
Ministry of Finance and Economic Development

Mr. Matthew Tibbetts, Accountant General
Ministry of Finance and Economic Development

Audit Office: Mrs. Sue Winspear, Auditor General
Ms. Angela Cullen, Deputy Auditor General (Performance Audit)
Ms. Jasmine Williams – Audit Project Leader
Mr. Ruel Huet – Audit Project Leader

Witnesses: Dr. Marla Barnes-Small
Chair of the Pharmacy Council
Healthcare Pharmacy

Mrs. Nellie Pouchie
Chief Officer
Ministry of Health and Wellness

Hon. Franz Manderson, MBE, Cert. Hon., JP
Deputy Governor and Head of the Civil Service
Cayman Islands Government

Apologies: Ms. Barbara E. Conolly, JP, MP, Member
Mr. Dwayne S. Seymour, JP, MP, Member

PAC Clerk: Mrs. Patricia Priestley

OFFICIAL VERBATIM REPORT
STANDING PUBLIC ACCOUNTS COMMITTEE
THURSDAY
13 JANUARY 2022
10:13AM
Meeting with witnesses

OFFICE OF THE AUDITOR GENERAL CAYMAN ISLANDS –
HSA OUTPATIENT PHARMACY SERVICES – NOVEMBER 2021

Verbatim transcript of the Standing Public Accounts Committee Meeting held 13 January 2022, at 10:13am, in the Chamber of the Cayman Islands Parliament, George Town, Grand Cayman

[Mr. Roy M. McTaggart, Chairman, presiding]

[Pause]

The Chairman: Good morning, everyone.

Welcome to all the members, the Auditor General's Office, the Ministry of Finance and the staff of the House of Parliament, to this morning's session of the Public Accounts Committee (PAC).

We are continuing our examination of the Auditor General's Report on the Health Services Authority (HSA) Out-Patient Pharmacy Services. We interviewed a number of witnesses yesterday and there are three further witnesses for us to examine this morning and maybe after lunch.

Before we actually get started with the Hearing this morning, I am going to ask Member of Parliament Ms. Heather Bodden if she would lead us in a word of prayer.

PRAYERS

Ms. Heather D. Bodden: Good morning. Thank you. Let us kindly bow our heads, please.

Our kind heavenly Father, we humbly bow our heads and give you thanks for life. As we are about to deliberate the proceedings of today's Public Accounts Committee meeting, we ask that your presence, your wisdom, and your protection be upon us. Grant us peace and unity as we all work together for the betterment of these beloved Cayman Islands. All this, we ask in your great name's sake.

Amen.

The Chairman: Thank you.

We have continuing apologies from Mr. Dwayne Seymour and from Ms. Barbara Connolly today. Notwithstanding their absence, we are quorate and so the Committee can continue its business, so we are going to jump right into the examination of our first witness this morning.

To that end, I invite Dr. Marla Barnes, Chair of the Pharmacy Council, into the Chamber.

The Chairman: Good morning, Dr. Barnes, and welcome to this Hearing of the Public Accounts Committee and thank you for agreeing to be a witness before us. This being your first time, I know that you may have some concerns or hesitations about it, but I want you to be relaxed.

Our primary focus today in questioning you, is the challenges that you face in your role as Chair of the Pharmacy Council, particularly in the absence of a Pharmacy Act and any national strategic policy with regards to health services. We just want to understand more [about] your role and how you deal with these challenges, in terms of your work as Chair of the Council.

In terms of the report, we want to talk first about the legal framework, and I am going to invite Mrs. Kathy Ebanks-Wilks to lead the line of questioning with you.

Hon. Katherine A. Ebanks-Wilks: Good morning, Dr. Barnes, welcome to PAC.

The first line of questioning that I will raise this morning is in relation to the legal framework. I just want to speak a little bit about the Auditor General's report, which states that the legal framework is outdated—which I am sure you are very well aware—and it does not compare well with the World Health Organization's guidelines for good pharmacy practice, and lags behind other jurisdictions.

The Pharmacy Act, in particular, is more than 40 years old and this creates a number of risks for Cayman. The report also states that a revised Act was prepared back in 1991, but it was not passed by the then Legislative Assembly and more recently, in 2020, the Ministry for Health again started to revise the Act, but so far we do not have anything that has been approved this yet.

My question to you, as the Chair of the Pharmacy Council is: Could you speak on how the Pharmacy Council are affected as a result of the outdated Pharmacy Act? The implications?

The Chairman: Dr. Barnes, before you respond to the question, may I ask you to please state your name and the position in which you are appearing before the Committee?

PHARMACY COUNCIL

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: I am Dr. Marla Barnes-Small, I am the Chair of the Pharmacy Council. Just to give you a background, I was nominated August 31st, 2021 so I have been in this position less than five months.

To answer your question, I cannot speak on why the Pharmacy Act has been over 40 years old when I took the position. This is something that we are aware of and was among the first things on our agenda.

The Pharmacy Council was asked to review the 2016 draft and give our feedback since we are a new Council, and I can say that the Pharmacy Council has met on several occasions and we have been through the draft. We have made our notes and have given our feedback. I cannot speak exactly [as to] where the document is at the moment, but we have completed the revision, maybe at a later date the administrative staff at the Commission could speak on exactly where they are, but the Pharmacy Council has reviewed the document.

Hon. Katherine A. Ebanks-Wilks: Okay, let me just clarify because I do not want you to feel that I am asking why it has not been completed; that is completely outside of your remit.

What I am asking is, in your position as the Chair of the Council, do you see that we as a jurisdiction have any risk, having a very old Pharmacy Act? From your position as the Chair of the Council, and just looking at practice around the world, do you see it being outdated as a risk for us here in Cayman?

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: I agree that the Act is outdated and it could pose a risk, however, I must say that the pharmacists who practice on the Island practice at the highest standard, even though the Act is not up to date. As a result of that, I do not think there is a risk to the Island, or to the people who we serve, because we have adopted the best practices from around the world, even without the Act being current.

Hon. Katherine A. Ebanks-Wilks: So, in your view then, even though the legislation is not in place, we are not at risk because you are still complying with the Center for Disease Control (CDC) or World Health Organisation standards.

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: Yes.

Hon. Katherine A. Ebanks-Wilks: So, having the framework in place would just be a formality?

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: Well, it will be more than a formality but I am saying that we are not at risk just because, as professionals, we adopt highest practices even without the legislation, but we do need it to be formalised.

Hon. Katherine A. Ebanks-Wilks: I just have one more question in relation to that then.

I have no background in medicine, but in terms of purchasing medications and liaising with various distributors around the world, again having a framework in place that would ensure that we are getting value for money and also good quality...

At yesterday's briefing we spoke at length with the Chief Pharmacist and he explained how he does inventory and tries to mitigate costs, but in terms of safety, do you think that we have everything covered even though there is no legislation in place?

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: Yes, I strongly believe that; however, legislation needs to be in place, and that is why as the Chair Pharmacy Council we are going to push for the new legislation.

Hon. Katherine A. Ebanks-Wilks: One last question in relation to the, I guess ongoing, framework—that is, the updated legislation. Can you say if the Council has been consulted with in relation to the draft legislation, to seek consultation process? I am just trying to determine if there has been any engagement at all with the Council, since you have taken post, in relation to the drafting of this legislation?

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: Well, yes. When we met the last quarter of last year we reviewed the 2016 draft, and we made notes at the request of the Minister of Health. We were asked to review that and we did.

Hon. Katherine A. Ebanks-Wilks: Okay, thank you very much. I do not have any further questions.

The Chairman: Any other members? No?

Let's move on then to pharmacy technicians. Who will be taking that? Mr. Rankine.

Mr. Isaac D. Rankine: Good morning, Dr. Barnes.

I am not very sure how familiar you are with the Auditor General's report but I am going to quote from it and then I have a couple of questions for you. Okay?

In paragraph 33 of the report, the Auditor General noted that "**the Health Practice Act also gave the Pharmacy Council powers to regulate the professional practice of pharmacy technicians. However,**

the Council has not yet implemented any aspects of regulation for pharmacy technicians. This creates a risk that pharmacists may not be operating to the highest standards. At the time of the Auditor General's audit, the Pharmacy Council had drafted standards of practices for pharmacy technicians and were told that these were being reviewed, but the target date for the finalisation was never made clear. In the absence of the approved standards of practice, the HSA sets its own standards for its pharmacy technicians, who must sit a (US) State Board certification course."

Now, in saying that, can you elaborate on the progress of the draft standards of practice for pharmacy technicians?

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: Okay.

I am happy to report that the Pharmacy Council submitted the standards of practice for pharmacy technicians. We completed the entire document last year and it was sent to the Ministry, so someone else could probably speak on the progress of that.

Mr. Isaac D. Rankine: Okay.

What are the safeguards or plans that you will put in place to ensure compliance with these standards, once you bring them into force and into regulation? How do you plan to ensure that pharmacy technicians are compliant?

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: I am not sure how to answer that question. I probably will consult with legal before I answer.

[Pause]

Mr. Isaac D. Rankine: Dr. Barnes, will the codes have any Key Performance Indicators (KPIs) attached to them so they can measure the performance in ensuring that pharmacy technicians will be following the standards?

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: Respectfully, I believe there are. I am not able to say what those are now, but [I can provide the documents at a later date if you require.](#)

[Pause]

The Chairman: Dr. Barnes-Small, I would ask that you do provide the document to this Committee as soon as possible.

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: [Yes.](#)

The Chairman: I appreciate it.

Mr. Isaac D. Rankine: Okay, Dr. Marla, thank you.

The Chairman: The final area that we wish to ask you about Dr. Marla, is the regulation of pharmacy businesses.

At the outset of your testimony, you stated quite emphatically that you were certain that all of the pharmacists on the Island were operating to the highest standards. I am not sure if I quoted you exactly, but I am curious to know how you make that statement in light of the fact that the Pharmacy Council does not have the powers to regulate pharmacy businesses at this time.

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: So the regulation of pharmacy businesses is a responsibility of the Health Practice Commission, not the Council.

When I speak, I speak generally from my experience and from what I know of the pharmacists who practise on the Island; it is not based on hard science, but on what I know of the pharmacists' practice and their level of competence.

As for the businesses though, the Council does not regulate the businesses.

The Chairman: But is there an industry body or association in existence?

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: Yes, there is; Cayman Pharmacists' Association.

The Chairman: And do they have standards that their members subscribe to?

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: Oh yes, they do. And the Council has standards to which the pharmacists adhere to.

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: If you had a situation where certain complaints were made to you, as Chair of the Pharmacy Council, about an entity that you licensed or approved, how would you go about investigating that claim or complaint?

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: That would fall under the Health Practice Commission.

The Chairman: Okay.

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: We would investigate the professionals, not the business per se.

The Chairman: Okay, so in other words, you are very much dependent on the work of the Health Practice Commission?

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: Yes.

[Pause]

The Chairman: Okay. From your experience—and I recognise that you have only been in post for five months—how effective is that for the Council?

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: Do you mean in terms of not having powers?

The Chairman: Yes.

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: Well, it is not a good thing; that is one of the reasons why we need the Act to be passed, so we can have more powers to do investigations.

The Chairman: In your time there, have you encountered any particular challenges with working with others to investigate allegations of malpractice?

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: Since I have been in the position only five months, I have not had that experience of investigating anyone.

The Chairman: Okay.

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: And I do not believe we have many such cases on the Island, anyway.

The Chairman: Okay, so from your perspective, what actions need to be taken in order to improve the regulation and inspection of pharmacists and pharmacies?

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: The main action is passing the law, because we have new regulations in it that will give the Council more power to regulate the businesses and to take action, to have more teeth; because as it stands right now, investigations are done by the Commission and the police. The Council has no teeth to do any of that. A new legislation will give us teeth to investigate.

The Chairman: Just to reaffirm it then, it is a real impediment to the Council, really—

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: Yes.

The Chairman: —performing its functions effectively.

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: Yes.

The Chairman: Okay. I have no further questions for you. Members; no?

If not, I want to thank you, Dr. Marla, for appearing before the Committee this morning. I wish you well in your new role as Chair of the Pharmacy Council, and thank you for the candidness with which you have answered our questions this morning.

Thank you for coming, and you are excused.

Dr. Marla Barnes-Small, Chair of the Pharmacy Council, Healthcare Pharmacy: Thank you for having me.

[Pause]

The Chairman: Our next witness is Mrs. Nellie Pouchie, Chief Officer, Minister of Health and Wellness. I invite her into the Chamber at this time.

[Pause]

The Chairman: Members, Mrs. Pouchie has not arrived yet and, not unexpectedly, we are quite a bit ahead of time. She was scheduled to be here at 11:00 and it is 25 minutes to 11:00, so we will definitely have to take a break until she arrives.

Proceedings are suspended until the witness arrives.

Proceedings suspended at 10:37 am

Proceedings resumed at 10:49 am

The Chairman: Thank you all for your patience.

[Pause]

The Chairman: We are going to recommence our Hearing. I understand that the next witness is within the confines of the building, so I would invite Chief Officer Mrs. Nellie Pouchie to enter the Chamber.

[Pause]

The Chairman: Good morning, Chief Officer Pouchie.

Welcome to this Hearing of the Public Accounts Committee regarding the [report on the] HSA's Outpatient Pharmacy Services that was prepared and released by the Auditor General; thank you for attending this morning.

Mrs. Katherine Ebanks-Wilks will leadoff by asking you questions regarding the legal framework. I know you have been before the Committee several times, but I would just like to remind you to state your

name and position for the record before you answer the first question. Thank you.

Mrs. Wilks.

Hon. Katherine A. Ebanks-Wilks: Thank you, Mr. Chair, and Good morning, Mrs. Pouchie.

Before I go into my first line of questioning, I am not sure if you were listening; I know many civil servants tend to follow the proceedings from their desks, but I think some of the proceedings yesterday were not aired live, so you may have missed the introduction.

In her opening remarks yesterday, the Auditor General raised her concerns that the Ministry had failed to respond to her draft report or even provide management responses to the three recommendations directed to the Government. Again, I will take the approach I did yesterday, because I am aware that many of the persons listening on air do not have the time to really read through the report. I just want to briefly touch on the three recommendations that we are following up on.

The first recommendation is: **“The government should ensure that a revised Pharmacy Act, one that reflects international good practice, including national standards for medicines, is finalised, enacted and brought into force as soon as possible.”**

The second is: **“The Pharmacy Council should ensure that standards of practice for pharmacy technicians are finalised, published and brought into force as soon as possible.”**

The third one is: **“The Ministry of Health and Wellness should prioritise the development of a new national strategy for health, one that provides overarching direction for pharmacy services and the use of medicines, and publish this as soon as possible.”**

I note the delay was despite the Auditor General even allowing more than seven weeks for the Ministry to respond. I also note that the timing coincides with your appearance at the last Committee meeting back in September, where you gave evidence on previous Auditor General and PAC reports which also raised concerns about the outdated legislation and the lack of a national strategy which had been ongoing long before your appointment.

Again, just for the listening public, one of the questions that were raised in the last Hearing that you participated in, which was on the 29th [sic] [21st] September, the Chairman asked you to **“give a commitment to ensure that the Government Minute is completed and sent down to this House, otherwise our work is incomplete”**.

The Chairman went on to express how **“this is a supreme body in the country and it is important for these processes to be in place in order for us to have good governance.”** The reason I am reflecting on this, is because the position that we have here at PAC is to ensure that we are accountable and that we

keep up with commitments that are made to this Committee.

My question then, really goes back to the delay—another delay. Can you give some explanation why, as of today, you still have not provided a formal response on the recommendations that we are still awaiting an update on?

MINISTRY OF HEALTH AND WELLNESS

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Nellie Pouchie, Chief Officer of the Ministry of Health and Wellness; good morning to everyone.

Thank you for your questions and comments, member; Mr. Chairman, through you. While I do acknowledge that there has been a delay, in terms of our Ministry responding, I want to state from the outset that that is not something that we want to be doing. We do not want to be in a position where we have not responded or have taken a long time to respond; however, given what we are currently faced with, I am sorry, those constraints have overpowered our ability to provide timely responses in these matters.

I can say that I am sorry, I did not get to listen to what was transpiring in yesterday's session although I would have liked to, we are just not in that position right now to be able to do that, unfortunately. I will catch up over the weekend, hopefully, in that regard.

Our real constraint is capacity. We have no other choice but to be focused on the overpowering COVID situation that we are dealing with constantly. We are very hopeful that we will not be in this position forever and that we will be able to move ahead with these other important matters and be able to timely respond to the issues at hand.

Hon. Katherine A. Ebanks-Wilks: Thank you, and while I can appreciate that we are in a pandemic, if we are going to compare or contrast the HSA with the Ministry, it is still a part of your remit; they had 16 recommendations and they have responded to all of them, and they are facing the same pandemic, you know, in relation to the Ministry of Health. From the outset, they would appear to be more impacted by COVID, because they are on the front line. However, it is what it is, and I know that when we spoke before, you raised—and you raised it again today—that you have staffing issues. If there are any other members who would like to chime in after I am finished...

My personal view is that what we are looking for here is just really a policy position. I think your staffing position may have changed a bit since the last meeting of the Committee, so even if it is just a holding position, just to give us an update on whether these recommendations are going to be considered or is it something that the Ministry feels is of importance, so that we, as the Public Accounts Committee, can move

forward, but not even having an acknowledgement of the email makes it very hard for us to move forward.

Is there anything other than the pandemic or lack of staffing that you want to add to that, or is that still really the only reason why you have not been able to give us some sort of indication on whether or not these three recommendations will be accepted by the Ministry? Is that something that you can speak on today and give us a verbal indication on whether these recommendations have even been discussed and are going to be considered?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Thank you.

Yes. I'm happy to hear that the HSA did make responses and movements on their recommendations; that is good. I will not compare us to the HSA because I do not know that that would be a fair comparison—we are all dealing with different challenges. From our Ministry's standpoint, our challenges are real in terms of staffing shortages. We have made strides on being able to bring on more staffing since I last sat here in September, and I am very happy about that, albeit it does take some time to do so.

I value the information and the recommendations that come out of the Auditor General's Office and I do agree with the recommendations that were provided. I am not disputing those and I do thank the Auditor General and her Office for those that were put forth in the report.

The Chairman: I have a follow up question to what you said, Chief Officer. I mean, you have given us the assurance this morning that you agree, but I am still struggling to understand why you could not just do that in a timely manner. I think we all know these particular recommendations are issues that are ongoing and are being worked on.

I really struggle with the absence of any sort of acknowledgment or response from the Ministry. [It is] most unusual. I do not recall a time, certainly in the eight years I have been a part of this institution where a government entity has not responded or acknowledged and offered recommendations, whether they agree or not, with Auditor General reports.

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Yes, sir.

Like I said, I do apologise for that and [we will ensure that we are timely going forward](#). We have dealt with many issues during that time and we were not able to respond in the time frame that was required of us in this matter, [but we will ensure that that is corrected going forward sir](#).

The Chairman: Mr. Rankine.

Mr. Isaac D. Rankine: Thank you, Ms. Nellie.

You have given commitment that you will respond in a timely manner. Can you give us a commitment of when that will be? Based on what you have on your plate right now, when do you expect to have a response back on those recommendations?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: In terms of closing the loop so that we have a response recorded, [I can do that this week](#).

In terms of being able to say exactly when we are going to be able to implement the recommendations that we are accepting, [that will be a bit more challenging; that would be looking at perhaps the end of the quarter before we are able to provide substantive progress on the recommendations](#).

The Chairman: In terms of your response, just be mindful that tomorrow is Friday, you will have a response back to the Committee and to the Auditor General by tomorrow?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: [Yes sir, I can do that. I take the undertaking to accept the recommendations](#).

The Chairman: Okay.

Mr. Isaac D. Rankine: When do you expect to have a response to those recommendations? I want a timeline to implement those recommendations. [Will it be] another month, another two months or three months?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: [My response accepting them will also speak to the expected implementation and the progress that we hope to make on those by the end of the quarter. That would also be included in the response](#).

Mr. Isaac D. Rankine: Thank you.

LEGAL FRAMEWORK

Hon. Katherine A. Ebanks-Wilks: Can I ask, in relation to the progress that you have made thus far, since we last met in September, in relation to the Pharmacy Act and the Health Practice Act.

Yesterday we asked a few questions to the CEO of the HSA on whether there had been any sort of re-engagement with the Ministry. Can you give us any indication on whether you have resumed consultation and engagement with the HSA in relation to the update of these Acts?

The reason I am asking is that I know the commitment was from the last sitting of the Committee that the framework would have been updated within six months. We are almost at that time frame now and I

wonder if you could give us some sort of picture on what has taken place thus far.

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Mr. Chairman, through you.

In terms of what has transpired since, we sent the draft Pharmacy Act to the new Council for their comments. There was a previous draft and we wanted to get the current Council's views on it. They reviewed it and it has been returned to our Ministry. The Department of Health Regulatory has advised that they received the Council's comments and it will be brought to our Ministry for further discussions. That is what has transpired with the Pharmacy Act.

The Health Practice Act has not moved on yet, in terms of the recommendations; we have identified some of the gap areas, but not yet the draft Act, to be able to go through in a more detailed manner.

The Chairman: Chief, taking that a little bit further: Dr. Marla Barnes was here earlier, she was the first witness we questioned this morning. She told us that the Pharmacy Council had completed their review of the draft legislation from last year and sent it back to the Ministry.

[Crosstalk]

The Chairman: Can you confirm that you have it now and that it will progress? What is the status?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Okay. Yes, sir. Thank you for that, Mr. Chairman.

My update from the Department of Health Regulatory Services is that it was completed by the Council, I think, around October last year and that it is with the Department of Health Regulatory. We have not received it at the Ministry yet.

The Registrar did inform that they had quite a few issues in terms of timeliness as well. They have been impacted by COVID; she lost family members and she had to go overseas and that had delayed—some of it—getting it to us, however, she confirmed that the Council had reviewed it around that time and that it would be coming to us shortly.

Hon. Katherine A. Ebanks-Wilks: Are you able to give us any indication on who from the Ministry's team—even if you do not want to list names, maybe just titles—do you have on your end, who is primarily focused on taking charge of the implementation or the consultation process and doing the gap analysis or whatever is being done to incorporate the comments and feedback that you are receiving from the Pharmacy Council and HSA? Have you charged someone under you and your Ministry with this, or are you directly responsible for this?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Mr. Chairman through you.

I obviously have responsibility to ensure that it is carried out and that it does happen; that is the crux of the problem with our Ministry right now. We have one Senior Policy Advisor for Health that we have had for years. In that regard, the shortage comes because when COVID hit, we had no choice but to deal with all of the COVID issues.

We lost our Policy Advisor but we do have a Senior Policy Advisor; I am just in the final stages of getting another Senior Policy Advisor for Health so that we are able to divide and conquer a bit better, so that we have more resources to be able to look at COVID and the other health issues. We realise these are important; however, our COVID issues are really the screaming emergency, urgent issues for us right now; and that does take away from being able to progress some of these other important issues.

We have added another Senior Policy Advisor under the Wellness aspect and I have had that person dealing with many of the public health issues, in terms of data and so forth. Trying to ensure that we are utilising the ones we have and trying to staff up, has been an issue for us, but we do have a Senior Policy Adviser that would take this forward under normal circumstances.

The Chairman: I am still confused regarding the staffing issue because I know that when you last appeared here, you indicated that there were major constraints there. Can you give us a breakdown again of what posts have been filled and what remains to be filled? [Can you give] an overall assessment of where you are with staffing at the Ministry?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: When I was last here we had both a Senior Policy Advisor and a Policy Advisor for Health. We have since lost our Policy Advisor for Health—that was in November. [Since] then we have been trying to recruit an additional, because we want to increase capacity in the area of healthcare.

We have another person who we hope will come over as early as next week; that is on a secondment basis right now for us, and it will give us additional help.

We also have a Senior Policy Advisor under the Wellness aspect of it, whom we are utilising in the public health aspect of reporting. We have another Policy Advisor under Wellness helping out with some of our health aspects; that gives us four policy persons right now, but bear in mind that one left.

What we have, in terms of ongoing recruitment, is another Deputy Chief Officer. We were looking to receive that; we have one currently and we are in the final stages. We have done interviews and we are now at the final offer stage for that post.

We have our Chief Medical Officer post—obviously, that is an interim that we are now doing permanent recruitment for; we have already done the short listing and it will be moving forward to the next stage, so that we can look at interviews.

We are working on an epidemiologist from a national standpoint. Right now, we are doing the job description and evaluations hoping we can have more of a consultant epidemiologist in the interim, so that we are not severely gapped there. We are also in the process of recruiting a Communications Manager—we have shortlisted for that post as well; so we are adding these additional roles since I last saw you.

Unfortunately, it does take some time to actually get persons in the door. We want to be able to strengthen leadership at that public health national level. You may recall that our Honourable Minister spoke to that in her budget address, in terms of being able to have stronger at the leadership level, which would entail the Chief Medical Officer, a Chief Nursing Officer, a National Epidemiologist, and the Medical Officer of Health.

It may be that we then evolve out to other key areas that might include pharmacy at that point in the future, but having that top tier of policy advisors, who will be able to look at the national level, is what we think is needed.

Even the Chief Medical Officer post has been unfilled on the Ministry's books for almost 10 years; luckily for us the last Medical Officer, Dr. John Lee, came in 2018—which was very timely, just before this pandemic.

These are some key posts that have been vacant and they have had some knock-on effects. These are the posts that drive some of the major policies by being able to look at strategic direction.

Unfortunately, we have not had that previously, so it is starting from that position and trying to staff up, because those posts also help to drive our clinical standards and healthcare standards, and are critical in showing us various gaps as well; and the Cabinet and so forth—the decision makers—to have advice and recommendations that would help to strengthen our systems. We are trying to staff up at that key level.

The Chairman: What about your successor, the CFO, is that post filled?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: We have an interim CFO as well, we lost our Deputy CFO last year as well, since I met you, so our finance team has two persons right now trying to cover many areas.

Unfortunately, we usually find ourselves at shortages during key times when nobody can give up their finance people either, but we have done the recruitment. We do not yet have a person to put into post there, and that is for both the accountant and the Deputy Chief Financial Officer. Currently our CFO is just an

interim person as well and that post has not been fully recruited yet.

The Chairman: Okay, thank you.

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Yes sir.

Hon. Katherine A. Ebanks-Wilks: My follow-up question goes back to what we have heard throughout this Hearing: the risk that we face as a country by not having this updated legislation.

Listening to you, the reason we have not had any progression is because you are dealing with the pandemic and you are having staffing issues; and it sounds like that is not going to change immediately. I wonder if that means that we should start considering engagement from, maybe other policy analysts within the civil service who are not being utilised, or the Portfolio of Legal Affairs by way of a Law Reform. Something to ensure that we get this legislation implemented quickly, because, I mean, when we speak about risks, there is no real mechanism at this stage to monitor or approve the type of pharmaceuticals that are imported or even prescribed here in Cayman. And whilst we heard the HSA has been proactive and has put in place their own protocols, on a national stage, really, there is no monitoring or quality control mechanism for pharmaceuticals.

I know you have been asked to give commitments; is there any way that you can give us some assurance that, despite your challenges in dealing with the pandemic, which I can appreciate as you said, your role is different from that of the HSA... Is there any way that we can take comfort in knowing that this is going to happen in the very near future?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Mr. Chairman, through you.

As we mentioned, the Pharmacy Council has given their feedback to what was drafted. Once the Ministry has that, which I expect to have before the end of this month for sure, to be able to then discuss what those proposals are from that draft legislation; to take that forward to my Minister; Minister to Cabinet to see if it will be accepted by the Cabinet—that will drive how quickly we have that amendment to the Law.

My understanding was that the draft was not accepted in previous Cabinets and therefore we have to take it forward to the new Minister and new Cabinet to see what the uptake will be, or whether or not we have any further amendments to the Law.

Hon. Katherine A. Ebanks-Wilks: Thank you Mrs. Pouchie. I do not believe I have any further questions. It sounds hopeful that we are getting somewhere and as you said, once it comes to Cabinet we know how quickly legislation can be finalised when it needs to be, as we have seen with the pandemic, although that is

not primary legislation; but in this instance, I feel a little more hopeful that we will get through fairly soon.

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Thank you.

The Chairman: Thank you Mrs. Wilks.

Now to examine the area of strategic direction; I call upon Mr. Rankine to lead that line of questioning.

STRATEGIC DIRECTION

Mr. Isaac D. Rankine: Thank you.

Ms. Nellie, before I get to that, I am still a little bit puzzled in terms of the report being sent to the Ministry because earlier this morning, Dr. Marla said that their draft was completed and sent to the Ministry.

I want to understand exactly what the process is. What happens once it leaves the Council, because earlier today she said it was sent to the Ministry?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Okay sir.

In my discussions with the Registrar of the Health Practice Department of Health, Regulatory Services, that would be sitting on the different Councils as well, she confirmed that the Pharmacy Council had done its review and submitted it. It comes through that Department and then they would send it onto the Ministry. She confirmed that they have it, so we should have it in our hands soon.

Mr. Isaac D. Rankine: Okay, thanks for that clarification.

Based on the evidence you gave to developing a National Health Care Strategy when you were here last time—that would have been the operation plan to support the implementation of a national health care strategy within six months. It is now three months on.

Can you give an update on the progress with developing that national healthcare strategy?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Okay.

We have not moved that on as much as we would like as yet. I think when I was here last, we probably were just entering community transmission that then went pretty massive. Those are things that side-tracked; you are then dealing with those issues and not able to deal with other aspects; however, like I said, I do have another Senior Policy Advisor coming on board who will be able to take that forward so that we are able to update it.

We hope that by the time I give another update at the end of this quarter, we would have made several moves in that. Our policy, in that regard, may not have many changes, but we would at least be able to move on that aspect.

Mr. Isaac D. Rankine: Thank you.

Will the Ministry be consulting with the HSA or other health care providers in preparing that new strategy?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Yes.

The initial one would have had wide stakeholder input and engagement and this would be the same, to ensure that we are capturing the views of the various stakeholders in terms of policies going forward. So, yes, we would.

Mr. Isaac D. Rankine: All right, thank you Mrs. Pouchie.

The Auditor General's report also highlights that, although there was no National Healthcare Strategy, the HSA has a five-year strategic plan for 2018 to 2023. However, they also reported that the HSA strategy makes no reference to government's strategic broad outcomes for health care, or specific outcomes in the 2020/21 SPS that sought to use new procurement practices to reduce the cost of medicines and equipment.

Can you update this Committee on the Ministry's role in the development of that HSA's strategic plan?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Okay.

If it was 2018-2023, I would not have had much involvement from this level in that strategic plan.

With our budget cycles being 2020-2021, those objectives may not have been utilised in the development of that, however, it would be beneficial to review that to see how it meets the objectives and the broad outcomes that are in play after you have developed the plan. It may be that that review needs to happen, just to tie it to the current broad outcomes.

I think that's all I can say in that regard. The recommendation might be to now review that, [in order] to see how it ties into the Government's overall broad outcomes for 22-23.

Mr. Isaac D. Rankine: All right, thank you.

Going forward, do you see the Ministry ensuring that HSA contributes to the government's strategic broad outcomes for health care and the specific outcomes?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Yes; and not just the HSA but all of our entities. We have to show the objectives we are trying to achieve in our individual plans and how they tie-in to the overall broad outcomes to take the strategic direction that the government of the day has implemented. So yes, it is necessary that they tie in.

The Chairman: Ms. Nellie, in terms of the strategic plan that the HSA has from 2018 to 2023, the CEO told us yesterday that they update that plan on an annual basis. Does your Ministry participate in that update process and what is its involvement?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: As an ex officio member of the Board, that will come through to the board, and that would be more, I think, the involvement, in terms of once we see what the HSA is proposing to do. That information then gets taken back to the Ministry and will also need to be able to tie in to the government of the day's overall objectives.

I think there was one retreat the HSA had that I was invited to, to see what was being proposed when that was being developed. It might have been at the onset of my time in this role. In terms of the board being updated and the information going back and forth, obviously since my appointment, I have been able to attend board meetings—prior to that it was impossible. I was acting CFO, DCO and CEO, and it was just impossible during the height of COVID and that was problematic; however, my DCO coming on mid last year has helped tremendously. Being able to actually nominate someone, so that if I am not able to attend every meeting we [still] have representation, is what we have been striving to do since my appointment in September.

Mr. Isaac D. Rankine: Ms. Nellie, thank you for attending today.

I understand the issues we are dealing with [because of] the pandemic, but I certainly look forward to receiving the responses to the Committee, based on the commitments you gave this morning. Thank you.

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Yes, sir.

The Chairman: Are there any other questions on this section? If not, then let us move on to the final line of questioning on the governance. According to my schedule, that is to be led by Ms. Heather Bodden.

GOVERNANCE

Ms. Heather D. Bodden: Thank you, Mr. Chairman; good morning Ms. Nellie.

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Good morning.

Ms. Heather D. Bodden: Thank you for being here. We all know that you have been doing everything you can to ensure that what is being put forward will be done, and I would like to thank you for your candid responses.

I know the past two years have been challenging and we look forward to the implementation of this

most important document, however, I would like to put this question forward, in regards to governance. The HSA board is responsible for providing proper scrutiny and oversight, and ensuring that the HSA is achieving its strategic objectives. As Chief Officer, you are an ex officio member of HSA board, however, the Auditor General found that you did not attend board meetings regularly. What were your reasons for not attending board meetings regularly? Was it because of the number of duties that you have been carrying out in the past?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Mr. Chairman, through you.

Further to what I mentioned, it was because of the multiple roles [I was] playing at the time, in terms of my duties at the Ministry; being short staffed—having no DCO or CFO—and coming into the Ministry at the time of a pandemic. I was covering all those bases.

My updates were kept in terms of what information was shared, albeit not in person, but receiving that information subsequently. Many of the discussions being COVID-related at that time as well, I would have been participating in multiple meetings and being updated on the position of what was happening at the HSA at that time, with the focus being on where we were at in the pandemic.

Like I said, after my appointment in September and having a DCO, and now a temporary CFO, I had more opportunity to [attend] those meetings and I have done that. That is certainly something for going forward, and now with DCOs I have the ability to have a nominee there as well, if I am unable to attend.

Ms. Heather D. Bodden: Thank you. Through you Mr. Chairman.

I do appreciate that Ms. Nellie, and I know you have been juggling a lot. I have watched you in the last few months with all that you have had to undertake in your role at the Ministry of Health; so, I really want to compliment you and let you know that we do appreciate all that you are doing to ensure that this is brought to our attention in the near future.

Thank you for being so candid this morning.

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Thank you.

The Chairman: Chief, I want to go back to what you said about your attendance at HSA meetings. Does the Health Services Authority Act allow you to designate someone to attend meetings on your behalf, or is membership on the HSA board specific to you, as Chief Officer?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Yes, Mr. Chairman. It allows me to have a nominee, so I can send somebody to some or all of those meetings.

Now that I have the DCO, we will alternate more so that person is able to be up to speed as well. We can divide and conquer that way. If I am attending and that person is acting, they may be a little out of that depth, [but] if we are alternating a bit more, it strengthens our Ministry's position in terms of being able to do our role on that board.

The Chairman: Okay. Go ahead, Mr. Rankine.

Mr. Isaac D. Rankine: Ms. Nellie, for clarification. When do you expect to be fully staffed with the positions you elaborated on earlier?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: We are completing our recruitment processes on the ones that we have shortlisted and being able to give offers to. Sometimes that is dependent on how available those persons are. We are hoping that at least no longer than the next three months, if there is a three month notice. Not for all of them, obviously, some people might be available [sooner] and we are really hoping that that is the case—sooner rather than later. Worst case scenario, three months for some of them, if that is the required notice that they have to give.

Mr. Isaac D. Rankine: So you expect to be fully staffed by the end of this first quarter?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Yes, sir. We hope to be in a much better position than we are now.

Mr. Isaac D. Rankine: Okay, thank you.

The Chairman: Chief, this morning the head of the Pharmacy Council, Dr. Marla Barnes-Small, told us that the code of standards for pharmacists had been drafted and reviewed by her committee and it has now been submitted to the Ministry. Can you confirm that you have received that, and can you give us an update on what the process would be going forward, in order to achieve the approval and implementation of the standards?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Yes, sir.

I can confirm that we have received those. They are to be reviewed and discussed with our Minister. We will be able to look at implementation once we are good with those, but we have not had an opportunity to brief our Minister on that yet.

The Chairman: I am going to press you in terms of a timeframe as to your expectations: When would you like to see this completed, recognising the importance and the gravity of it, in light of the reports.

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: We expect that we will be able to do that by the end of the quarter and [that] it would have gone through to Cabinet as well. That is what we are really hoping and expecting to be able to deliver by the end of the quarter, sir. I am really putting a lot on this quarter.

The Chairman: So you would expect this to go to Cabinet for approval?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Yes, sir.

The Chairman: The only other thing I want to turn my attention to, Ms. Nellie, is the letter that was written to you on 30th November—I think you have a copy of it. Really reminding you of the... She has a copy for you.

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: I have one, sir.

The Chairman: Reminding you of the 12 commitments that you made to us back in September.

I do not think we have had a response or any acknowledgement of the letter up to now, but I would really like for you to give us an update on where you are with these commitments, so that we can be kept abreast of things.

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Okay, yes, sir. It might be easier to just go down the list, if that helps.

The Chairman: I will leave it to you to take it any way you want.

UPDATE ON PREVIOUS COMMITMENTS

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: These were the undertakings made at the last meeting and, although I had not given an exact time on some of them—I was not sure as to what time to respond—[however, I can provide a more formal update on that in writing.](#)

In terms of the Government Minutes which remain outstanding for us, I have been working with the Office of the Deputy Governor on that to be able to have those done. It tends to collate what minutes are outstanding by which Ministry, so I have been working with that. We are looking to address any for our Ministry, by next week, I think; the 20th is the date that I have with the contact in the Deputy Governor's Office for that.

The National Healthcare Strategy we have spoken to a little bit here, in terms of getting that completed as best as possible and updated within the next three months. We are looking at what is happening at the end of the quarter, so that we have a better update on where those are at.

In terms of the health care standards and the report from the Chief Medical Officer, I have not received one as yet from our immediate past Chief Medical Officer, so I am awaiting that report. If he is not able to give us that, then it is certainly something I have discussed with our interim Chief Medical Officer as well, to be able to give us some views.

In terms of the statistics, the recommendation number 9 to the Minister, that is certainly a priority area for her. She has spoken to us with respect to strengthening the leadership level aspect at public health from a national perspective. We are looking at an Epidemiologist who will be able to provide us with national statistics that would take into account specific stats for Caymanian versus non-Caymanian, so that recruitment is in progress.

As data is so critical at this time, with the pandemic, we want to explore having a consultant epidemiologist in the interim, so discussions are already in place for that and we are moving that forward so that by the time we get to putting out the recruitment for an actual Epidemiologist, we would have had our framework in place through a consultant Epidemiologist and we will know exactly what would be best suited for our needs here.

Number five: requesting the Minister to bring back draft legislation regarding the Cancer Registry, incidence of cancer, et cetera. As I said, those are priority areas that our Minister has addressed in her budget address, so she is keen to move that forward once we have that draft legislation and some thoughts—some stakeholder engagement.

It will obviously be something that the Minister needs to approve, take to Cabinet and move on from that, but it is a priority area for her.

Mrs. Sue Winspear, Auditor General, Office of the Auditor General: Sorry, Chief Officer, just for clarity: Whose responsibility is it, drafting that legislation?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: One of our Senior Policy Advisors will be able to take this project forward now.

This would entail having approved drafting instructions through Cabinet and the Legislative Drafting Unit being involved and doing the drafting for us. Once we have the draft, then obviously the consultation would happen and then we would move forward for Cabinet approval.

The Chairman: This is in relation to the Cancer Registry?

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Yes, sir.

The Chairman: Draft legislation exists.

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Well, we would need to look at

what was done before and, because it had not moved forward then...

The Chairman: I know it has been a number of years, but I can assure you that it does exist. It is in the Ministry, I promise you.

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Yes, in updating that, sir.

We certainly would not start from scratch and rewrite the whole thing, we look at what we had before and see if any of that can be brought forward.

In terms of the CayHealth Programme to cover civil servants and HSA staff, we have not had that presentation yet; we have had discussions with the HSA on it and they are aware that we want that presentation so that we are better informed of what can be covered there. I would have to get a forecasted date on that from the HSA to see when that would happen. Like I said, I am trying to see if we can get most of this done in this first quarter. Once I have that, I will be able to come back to say what progress we have made in that regard—whether the Minister will be able to extend it or not—but we are awaiting the presentation.

The various laws: We talked about the Health Practice Act; the Pharmacy Act, the Public Health Act. We did have a complete rewrite, I think, of the Public Health Act because in bringing it forward to modernise it, there were just so many changes. We have that draft already, we are just going to need to look back at that now and refresh ourselves. A lot of what we have been doing, obviously, are regulations; the many changes that happened because of the pandemic are all through regulations, but the actual Public Health Act is a draft waiting to be reviewed and taken forward.

The Health Practice Act needs to happen and obviously, the Pharmacy Act is in draft format to be discussed as well. The Health Practice Act is not readily available with a draft as yet, so that one will take a little bit longer to do.

I have spoken a little bit about some of the core Ministry recruitment updates and the executive roles, in terms of what strengthening the leadership CMO / CNO / MOH and epidemiologists and so forth at that level. Those will then help to drive national policies that will better enhance our healthcare system.

Number nine: To establish a written policy for development of Caymanian doctors. I have liaised with the Medical Director in that regard and he has given me some detailed information, so I do have that. It is now about putting it forward as a policy, and having that approved; but I do have the Medical Director's comments on it, so now it needs to be put forward for a policy approval.

Numbers 10 and 11: I have not been able to get those details from Ministry of Education yet, but I expect that we should have them by the end of this month, so that they give us how much has been taken up, in terms of scholarship for Caymanian doctors,

what has been allocated, what has been used, and also, what fields persons are studying in.

Number 12 was to advise the Committee of the Ministry's plans to consider ways to reduce the cost of healthcare, for instance, by removing duty from drugs and medical supplies or by reducing the HSA's markup on the cost of drugs: This one would be a bit more comprehensive; government did reduce some duties, for example on [items] like Lateral Flow Testing, so some medical supplies; but in terms of which specific drugs and medical supplies overall, that will need more comprehensive discussion and review, in terms of taking it forward to Cabinet and having that approval. So that one is still to be done.

The next thing would be our outstanding audits; our 2017 audit has been completed and is awaiting sign-off. We had significant subsequent events to update in that regard, in particular with the Integrated Solid Waste Management System (ISWMS) project, but it has been completed. From what I have been advised, the 2017 [audit] is pending sign off. I have also been advised that 2018 is about 75 per cent complete; 2019 - 70 per cent; and 2020 about 50 per cent. Where does that leave us? Obviously, we want to be up to date and not have backlog audits. Again, we have had some staff come, some go; so many changes—even CFO changes—and certain things take time for persons to get up to speed.

We have been working with the Office of the Auditor General, it is very much dependent, as well, on their availability in terms of their peak time. For example, right now we are not able to progress much. Once the Auditor General Office start interim and now the current year for the other entities, so that will push us a bit for forward again.

In this interim time, we are looking at how best we can get additional help, so we have persons focused just on audits, so that we are able to knock off what remains on these within a very short period of time. That has been a challenge because as I said, persons hold their finance—everybody needs their people then to complete their own. That has been a challenge for us. We have gone to private sector in the past, to recruit temporarily. It does take some time, if you are unable to find someone who knows the IRIS system, and that does take some time to get up to speed, as well.

We are trying to explore different avenues, we do not have many other staff in our departments. If we are able to bring one from a department to help at Ministry level, then the department suffers because we do not have much staffing capability there, but we are exploring different avenues in that regard. We are working [on it], we have one department staff member whom we have approached about helping us on a weekly basis to get some of it, even from a secondment standpoint, just to give the finance unit some more capacity, until we are able to fill the two vacant posts there and confirm the CFO post.

I do not want to be in this position, I do not want to have outstanding stuff but, unfortunately—with the best will in the world—I am not able to just make it happen since my last update. It is something that we are striving for, I think our team is more on board in terms of what we need to do and I have tried very, very hard, to take care of our staff right now.

I mean, unfortunately our staff have been neglected for a few years and people had very low morale, you know, when I came into this role, so there have been a plethora of issues. I have focused on getting job descriptions updated, helping our staff in every which way we can, making sure that persons understood that we were looking into their individual situations; trying to help them to boost their morale as well, so that we can retain our staff.

Health care is a very busy area outside of a pandemic, and with the pandemic just 10 times more in terms of commitment, so I have tried hard to do that. We have brought our staff up as best as we can and looking at their personal situations, and trying to help them; and then in terms of recruitment, trying to identify other posts that will help to strengthen our core Ministry.

I do want to thank the staff that we have. We have been through a lot, but we see dividends being paid and we will continue. I appreciate all of the efforts and sacrifices they have made. It has been a very challenging two years, but we look forward to a better 2022.

Thank you.

The Chairman: Thank you for that comprehensive response, Chief.

I think, for completeness sake as well, if you could respond to us formally on this letter that would really be helpful, because some of these things can be dealt with quite easily with a few sentences in response to what we have asked of you, in terms of these commitments. We eagerly await a formal response from you on this letter so that we can continue on with our work, and put some of these matters to bed.

I thank you and ask if you could undertake to get that done for us.

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Yes sir, will do. Thank you.

The Chairman: Are there any other questions of the witness? Okay. Well, Ms. Nellie, I want to thank you for appearing before the Committee this morning and giving your responses, answering our questions without hesitation.

We appreciate your responses to the Committee; I know you have a lot on your plate, but I wish you well and thank you for appearing today. You are excused.

Mrs. Nellie Pouchie, Chief Officer, Ministry of Health and Wellness: Thank you sir, and thanks everyone.

The Chairman: Members of the Committee, timing is perfect today. We have one more witness to examine this afternoon, so we are going to take the lunch break now.

We are early, so we will reconvene at 1:30 p.m., unless we can get the Deputy Governor here earlier; I am not sure if that is possible.

[Inaudible interjection]

The Chairman: Oh, sorry we said 2 o'clock.

[Inaudible interjection]

The Chairman: We are going to inquire whether we can get the Deputy Governor here for 1:00 o'clock, in which case we will break until then. If he is not able to, then we will start at 2:00pm. We are all here, so we will know very quickly, okay? So let us go ahead and break for lunch.

Proceedings suspended at 11:55 am

Proceedings resumed at 1:03 pm

The Chairman: Good afternoon everyone. I would like to call this Hearing back to order.

Thank you all for being prompt in getting back into the Chamber. We have one more witness to question this afternoon and that is none other than the Deputy Governor, who I would like to invite into the Chamber at this time.

[Pause]

The Chairman: Deputy Governor, good afternoon to you, sir, and welcome to the Public Accounts Committee and specifically, to this Hearing on the Auditor General's report on pharmacy services in Cayman. We appreciate your presence. I know I do not need to remind you, but I will just say for the record: please state your name and your position before you answer our first question. I will kick off the line of questioning this afternoon.

We are focusing on many things that were said throughout the two days of testimony so far. I am well aware, and I think we all are, of your vision for a first-class Civil service. The Auditor General plays a significant role in ensuring transparency and accountability within Government, and their value-for-money or investigative reports are a key part of the puzzle.

From your perspective, as leader of the Civil Service, what importance do these reports play in your administration of the civil service?

PORTFOLIO OF THE CIVIL SERVICE

The Deputy Governor, Hon. Franz I. Manderson: Mr. Chairman, thank you. Franz Manderson, Deputy Governor and Head of the Civil Service.

Mr. Chairman, first of all let me say, that my Office has an excellent working relationship with the Auditor General's Office. The Auditor General and I meet regularly to ensure that I am aware of any concerns that she has or vice versa. I should say that I put significant importance to the work of the Auditor General and the work of the Public Accounts Committee. When those offices function at the highest level, when their work is taken seriously, my job actually becomes a bit easier, in that, many things that are not working well, will work well if we pay attention and if we take the work of the Auditor General seriously and implement recommendations in a timely manner.

Since becoming Deputy Governor I have worked hard to ensure that we pay attention to the work of the Auditor General and that we implement the recommendations in a timely manner.

Just two years ago, before the pandemic, I appointed Miss Jennifer Ahearn to be my Strategic Operations Officer, and one of her key areas of responsibility was to ensure that the work of the Auditor General, their recommendations, were implemented; that Government Minutes were prepared, and that Chief Officers implemented those recommendations in a timely manner.

The pandemic caused huge disruption in all of that, there is no doubt about it, but to answer your question, sir, it is paramount that we implement the Auditor General's recommendations in a timely manner. If there is one thing that I have learned since being Deputy Governor is that if we implement those recommendations in a timely manner, we will achieve our vision of a World-class civil service.

The Chairman: I appreciate your candidness Deputy Governor, however, I think you may be aware of some of the reports that the Auditor General has done recently for this Committee, particularly, looking at its past recommendations and their implementation.

The best way I can describe it, is that there is significant room for improvement. We found that some recommendations have not been actioned for as long as five years. We, too, feel that our work is hampered, and that we somehow are not achieving what we would like to achieve in seeing these things implemented.

I ask you sir, to use your good office to reinforce to Ministries and Chief Officers, and whoever, the importance of getting these things done and maybe helping to drive some of the change and attention needed.

The Deputy Governor, Hon. Franz I. Manderson: Mr. Chairman, like I said, it has not been business as usual

in the civil service for the last two years. Performance management is not where it should be, in terms of regular performance meetings, setting goals, setting procedures, the majority of us in the leadership, I think, are all focused on COVID.

What is today? Thursday? Just yesterday I had a meeting with my senior leadership team to talk about our priorities for this year. Number one on the agenda is performance management. We are going back to where we were before the pandemic, which means that every civil servant has a Performance Agreement and is held accountable to that performance agreement.

A section that reads “compliance with recommendations of the Auditor General and implementation timelines”, which used to be in Chief Officers’ Performance Agreements, will be reinserted, so every Chief Officer—and I’m giving that undertaking to the Committee—will have a target in their Performance agreement to ensure that any recommendations that affect their Ministry from the Auditor General is implemented. That means that they are held to account by me.

I would then have regular updates from the Auditor General as to where we are. I do not want to wait until December to find out that the recommendations have not been actioned or whatever. That is number one; the first thing that I want to do to address your concern—which is a real concern that we share.

Number two is that I have given a section of the work that Miss Ahearn was doing in my office to someone else. That work is continuing; that person will drive responses to Auditor General Reports, help me follow up on past recommendations and get Government Minutes prepared. The conversation that I had with that person this week is, ‘let us make sure that all outstanding Government Minutes are cleaned up in the first quarter of this year.’ I may need to liaise with the Auditor General to ensure that my list compares with hers but, again, I give that undertaking to the Committee that we will action all outstanding Government Minutes in the first quarter.

Now Mr. Chairman, my authority over this is limited in one respect: I can get those Government Minutes to Cabinet, I cannot decide when they actually get Tabled here, if there is no meeting of Parliament. I am tied by that, but I give the Committee an assurance [that] first quarter, all outstanding Government Minutes will be before Cabinet.

The Chairman: And I do appreciate the commitment, sir, because, to be honest with you, the next question was to get your commitment to getting these Governments Minutes fulfilled. I acknowledge, Deputy Governor [that] a number were done; yes, several were done and completed, but there are still a number of them that are outstanding. Auditor General.

The Deputy Governor, Hon. Franz I. Manderson: Absolutely.

Mrs. Sue Winspear, Auditor General, Office of the Auditor General: Thank you for allowing me to come in, Mr. Chairman.

I thought I would reflect. The history in Cayman, certainly since I have been here, is that these Government Minutes do go through a political process but the thing I just want to remind the Committee, the House and I guess civil services: this Committee is not about policy, it is about implementation of policy and therefore it is in a political Committee and the responses are aimed at the Civil Service, there should not be a political aspect to them.

So, whilst I appreciate [that] in Cayman, they tend to go through a political process, in the UK and many other jurisdictions, for example, it is literally just the Civil service that reply to those recommendations directly and not through the political process. And indeed, when we send out our draft reports, to my understanding, I am not saying there may not be discussions with relevant Ministers, but the responses come from the Civil service.

I say that to just sort of lodge it as a thought, that maybe it would help expedite things if there was not that need to go through the political process, consistent with other jurisdictions; but of course, that is just an observation I make.

The Deputy Governor, Hon. Franz I. Manderson: Mr. Chairman, thank you.

Mr. Chairman, I understand what the Auditor General is saying, I am happy to look at that and discuss it with the Premier and my Cabinet colleagues. It has been the practice to share the Minutes with Cabinet [to] actually get them approved, in terms of what the Government responses are to the recommendations. Sometimes they may involve spend, which means we definitely would need to get Cabinet’s approval. I certainly want to keep the elected leadership updated and informed of matters that are happening in the civil service, but again, Mr. Chairman, I am happy to have that discussion with the Premier. Maybe instead of a Cabinet paper is a Cabinet note, so that Members note what is happening, rather than having to approve; so I will discuss that with my Cabinet colleagues, Mr. Chairman.

The Chairman: Thank you, sir.

Throughout the Hearing today and yesterday, Deputy Governor, it is clear, and from the report itself, [that] there is an absence of a national health care strategy; updating out of date and deficient laws, especially the Pharmacy Act, Healthcare Act, et cetera. These have been outstanding now for a number of years and a number of risks have been identified in the reports.

I am really looking to get a commitment from you to use your powers and your influence to help advance some of these things; to try and bring them to a conclusion and allow us to get modern legislation implemented so that we can ultimately assure the good

regulation of health care, pharmacies, the pharmacists, pharmacy businesses and pharmacy technicians, who we are learning now, are quite common in the industry.

The Deputy Governor, Hon. Franz I. Manderson: Yes, sir.

Mr. Chairman, Chief Officer Pouchie and I have had numerous discussions about this, especially over the last few weeks, preparing to come here and I think she would have updated you this morning of the progress that she is making, in terms of building capacity in the Ministry; getting some key personnel on board, praying that the work of the Ministry will no longer be consumed by COVID—which, sir, it really has been consumed for the last two years. If I could find a stronger word [that “consume”] I would use it, but the Ministry has been consumed with COVID-related work, life-saving work over the last two years.

Once we get to the situation where the staffing is on board and we are almost there—any request that comes to me from the Ministry, I have been turning around immediately so that I am not part of the problem, and I am satisfied the Ministry is making great efforts to solve the problem in relation to staffing.

The conversations that I have had with the Chief Officer is that we now need to turn our minds to these PAC recommendations. One of the persons who is being brought on board will have specific responsibility for implementing these long-outstanding recommendations, along with the ones that you just mentioned, in terms of laws and regulations and updating of legislation. So Mr. Chairman again, I am happy to give [that commitment that I will certainly use my Office to move things along as quickly as possible.](#)

The Chairman: Thank you, sir. Mrs. Kathryn [Ebanks-Wilks].

Hon. Katherine A. Ebanks-Wilks: Good afternoon, Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: Good afternoon.

Hon. Katherine A. Ebanks-Wilks: I want to touch a little more on what you were saying in relation to staffing, because that is one of the areas that Chief Officer Pouchie did rely on for a reason for her delay in responding.

In fact, she expressed to us that she has been busy writing job descriptions; to me this is more a Human Resources matter, so I was surprised to hear that her focus was more on writing job descriptions rather than the National Healthcare Strategy, the legislation, or even responding to the Chairman of the Public Accounts Committee.

I wonder, from your position as Deputy Governor, do you feel that Chief Officer Pouchie has adequate Human Resources support? From the sounds of it, there is a little question here.

The Deputy Governor, Hon. Franz I. Manderson: Thank you.

Mr. Chairman, through you: I think she has it now [but] a few months ago the HR team was very lean. Just to say we had a non-Caymanian in the role. Through succession planning, we now have a Caymanian HR Manager. That non-Caymanian has moved on, and just recently they employed another outstanding young Caymanian in the Ministry.

Certainly they are much better staffed now than they were even a few months ago; so yes, I would think her days of writing job descriptions are over and she has a very, very, competent Caymanian team there that can give her the support that she needs

Hon. Katherine A. Ebanks-Wilks: Music to my ears, DG [Deputy Governor]. Thank you very much.

The Chairman: Deputy Governor, just picking up on that theme, and based on the testimony that we heard today, there still seem to be some challenges in terms of resources. I do not think the Ministry is completely out of the woods yet with it.

It strikes me that there is potential for the civil service to parachute some additional resources on a short term basis to help out with some of this, because I will be honest with you: Speaking frankly from my perspective, I came away from the testimony I have heard these last two days, [feeling] that the Ministry has sort of been operating in crisis mode; and that is not healthy. It is not healthy for the staff, and it is not best for everyone, so I would ask you, again, to look into it further and see if additional support can be given to the Ministry as well.

The Deputy Governor, Hon. Franz I. Manderson: Absolutely, Mr. Chairman.

Again, we actually have parachuted existing civil servants into the Ministry. One of the roles that was filled recently was a civil servant coming from another agency; the one that we are about to fill is, again, a civil service coming from another entity on secondment, so we are doing just that.

What I think the Committee is saying is, *let us do it a bit faster.*

The Chairman: Yes.

The Deputy Governor, Hon. Franz I. Manderson: That is what we need to get done.

One area that I know you have not touched on and I am sure you are going to get to it, so I can just say it now, is the financial side in terms of the outstanding reports. The Chief Officer would have told you that

she lost her Deputy Chief Financial Officer; that person moved on. So just yesterday we spoke about parachuting financial help into the Ministry and let us solve this problem once and for all.

The Chairman: Okay, thank you sir. Members?

Hon. Katherine A. Ebanks-Wilks: I have no further questions.

You pretty much touched on everything, Deputy Governor. I want to say that I think it is great that you have incorporated a new field into the performance review section for the senior staff who are required to respond to Government Minutes or recommendations. We now have a mechanism for accountability there.

Thank you for doing that, and I have no further questions.

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Ma'am.

The Chairman: Mr. Rankine?

Mr. Isaac D. Rankine: Deputy Governor, thank you for your well-explained positions earlier.

The testimony given by the Chief Officer today gave us issues and we were not convinced that there would be any improvements any time soon, especially with the National Health Care Strategy or updating the Pharmacy Act and other important Acts; but now that you have given us your assurances, I feel a bit better that this will happen in very short order, sir.

The Deputy Governor, Hon. Franz I. Manderson: Yes, sir.

The Chairman: Okay. Well, Deputy Governor, that seems to have exhausted the questions that we all have for you. I want to thank you for attending today. Thank you also, for freeing up the time to attend earlier than we had planned for you.

The Deputy Governor, Hon. Franz I. Manderson: Yes, sir; it worked well for me, thank you.

The Chairman: I wish you well this year in your work in the civil service, and I thank you too for your candidness in sharing what is happening. Clearly you were well prepared coming here today, so I really do appreciate it.

Thank you, sir and we will excuse you at this time.

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Mr. Chairman.

Mr. Chairman, could I just say something in passing, please?

The Chairman: Sure, please do.

The Deputy Governor, Hon. Franz I. Manderson: I just want to reiterate the respect that my Office has for the work of the Auditor General and the Public Accounts Committee.

I want to make sure that it works well. I stand up over there in my capacity as Ex-officio Member and I give speeches to the House about the civil service, and I want to repeat what I say there: yes, it is our vision to be World-class. The reason I am here right now, is because we are not World-class; you would not have brought me here if we were being World-class in this particular area. However, when we are not World-class, I do not want to come and give excuses. [I have given a firm commitment to address these issues head on; to not bury our heads in the sand and hope that it goes away; to make the tough decisions that are necessary for us to move this into an area of compliance.](#) So I reiterate that commitment to the Public Accounts Committee.

Thank you.

ADJOURNMENT

The Chairman: Thank you too, sir, for the commitments that you have made to us today.

[Pause]

The Chairman: Well, we made it through.

Members of the Committee, this concludes the Hearing on this report. I want to thank everyone for your participation, and your attendance over the past two days. Thank you to you, Auditor General and your Deputy, as well as your team leaders; the Financial Secretary and the Accountant General for your presence here as well.

I also thank the Clerk for your support—these things go smoothly largely as a result of the help and support that I receive from the Clerk as well, and I am really grateful for that. Thank you all for attending.

Thanks also to the public who may have been watching via television or [listening] on the radio. This concludes this meeting of the Public Accounts Committee. I wish you all a good evening.

Thank you.

At 1:27 pm the Public Accounts Committee stood adjourned sine die.