



15th March 2011

Pharmacy 3 year rule consultation response
Department of Health
456D Skipton House
80 London Road
SE1 6LH

Dear Sir/Madam

Recognition of Pharmacist Qualification Awarded in the EEA and Switzerland: Removing the 3 year rule from new pharmacies

Response from the Guild of Healthcare Pharmacists

Thank you for the opportunity to respond to this consultation. The Guild of Healthcare Pharmacists represents UK wide around 4,000 pharmacists including the majority of hospital pharmacists, pharmacists employed by NHS Primary Care organisations and pharmacists employed by other public bodies such as Prisons and the Care Quality Commission. The Guild is part of the health sector of the union Unite.

Following the receipt of information on the consultation paper Gateway reference 15332 Procurement and we have considered the consultation questions and wish to answer each one as follows:

Do you agree with the proposal to remove the restriction on established and visiting pharmacists, registered in GB by virtue of a qualification awarded by a relevant European State, being in charge of a pharmacy, which has been registered for less than three years?

The Guild of Healthcare Pharmacists has for many years express disquiet about this rule which it considers to be a restraint on the freedom of movement and professional practice of many of our members who have an EU qualification. In our 2009 discussions with the DoH, the MHRA and the RPSGB, the regulator at the time, in relation to the Responsible Pharmacist regulations we expressed those concerns both on practice and on compliance with EU directives. Those discussions resulted in a number of new registrations by hospitals to

President: David Miller

Professional Secretary: Barry Corbett

Email: barry_corbett@hotmail.com

Website: www.ghp.org.uk

maintain services to smaller NHS and charitable organisations without their own pharmaceutical support. However this led to the ridiculous situation that previously registered pharmacies in that Trust could have an EU qualified and UK registered pharmacist, who may have many years of experience, in charge - but the newly registered premises could not. This appeared to us from a protection of the public to be a strange and illogical administrative curiosity and was in our view - subsequently proven correct - in breach of EU regulations. This has in practice led to difficulties in maintaining some out-of-hours services and we totally support its removal as we consider it unfit for purpose

Do you consider that there are any risks, costs or benefits as a result of removing the restriction?

The public interest and safety rather than the commercial interest of some existing contract holders is best served by the removal of this particular restriction and an equal focus on the competencies and expertise of all practitioners particularly in relation to the inherent risk of their place and type of practice. We do however note whilst dealing with restrictions on practice that a significant number of member states have a 'specialisation' in hospital pharmacy, and approximately two thirds of EU citizens now live in states with some form of such specialisation. The reasoning is very simple, the recognition that a validated level of knowledge and skills over and above the primary qualification was essential because hospitals tend to have the 'sickest patients' and the pharmacies are handling the 'riskiest medicines', and the level of such risk is consistently understood throughout the world (WHO / IHI).

We hope these comments are of assistance. Our reply may be made freely available.

Yours faithfully

Barry Corbett
Professional Secretary
Guild of Healthcare Pharmacists

David Miller
President
Guild of Healthcare Pharmacists