



25th January 2012

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Consultation on the new draft regulations The National Health Service (Pharmaceutical Services) Regulations 2012 (“the 2012 Regulations”) and draft guidance concern the remaining provision under the Health Act 2009.†

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.

Our response to consultation questions is as follows:

Chapter 2

1. Do you agree the draft regulations enable market entry to be based on identification of current and future needs?

Yes

2. Are there any other matters which you feel need to be included in or omitted from the draft regulations which deal with applications based on current or future needs?

The PNA must be up to date with clear review dates and expiry dates. The PNA must contain enough detail to ensure gaps and needs are clearly articulated

Chapter 3

- 1. Do you agree the draft regulations that enable market entry in respect of applications offering to meet identified “current or future improvements” or “better access to pharmaceutical services”?**

Yes

- 2. Are there any other matters which you feel need to be included in or omitted from the draft regulations which deal with applications for “current or future improvements” or “better access to pharmaceutical services”?**

We feel that terms such as better access, current or future improvements need to be defined. The stated terms are very ‘woolly’ and will mean different things to different people.

Chapter 4

- 1. Do you agree the draft regulations that enable market entry in respect of applications offering “unforeseen benefits”?**

Yes, but there are no outcome measures of the unforeseen benefits. Unforeseen benefits need to be associated with an outcome measure for the patient.

- 2. Are there any other matters which you feel need to be included in or omitted from the draft regulations dealing with “unforeseen benefits”?**

There is a need to have patient outcome measures for all unforeseen benefits.

Unforeseen benefits need to link to wider public health requirements. There is a lack of acknowledgement of the wider public health needs analysis, not just the PNA.

- 3. Do the draft regulations provide a solution to the current difficulties dispensing appliance contractors are facing in applying for entry to a PCT’s pharmaceutical list? If not, what alternative solution would you propose?**

Yes, but there must be appropriate safeguards for PCTs to decline a dispensing appliance contractor (DAC) not required by the PNA.

- 4 Do they provide an appropriate balance between enabling an improvement in the provision of appliances to patients whilst ensuring the NHS does not incur additional costs for little or no perceived benefit?**

No, we would support greater requirements for DAC to achieve outcomes measurable for patients

Chapter 5

- 1. Do you agree with all the proposed exceptions to the new market entry test listed in paragraph 1 of Chapter 5? If not, please tell us which types of application should be excepted from the new market entry test and the reasons why.**

Yes

2. Do you agree that distance-selling applications should not be subject to the new market entry test? If not, please give reasons for your answer.

Yes

3. Under the current 2005 regulations, an application for one of the four exemptions is refused if the neighbourhood in which the premises will be located is designated for LPS. Do you consider PCTs should continue to have this safeguard of being able to refuse distance-selling premises applications in an area where there is a LPS designation? If yes, please give reasons.

Yes, there will be issues that have not been covered by this change in regulations

Chapter 6

1. Will the introduction of a “no significant change relocation” make relocating or administering relocations of pharmacy premises within a PCT’s area easier than the current “minor relocations” provisions? If not, please give reasons.

Locations still remain within communities and therefore should be taken into account

2. Are the conditions relating to “no significant change” applications clear? Do you have any comments about the new “no significant change or detriment” test?

We do not have comments on this

Chapter 7

1. Do you consider the notifications and appeals procedures in the draft regulations adequate?

Yes

2. Do you consider the notification and appeal procedures in draft Schedules 2 and 3 are clear?

Yes

Chapter 8

1. Are the draft regulations sufficiently clear about how and under what criteria PCTs can initiate measures to deal with performance matters for chemist contractors?

Yes – primary care contractors should be subject to the same measures

Are these proportionate and reasonable? If not, what changes would you suggest

Yes

Chapter 9

1. The intention of the Advisory Group has been to transfer the 2005 Regulations and amendments agreed by the Group since relating to rural dispensing without any significant change, but taking the opportunity to make the regulations clearer and make some agreed minor modifications. Do you agree with what has been done? If not, please tell us why not.

Yes

2. Does the information which accompanies the regulations including the draft guidance adequately clarify the requirements and procedures set out in the draft regulations? If not, please tell us why not.

Yes

3. If Ministers were to proceed following consultation, do you have a view on whether these new Regulations should be implemented by PCTs or the NHS Commissioning Board, subject to Parliamentary process?

We feel that the new Regulations should be implemented by the NHS Commissioning Board as with all primary care contractors

Impact Assessment Questions

22. Do you have any comments on the draft impact assessment?

No

23. Is there anything missing from the draft Equality Impact Analysis

No

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

Yours faithfully

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