

Extended Advisory Group on the NHS (Pharmaceutical Services) Regulations 2013

**Minutes – 25 October 2012
11.30 am – 1.00 pm**

**Room 402A Skipton House
London Road, London SE1 6LH**

1. Welcome and introductions

In attendance:

Paul Burns	Chair
Taryn Harding	NHS Employers
Kelvin Rowland-Jones	NHS Employers
Steve Lutener	Pharmaceutical Services Negotiating Committee
Gary Warner	Pharmaceutical Services Negotiating Committee
Dr Russell Walshaw	General Practitioners' Committee (GPC) of the British Medical Association (BMA)
Dr Richard West	Dispensing Doctors' Association at the invitation of the GPC of the BMA
Catharina Ohman-Smith	GPC of the BMA – observer
Matthew Isom	Dispensing Doctors' Association – observer
Sarah Billington	Local Government Association Support
Charlotte Goodson	Primary Care Commissioning
Jeannette Howe	DH Sponsor
Secretariat	
Michael Adam	DH Legal Services
Peter Dunlevy	DH
Catriona Patterson	DH
Gillian Farnfield	DH

1.1 Paul welcomed members to the last meeting of the Extended Advisory Group

2. Apologies

Charlotte Bone	DH
Peter Bullen	BHTA
Ray Hodgkinson	BHTA
Sam Illingworth	NHS Commissioning Board – Commissioning Development
Graham Jones	Local Government Association Support
Alyson Morley	Local Government Association
Sue Sharpe	Pharmaceutical Services Negotiating Committee
David Thorne	NHS Employers

3. Notes of meeting held on 27 September 2012

- 3.1 The notes were agreed and signed as a correct record. They would be published alongside the papers of the last meeting on the Department of Health website as soon as practicable.

4. Matters arising not included in the agenda

- 4.1 There were no matters arising.

5. Developing the 2013 Regulations

- 5.1 *Second draft of 2013 Regulations* – the Chairman reported that Michael had drafted up to the end of Schedule 6.
- 5.2 *Draft regulation 2* – Steve Lutener queried whether the definition of “LPS contractor” included LPS pilot scheme contractors. Michael clarified that the definition of LPS contractor does not, but the definition of LPS scheme includes LPS pilot schemes with the exception of Part 13 of the draft 2013 Regulations. “LPS chemist” is the term used for both pilot scheme and permanent scheme providers, This was to ensure that, for example, when the NHSCB notifies LPS contractors of market entry etc applications/decisions, this will include pilot scheme providers.
- 5.3 Michael explained that he had amended the definition of “non-electronic prescription form” to cover vouchers as suggested at the previous meeting. He will be redrafting this definition again as it is linked to the definitions of remuneration and reimbursement. The Secretariat will share the redrafted definition with the PSNC once drafted.

Action: Michael Adam/Secretariat

In relation to the definition of prescription forms, GPC queried draft Schedule 6, paragraph 2 and its equivalent in draft Schedule 4. In particular, GPC were concerned that there could be occasions where the prescription was legitimately “incomplete” through no fault of the prescriber. Unfortunately, GPC felt this could result in patients becoming the piggy in the middle between the GP and the chemist. DH explained that in light of the increase in the commissioners of services it was necessary to ensure that pharmacy contractors only dispense prescription forms that the NHSCB is able to recharge to the correct commissioner. Steve Lutener suggested adding the wording, ‘information relating to the identification of prescriber’ – this was

agreed. Michael will also amend “D” to “P”. Michael will redraft draft Schedule 4, paragraph 9 and Schedule 6, paragraph 2.

Action: Michael Adam

Jeannette clarified the current DH policy on pharmacy independent prescribers – PSNC are content with this draft definition.

5.4 *Draft regulation 7* – Charlotte queried whether as part of any transitional arrangements we would need to require HWBs to continue to revise a PNA where a PCT revisits its PNA but does not finish this revision before 31 March 2013. It was felt that HWBs would want to have the freedom to consider whether to take on a revised PNA or not. On balance, it is therefore felt that such a requirement should not be included in the transitional provisions.

5.5 *Draft regulation 9* – Michael had redrafted draft regulation 9(1)(b) in the light of the PSNC’s comments at the last meeting. The PSNC are content with the redrafted regulation. After a short discussion, this was agreed by other members of the Group.

5.6 *Draft regulation 39* – it was noted that since the last meeting, DH had decided that the NHSCB should also be required to publish the controlled locality map. Michael will redraft draft regulation 39(2)(a) to mirror draft regulation 43(4)(b).

Action: Michael Adam

5.7 *Transitional provisions* – Michael outlined how he was intending to draft the transitional provisions – i.e. with the general principle that everything carries on as it was before. Members indicated they were content with the general principle. DH was considering not including the SCAT regulations in the transitional provisions to the 2013 Regulations. Charlotte agreed to check with her networks whether there were any more SCAT regulation cases, which would not finish until after 1 April 2013.

Action: Charlotte Goodson

5.8 *Draft regulation 50(1)(e)* – Richard queried whether this regulation was superfluous and duplicated paragraph 7(b) of Schedule 6, i.e. patients in a reserved location no longer wish to receive services from a dispensing doctor and dispensing patients having the option to receive a prescription continuing to be a dispensing patient.

5.9 Steve clarified that these were two different regulations – i.e. removal from dispensing doctors list in a reserved location and dispensing patients taking prescriptions to other pharmacies. Richard also pointed out that where a patient had chosen to be removed from the dispensing doctors list in a reserved location, it was difficult to return to it. Other members felt that patients were exercising choice in this respect and that the draft regulation did not need to be amended.

- 5.10 *Draft regulation 64 and 65* – Charlotte queried whether any conditions set under the 2012 Regulations (such as the core opening hours condition) needed to be transferred to the 2013 Regulations. Michael will consider revising these draft regulations.

Action: Michael Adam

- 5.11 *Draft regulation 88* – Charlotte queried whether HWBs and CCGs need to be notified of fitness to practise decisions (as they might be commissioning services from pharmacy contractors). DH will consider amending this draft regulation with regard to other primary care fitness to practise regulations.

Action: DH

- 5.12 *Information to accompany Regulations* – Catriona outlined that the NHSCB have said they would welcome DH's Information documents and that DH is intending to redraft the existing guidance documents on market entry, performance management and fitness to practise to reflect the 2013 Regulations. The NHSCB are intending to have single operating procedures wherever possible – PCC is working with the NHSCB on producing a suite of resources including template letters, forms etc. DH will be working with the LGA to produce information for HWBs on PNAs.

6. Next steps

- 6.1 Catriona outlined the proposed timetable for laying the Regulations. DH is intending to produce a final draft of the 2013 Regulations in mid-November. They will then write formally to the stakeholder organisations on the EAG with the draft regulations, giving them two weeks to consider these. The stakeholders would then be asked to respond formally to say they are content. The 2013 Regulations are part of the final tranche of regulations being laid by DH in early January.

7. Any other business

- 7.1 The GPC confirmed that there was no need for the rural dispensing meeting to go ahead on 31 October. This meeting was therefore cancelled.

8. Close

- 8.1 The Chairman thanked members for their input to the Extended Advisory Group – he was thanked for his chairmanship.

Summary of Action Points

Agenda item	Action point	Who
5.3	Redraft definition of “non-electronic prescription form”	Michael Adam
	Share redrafted definition with PSNC	Secretariat
	Redraft draft Schedule 4, paragraph 9 and draft Schedule 6, paragraph 2	Michael Adam
5.6	Redraft draft regulation 39(2)(a) to mirror draft regulation 43(4)(b) – publishing controlled localities maps	Michael Adam
5.7	Check with networks whether there will be any outstanding SCAT regulation cases as at 31 March 2013	Charlotte Goodson
5.9	Michael to consider redrafting draft regulations 64 and 65 (carrying forward 2012 Regulations conditions)	Michael Adam
5.10	Consider amending draft regulation 88 to include notification of decisions to HWBs and CCGs.	DH