

PSNC Health Policy and Regulation Subcommittee Minutes

Of the meeting held on Tuesday 10th January 2017

At The Radisson Edwardian Grafton Hotel, London

Present: Ian Cubbin (Chair), David Evans, Prakash Patel, Janice Perkins, Stephen Thomas

Together with: David Broome, Harpreet Chana, Sam Fisher, Gordon Hockey and Will Goh

Apologies for absence

There was none.

Minutes of previous meeting and matters arising

The minutes of the meeting held on 11th October 2016 were approved at the October meeting. There was one matter arising.

- It was requested that information be provided on the General Data Protection legislation, due to be implemented in 2018. [This was provided and the item is on the current agenda.]

Report of ongoing work

The report was noted and in addition:

- Stephen Thomas was welcomed to his first subcommittee meeting.
- It was agreed that David Evans will Chair meetings of the subcommittee in the absence of Ian Cubbin.
- The PSNC strategic plan and 2017 operational plan were noted. The two strategic aims for the subcommittee for this year were agreed, as were the subcommittee's plans for addressing them. On 'prescription direction', it was suggested that the office consider whether the issue can be resolved, before significant resources are invested in trying to do so.
- The subcommittee noted that in July 2016, following its recommendation, the committee decided (regarding the Falsified Medicines Directive) that:

‘PSNC wishes to participate in the UK MVO [Medicines Verification Organisation], without contributing to its costs.’

It was reported that Community Pharmacy Scotland (CPS) is inclined to seek membership of, and contribute to the costs of, the UK MVO (called 'SecurMed') and may want other Quad members to do so.

It was noted that CCA and NPA members already contribute to the UK MVO as part of these memberships.

Accordingly, the committee may be asked to reconsider the issue.

Agenda and subcommittee work

Considering and where necessary, proactively seeking, potential changes in the regulatory framework that could support contractors and robustly responding to any Government proposals, including on remote dispensing and supervision

a. Discretionary payment claims - Switching

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b. Judicial Review

It was noted that the DH's application to vary the Judicial Review proceedings timetable was due to be heard on Thursday 12 January 2017. [The application was successful and the hearing was moved back to 21 March 2017.]

c. Pharmacy Access Scheme – PhAS

The existing PSNC information on PhAS was noted and that the office will publish additional information to support contractors.

It was agreed that NHS England should be informed that the options for LPS contractors are not clear: LPS pharmacies returning to the pharmaceutical list are not eligible for PhAS payments, because they were not on the pharmaceutical list on 1 September 2016; and, applications for review are not available to them due to the terms of permitted reviews and because the closing date (28 February 2017) for most applications will have passed by the time many return.

d. Market Entry

It was noted that from 5 December 2016, Regulation 26A pharmacy consolidations/mergers have been possible (consolidations/mergers with some protection against new pharmacies simply replacing them). It was reported that NHS England's Pharmacy Manual would be updated around the end of January.

It was reported that following a consolidation/merger, formally only the opening hours of the remaining pharmacy survive; for example, if a 40-hour and 100-hour pharmacy merge and the 40-hour pharmacy remains open, the opening hours are 40. But, in practice such a pharmacy may need to offer longer opening hours to ensure no gap is created in the provision of pharmaceutical services. NHS England can agree an application only if the relevant Health and Wellbeing Board determines that no gap is created by the consolidation/merger.

2 Ensuring administration of the regulations is undertaken properly and effectively, advising and supporting LPCs and contractors where necessary

a. Primary Care Support England (PCSE)

The subcommittee reiterated previous concerns about Capita's operational performance. The Director of Operations & Support reported that a meeting was planned with a representative of NHS England for informal discussions about a compensation scheme for pharmacy contractors.

b. Annual completion of the IG Toolkit and the recent actions of the NHS England West Midlands team

The subcommittee noted that following a letter from PSNC dated 20 December 2016, NHS England West Midlands team had withdrawn the breach notices against pharmacy contractors. A formal response to the issues raised by PSNC is awaited.

c. Equality Act and its applicability to the provision of MDS trays

The subcommittee noted Counsel's draft legal advice and agreed that updated guidance to support contractors should be published in due course.

Any Other Business

There was none.