



11 April 2019

Dear pharmacy team,

In December 2016 some of the most serious cuts to pharmacy funding became a reality. The NHS decided that the valuable services you provide, often free of charge are not worthy of their consideration. As a result, the decision was taken and imposed that you should be only be remunerated for your Essential Services. This means that additional services, often offered by you free of charge, (these have never been contractually funded by NHS England) to support better patient outcomes, should be looked at and consideration given to whether they are financially viable.

Examples include:

- Supply of dossette boxes to patients who do not qualify under the Equality Act
- Loaning medication - not a legal practice
- Deliveries of medication

You are also being penalised by the growing practice of CCGs encouraging the use of Branded Generic prescribing. In the majority of cases, this results in you dispensing the medication as a loss because reimbursement by the NHS is less than your purchase price. This causes an issue in specific locations and marginalises specific pharmacies because the global sum allocated to pharmacies for buying margin does not pick up these local anomalies.

Avon LPC has therefore given consideration to the points above and is issuing the following guidance for you to consider.

### **Dossette Boxes**

A pharmacy is only required to make a reasonable adjustment for patients who qualify under the Equality Act (2010) (Historically the Disability Discrimination Act 1995). A person is regarded as being disabled, if they have a physical or mental impairment, which has a substantial adverse effect on that person's ability to carry out day to day activities. Additionally, the impairment must be either long term (that is, has lasted more than 12 months) or is likely to last more than 12 months or for the rest of the person's life (for example multiple sclerosis).<sup>1</sup> It is worth noting that the person who makes this decision is the dispensing pharmacist, not the GP, social care or any other agency. For patients who do qualify, a reasonable adjustment should be made in order to ensure they are able to utilise their medication correctly.

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<sup>1</sup> <http://psnc.org.uk/wp-content/uploads/2016/01/PSNC-Briefing-001.16-Equality-Act-2010.pdf>



Reasonable adjustments include (but not limited to):

- The use of large print labels
- Providing a patient with non click lock caps
- Providing devices to make inhalers and dropper bottles easier to use
- Medication Reminder (MAR) charts
- Dossette boxes

The vast majority of patients who receive a dossette box do not qualify under the Equality Act and therefore you are providing a dossette box as a private transaction, free of charge. In these situations, it would therefore be reasonable to charge either the patient, the carer, social services or the CCG a fee for the supply of medication in a dossette box.

**Avon LPC advises that a reasonable fee can be charged for this service (but not if it is provided as a reasonable adjustment under the equality legislation). It is at the discretion of the pharmacy contractor to determine whether to charge a fee and if so, the level of any fee.**

### **Loaning medication**

Supplying medication to a patient whilst waiting for a prescription to be produced is unlawful. There is no provision in the medicines act that covers this type of supply. It is therefore important that surgeries, patients and other organisation understand that you should not be put into this compromising position. The only way medication can be provided to a patient without a prescription is as follows:

- An emergency supply at the request of a patient
  - This is a private service and therefore incurs a fee and is chargeable to the patient regardless of whether they pay for their medication
  - Across Avon, there is a CCG commissioned service, which currently enables the pharmacy to pass the charges to the CCG.
- An emergency supply at the request of a prescriber
  - This requires the prescriber to contact the pharmacy and make the request
  - The prescriber must furnish the pharmacy with a prescription within 72 hours

**Avon LPC would therefore encourage pharmacies to lawfully dispense medication to patients and if required utilise either one of the two emergency supply routes rather than loaning medication to patients.**

It is also worth noting that faxing of prescriptions is becoming a more common phenomenon and if the legislation relating to the Emergency Supply at the request of a prescriber is not followed, it constitutes an unlawful supply of medication. There is also a significant risk of harm when dispensing against a faxed script as it has recently been reported locally where a prescriber faxed the script for insulin to two pharmacies.



Both dispensed it and delivered it. Fortunately the diabetic patient realised the mistake before significant harm occurred.

**Avon LPC therefore recommends that the use of fax scripts be limited to absolute emergencies where no other solution can be found.**

### **Deliveries of medication**

This is a service that has for many years been offered free of charge by you as there is no fee provided to community pharmacies for the provision of this invaluable service. Many patients now rely on this service to enable them to obtain their medication if they are housebound. It is also noted that other organisation associated with the care of patients also rely on this service to ensure medication is with the patient when they visit.

**Avon LPC advises that a reasonable fee can be charged for this service (but not by DSPs or for the supply of appliances). It is at the discretion of the pharmacy contractor to determine whether to charge a fee and if so, the level of any fee.**

If you require any further information or advice regarding this letter, please contact Avon LPC on [avonlpc@gmail.com](mailto:avonlpc@gmail.com).

Yours faithfully,

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