

INFORMATION DOCUMENT – NEW PHARMACY APPLICATIONS

What is a New Pharmacy Application?

A 'pharmacy' can be opened by anybody, anywhere in the country.

However, if someone wishes to provide **NHS pharmaceutical services** to the public, they can only do so with the permission of the relevant NHS Board and must therefore apply to that Board to join the Boards **Pharmaceutical List**.

An application for inclusion in the Board's **Pharmaceutical List**, is essentially an application to provide NHS pharmaceutical services from identified premises in the relevant Board's area.

Applications to open a pharmacy to provide **NHS pharmaceutical services** can be made by any individual, partnership or company, subject to the conditions specified in the Medicines Act.

The Application Process

NHS (Pharmaceutical Services)(Scotland) Regulations 2009 as Amended outline the process which Health Boards must follow when dealing with potential and submitted new pharmacy applications.

Prior to submitting an application, the applicant and the NHS Board must carry out a Joint Public Consultation exercise (for a period of 90 working days). The responses to the Joint Public Consultation will form the basis of a Consultation Analysis Report (CAR) prepared by the Health Board and the potential applicant.

The potential applicant will then have the opportunity to decide if they will proceed with a formal application which would require to be received by the Health Board within 90 days of the Joint Public Consultation being completed.

Receipt of a Formal Application

In accordance with the Regulations, The Board's Pharmacy Practices Committee (PPC) considers new Pharmacy Applications, on behalf of the NHS Board, and require to determine these Applications in accordance with the '**statutory test**' contained in the regulations.

Statutory Test

The **statutory test** states - An application for a new pharmacy contract shall be granted by the Board (Pharmacy Practices Committee), only if it is satisfied that the provision of NHS pharmaceutical services at the premises named in the application is **necessary** or **desirable** in order **to secure adequate provision** of pharmaceutical services in the **neighbourhood** in which the premises are located by persons whose names are included in the pharmaceutical list.

Consideration & Determination of an Application

To meet the requirements of the Regulations, in respect of the **statutory test**, the **PPC** of the NHS Board must consider whether an application to open a community pharmacy is “**necessary or desirable**” in order to secure the **adequate** provision of **NHS pharmaceutical services** by persons on the pharmaceutical list in the **neighbourhood** in which the related premises are located.

The **PPC** may only grant an Application if it is satisfied that it is “**necessary or desirable**” to approve the application in order to secure the **adequate** provision of NHS pharmaceutical services in the **neighbourhood** in which the premises are located.

Applying the Statutory Test

The key aspect of the determination of the application is applying the statutory test.

This requires the PPC to:

- Identify the boundaries of the ‘**neighbourhood**’ in which the premises named in the application are located.
- Consider and agree whether the current **provision of NHS Pharmaceutical services** from persons on the list in that **neighbourhood are adequate** and;
- If the PPC determines that the **current provision is not adequate**, consider and agree whether it is **necessary or desirable** to approve the application to **secure** the **adequate** provision of NHS pharmaceutical services in the **neighbourhood**

In considering and determining the Application the **PPC** will also take account of:

- Pharmaceutical services already provided in/to the neighbourhood.
- The pharmaceutical services to be provided in the neighbourhood by the Applicant.
- Representations received by the Board from other community pharmacies.
- The Consultation Analysis Report.
- Any other information available which is relevant to the consideration and determination of the Application in respect of the statutory test.

Decision of the Pharmacy Practices Committee (PPC)

The decision of the PPC and the reasons for its decision are notified to the Health Board no later than 10 working days after that decision being made.

The Board then has 5 working days to inform the Applicant and those making representations of the decision of the Committee and the reasons for its decision.

The Applicant and those making representation are also notified of their right of appeal against the decision of the Committee which must be received within 21 working days of the notification being sent.

Any appeals, received by the Health Board, against the decision of the Committee, are sent by the Health Board to the Chair of the National Appeal Panel (NAP).

National Appeal Panel (NAP)

The role of the **NAP** is to consider appeals against decisions made by Pharmacy Practice Committees (PPCs) submitted by those deemed as eligible under regulations to submit an appeal.

Decisions taken by the NAP are final, but subject to possible Judicial Review.

What services do Community Pharmacies Provide?

Most people relate to the local community pharmacy (or chemist) as the place where they take their GP prescriptions to be dispensed. For your information the following has been provided:

- Details of the core services which all community pharmacies, providing **NHS pharmaceutical services**, will provide in addition to dispensing prescriptions; sale of medicines (those which can only be sold from a pharmacy) and provision of pharmaceutical advice (**Annex A**)

It is important to note that whilst **NHS pharmaceutical services** can be provided from premises selling other items and services, such other commercial aspects are not a consideration of the arrangements when the **PPC** is determining whether an application should be granted.

Annex A

NHS PHARMACEUTICAL ‘ADDITIONAL’ SERVICES

The following provides details of the services which are part of the new community pharmacy contract, which all community pharmacies, providing **NHS pharmaceutical services**, will provide **in addition to** dispensing prescriptions; sale of medicines (those which can only be sold from a pharmacy) and provision of pharmaceutical advice.

Public Health Service (PHS)

Through which community pharmacy is used to support self-care and provide advice and information on health issues. This includes a smoking cessation service to help those who wish to stop smoking and a sexual health service which includes free access to Emergency Hormonal Contraception (EHC).

Acute Medication Service (AMS)

This is the dispensing of acute or ‘one-off’ prescriptions but supported by the electronic version of the prescription, to increase patient safety, improve data collection and payment processes.

Medicines: Care and Review Service (MCR)

MCR delivers personalised pharmaceutical care to patients who have a long-term condition(s). It involves collaborative working – subject to informed patient consent – between a patient, their community pharmacist, their serial prescriber and their GP Practice.

Pharmacy First Scotland

As part of a new initiative pharmacists are now able to offer free treatment for a wider range of common health conditions including acne, athlete’s foot, urinary infections, impetigo, conjunctivitis, thrush and eczema. The existing local pharmacy first service provides free treatment and advice for minor skin conditions and skin infections such dermatitis, cellulitis, insect bites and nail infections.