

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 and the Amended Regulations 2011 (SSI 2011/32), 2014 (SSI 2014/148) 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 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** 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 the 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 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).

Chair of the National Appeal Panel (NAP)

The role of the **Chair 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 **Chair of 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 four 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.

FOUR CORE NHS PHARMACEUTICAL 'ADDITIONAL' SERVICES

The following provides details of the four core services which began a phased implementation in April 2006. It consists of four core services which all pharmacies will provide in addition to dispensing medicines, sale of medicines (including those which can only be sold from a pharmacy), and provision of pharmaceutical advice. The four core services are:

- **Minor Ailment Service (MAS)** allows pharmacists to provide advice, treatment (free of charge) or a referral to another health care professional according to the patients' needs. Patients who are registered with a Scottish GP and who are exempt from prescription charges (with the exception of people who are resident in a care home, temporary residents), must register with a community pharmacy to receive the service.
- **Acute medication service (AMS)**, is the provision of pharmaceutical care by community pharmacists for acute episodes of care including dispensing of prescriptions.
- **Public Health Service (PHS)** where pharmacists will provide information on public health issues, create public health window displays and participate in national and local public health campaigns. Community pharmacists have supported campaigns on topics such as Flu Vaccination, Meningitis and Physical Activity. The support is provided partly by the insertion of a poster in the community pharmacy window and the adoption by the pharmacy staff of opportunistic consistent health promotion messages about the topic.

Community pharmacies offer smoking cessation services, emergency hormonal contraception supply and treatment to support patients in improving their health.

- **Chronic Medication Service (CMS)** will enable the pharmacist to manage a patient's long term medication for up to 12 months, as part of a shared agreement between the patient, GP and the community pharmacist.