

Pharmaceutical Services Regulations Consultation  
Welsh Government  
Department of Public Health and Health Professionals  
Health & Social Services Directorate General  
Cathays Park,  
Cardiff, CF10 3NQ

21<sup>st</sup> November 2012

**Response from the Royal Pharmaceutical Society to: Draft regulations under the National Health Service (Wales) Act 2006 - The National Health Service (Pharmaceutical Services) (Wales) Regulations**

The Welsh Pharmacy Board of The Royal Pharmaceutical Society would like to take this opportunity to submit general comments to the above named consultation by Welsh Government.

The Royal Pharmaceutical Society (RPS) is the professional body for every pharmacist in Great Britain. We are the only body that represents all sectors of pharmacy in Great Britain.

The RPS leads and supports the development of the pharmacy profession within the context of the public benefit. This includes the advancement of science, practice, education and knowledge in pharmacy. In addition, it promotes the profession's policies and views to a range of external stakeholders in a number of different forums.

Its functions and services include:

**Leadership, representation and advocacy:** promoting the status of the pharmacy profession and ensuring that pharmacy's voice is heard by governments, the media and the public.

**Professional development, education and support:** helping pharmacists to advance their careers through professional advancement, career advice and guidance on good practice.

**Professional networking and publications:** creating a series of communication channels to enable pharmacists to discuss areas of common interest.

## **General comments**

The Welsh Pharmacy Board (WPB) is disappointed and concerned that none of their previous comments have been addressed in the drafting of these Regulations. Whilst we acknowledge the Welsh Government may feel our proposals were outside the main scope of the previous consultation, this was the point we were making with our original response i.e. the scope of the consultation was ambiguous and not a review of the regulations but just a consolidation exercise to tidy up administration issues .

We have been an advocate of Welsh Government strategy for moving more services to primary care and we have supported the Welsh Government policy intent of utilising the skills of the pharmacy profession to deliver more service closer to patient homes and increase community based services. However Welsh Government has not taken this opportunity to put in place legislative changes for a more enabling Control of Entry framework that would support these policy intentions. A lack of engagement prior to this draft of the regulations has meant we are unaware of why the points we have raised are not viable , or desirable options for that the Welsh Government to take forward the pharmacy agenda in Wales.

These draft Regulations will support the status quo and current situation of static pharmacy premises numbers as demonstrated by the number of new entrants into the market over the past decade. They also have the potential to stifle innovation, will lack influence on raising standards within existing pharmacies and don't produce a framework that will support the development of professional services that are patient focused.

Professionalism within pharmacy is achieved by the combination of Regulatory frameworks and Professional Standards and Behaviours, and as such we are concerned that the Welsh Government has not aligned its thinking and priorities and taken the initiative to underpin its desire for professionalism, with Regulations that would support the need for a pharmaceutical needs assessment as a mechanism to control entry and exit onto the pharmaceutical list.

In response to the Regulatory Impact Assessment for the draft Regulations, the Welsh Pharmacy Board is wary of some the terminology used and some of the assumptions made to support their options appraisal. Namely we found the use of the terminology around Fitness to Practise inconsistent, in that Fitness to Practise is a term synonymous, for pharmacy, with regulation and the

General Pharmaceutical Council and relates to the proceedings in determining an individual registrant's ability to practise to professional standards and behaviors. Within the Regulations the terminology should reflect 'Fitness', namely the Fitness of a contractor to be included in the Pharmaceutical list which is intrinsically different. Also some of the rationale used to support the Government's position for option 3 are very confusing and are based on assumptions rather than fact based. For example, the claim that there could be higher demand for pharmacists which may lead to higher pay which would have an impact on profitability, recruitment and continuity for patients is based on conjecture.

*The Emerging Themes: Improving Pharmaceutical Services in Wales Expert Group Review September 2009* report led to the formation of the Task and Finish group which is cited in the regulations. The *Emerging Themes* document recommended more than would be achieved by these regulations. It stated;

#### **Revision of Pharmaceutical Regulations in Wales**

"We recommend a holistic review of the process of pharmacy applications, decisions and appeals in order to develop a more planned approach to the provision of these essential services across Wales."

"Explore with the Minister how this Task and Finish Group can scope fully the needs of patients, the restructured NHS in Wales and the outcomes of the Rural Health Plan in order to review the Pharmaceutical Regulations. This is with a view to developing community pharmacy alongside other primary and community care contracts to ensure that community pharmacy can become part of a fully integrated healthcare system."

#### **In conclusion**

The WPB is not able to agree to any of the 3 options, but would again ask that the Welsh Government takes this opportunity to look at drafting of The National Health Service (Pharmaceutical Services) (Wales) Regulations, as an opportunity to be innovative and support its own priorities and policies and introduce pharmaceutical needs assessment as an entry and exit tool into the market, or provide a clear timetable and plan of action of how this is to happen.

We are supportive of the introduction of Fitness requirements for contractors to be included on the Health Board's Pharmaceutical list. However we would not want to see this extended to all pharmacists providing services in Wales as we believe the place for this list lies with the GPhC as per current situation and there is no necessity to duplicate this work.

We believe that Welsh Government has missed an opportunity to;

- Address the issues and concerns around control of entry to the pharmaceutical list by taking a different approach and introducing Pharmaceutical Needs Assessments as a market entry, and where necessary, exit tool.
- Review the regulations and put in regulations relating to “Control of Entry” that reflect existing and developing service provision under the community pharmacy contract but also be flexible enough to ensure that they can encompass future service modernisation in Wales.
- Establish in Regulations that pharmaceutical services are provided by pharmacists as a principle.
- Address the workload of pharmacy contractors in respect to a volume based pharmacy contract.
- Introduce a robust system that allows for the Government commitment that “citizens across Wales should have access to the full range of NHS pharmaceutical services” and a degree of pragmatism is introduced where patients are not receiving the full range of pharmaceutical services.
- Clarify and update the definition of *pharmaceutical services* within these regulations.
- Future proof the regulations by looking at the impact of vending machines and internet pharmacies on the community pharmacy market.
- Address pharmaceutical care in the wider sense to the rural population of Wales.

The WPB would be happy to elaborate on any comment made in this response

Yours sincerely



Mair Davies

Chair Welsh Pharmacy Board