

# Response ID ANON-AS9Q-QV8T-H

Submitted to Amendments to the regulation of independent health care  
Submitted on 2023-04-04 09:21:38

## Questions

1 Do you agree that further regulation of independent health care services in Scotland is needed?

Yes

Please give reasons for your response in the box below. Please be as specific as you can, and include any resources or references to evidence on this topic that we should consider.:

It is important for patient safety that every individual providing independent health care services, regardless of profession, is regulated. There should not be variation between the requirement for regulation of one profession over another.

It is also an important principle that all independent healthcare services provided by registered healthcare professionals should be regulated, regardless of the setting in which they operate.

2 Do you agree that independent health care services provided by pharmacists and pharmacy technicians which are not provided from a registered pharmacy or under the terms of an NHS contract should be regulated by Healthcare Improvement Scotland?

Yes

Please give reasons for your response in the box below. Please be as specific as you can, and include any resources or references to evidence on this topic that we should consider.:

As stated above, ensuring that all independent health care services are regulated will improve patient safety. It is important that premises are appropriate for the provision of health care services, however, registration and regulation should not be dependent on the setting. Both premises and the practitioner should be registered to ensure healthcare services are being offered from a safe, hygienic and appropriate location by a practitioner registered to provide those services and who will do so to an appropriate standard.

It will be very important for consistency of practice that the regulation aligns well with General Pharmaceutical Council (GPC) regulations. Royal Pharmaceutical Society strongly suggests collaborative working with GPhC to get this right, otherwise there is a risk of confusion when pharmacists and other healthcare professionals are working between different settings.

Furthermore, the introduction of regulation will require some online providers to potentially have multiple registrations with the CQC (if also operating in England), GPhC (for pharmacy services) and HIS. This could lead to an overduplication of regulation, with multiple inspections. A system should be introduced to recognise inspections carried out by partner providers to streamline the process. The consultation paper states that "the 4 UK home nations will work cooperatively to regulate and inspect the services based in their jurisdiction." This is incredibly important to ensure any additional system of regulation is not too burdensome for providers who are already registered with more than one regulator.

It will be important to ensure that all prescribing professionals are included in the scope of this regulation to future proof this work to include those who are not yet but may become prescribers in the future. Without this, there is a risk that other prescribing professionals will then fall outside of the legislation and less scrupulous providers may use this loophole to continue to provide unregulated independent healthcare, which would go against the spirit of regulation.

3 Do you agree that independent medical agencies where services are provided by a medical practitioner, dental practitioner, registered nurse, registered midwife, dental care professional, pharmacist or pharmacy technician should be regulated by Healthcare Improvement Scotland?

Yes

Please give reasons for your response in the box below. Please be as specific as you can, and include any resources or references to evidence on this topic that we should consider.:

Building on our point above, regulation ensures consistency of standards, professionalism and patient safety. The principle is the same, regardless of whether a healthcare service is being provided by an individual or via an agency.

4 Do you agree that unregulated independent medical agencies operating entirely online and headquartered in Scotland, should be regulated by Healthcare Improvement Scotland?

Yes

Please give reasons for your response in the box below. Please be as specific as you can, and include any resources or references to evidence on this topic that we should consider.:

As it is proposed that Healthcare Improvement Scotland will regulate healthcare professionals providing healthcare services in Scotland outwith the NHS and registered premises, for consistency it would make sense for HIS to also regulate independent agencies operating entirely online.

Services should be provided to a minimum safe and appropriate validated standard, whether the service is offered online or in-person.

There should also be consideration given to whether it is appropriate for the services in question to be offered online or whether in-person provision is required to ensure safe, high-quality care.

5 Do you agree that Healthcare Improvement Scotland should be able to cancel the registration of any independent health care service that fails to pay its continuation fees after a certain period of time?

Yes

Please give reasons for your response in the box below. Please be as specific as you can, and include any resources or references to evidence on this topic that we should consider.:

This appears to be a reasonable suggestion. Without this, any regulation will be unenforceable.

Royal Pharmaceutical Society would caution that the certain period of time must be reasonable, and give the service every chance to comply with the regulation, particularly in cases where individuals are suffering financial stress.

## Impact assessment

6 What are your views on how further regulation of independent health care in Scotland might affect the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sex?

Please give your response in the box below. Please be as specific as you can, and include any resources or references to evidence on this topic that we should consider. :

Regulation will provide minimum standards that operators must adhere to, if anything these will ensure that the provision of care to patient groups with protected characteristics is more likely to be equitable.

7 The Fairer Scotland Duty places a legal responsibility on certain public bodies in Scotland to actively consider how they can reduce inequalities caused mainly by people's financial situation. What are your views on how further regulation of independent health care in Scotland might affect this inequality?

Please give your response in the box below. Please be as specific as you can, and include any resources or references to evidence on this topic that we should consider.:

The regulation would ensure that everyone accessing independent healthcare in Scotland, by whatever means, in whatever setting and at whatever cost, was accessing a service which was regulated and it is therefore more likely the patient would not come to harm. Unregulated independent services, provided at lower cost, have the potential to create an inequality which puts those in poorer financial positions in more danger.

Therefore, implementation of this regulation has the potential to tackle health inequalities.

8 What are your views on how further regulation of independent health care in Scotland might affect access to safe, high-quality public services in island communities?

Please give your response in the box below. Please be as specific as you can, and include any resources or references to evidence on this topic that we should consider.:

The regulation of these services will mean that minimum standards will have to be met regardless of setting or location. This means that in island communities where these services are offered, patients can be assured they will be accessing safe, high-quality public services.

This will have no bearing on island communities where these services are not offered but any service which then began operation, would require to be regulated.

9 What are your views on how further regulation of independent health care in Scotland might affect respecting, protecting and fulfilling the rights of children and young people as set out in the UN Convention on the Rights of the Child?

Please give your response in the box below. Please be as specific as you can, and include any resources or references to evidence on this topic that we should consider.:

Article 24 of the UN Convention states parties recognise the right of the child to the enjoyment of the highest attainable standard of health.

Ensuring all healthcare services are regulated, will ensure that children can be provided with regulated healthcare which lifts the standard and supports Scotland to meet this article.

Regulation will also ensure that minimum standards are adhered to which may include minimum treatment age further protecting children and young people. Regulation may also ensure that parent/guardian consent is mandatory. This could have similar implications for adults with incapacity.

About you

10 What is your name?

Name:

11 What is your email address?

Email:

ross.barrow@rpharms.com

12 Are you responding as an individual or an organisation?

Organisation

13 What is your organisation?

Organisation:

Royal Pharmaceutical Society

14 The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

15 We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

16 I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

## Evaluation

17 Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Please enter comments here.: