

## HEALTH AND WELLBEING BOARD

16 APRIL 2019

### PHARMACY OPENING HOURS

Report from: James Williams, Director of Public Health

Author: David Whiting, Consultant in Public Health

#### Summary

The provision of NHS pharmacy services is a controlled market. If someone wants to provide NHS pharmaceutical services, they are required to apply to the NHS to be included on a pharmaceutical list and must prove they are able to meet a pharmaceutical need. Community pharmacies are, however, businesses and need to be profitable to exist.

The National Health Service England (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013 (SI 2013 No. 349) set out the system for market entry. Under these Regulations, Health and Wellbeing Boards are responsible for publishing a Pharmaceutical Needs Assessment (PNA). The PNA tells us what pharmaceutical services are currently available and where we are likely to need changes in the future because of demographic or other changes.

NHS England (the national body responsible for commissioning pharmaceutical services) relies on PNAs to inform decision making, specifically regarding whether existing pharmaceutical services meet local need. NHS England also uses the PNA to assess applications from applicants who want to modify existing services or deliver new pharmaceutical services within Medway.

Members of the Health and Wellbeing Board requested a briefing on key statistics and baseline data to evidence how Medway compared to other areas, especially with respect to opening hours.

#### 1. Budget and Policy Framework

- 1.1 The Health and Social Care Act 2012 transferred responsibility for the Pharmaceutical Needs Assessment from Primary Care Trusts to the Health and Wellbeing Boards on 1 April 2013.
- 1.2 The NHS (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013 set out the legislative basis for developing and updating

PNA's can be found at:

<http://www.dh.gov.uk/health/2013/02/pharmaceutical-services-regulations/>

- 1.3 Regulations require the HWB to revise and update the PNA every three years, or sooner should any significant changes occur that impact on the configuration or provision of local pharmaceutical services. The Medway PNA was published on 31 March 2018.

## **2. Background**

- 2.1 At the Health and Wellbeing Board on 17 April 2018 there was a discussion about access to and promotion of pharmacies outside normal hours. In particular, some members of the Board were concerned about there not being a 24-hour pharmacy in Medway, with the nearest being in London.

- 2.2 The minutes of the meeting state:

- 2.2.1 *A Board Member requested that an item on pharmaceutical needs in Medway be added to the work programme. It was requested that this include discussion of out of hours provision, including communications with the public, emergency deliveries and how to prevent unnecessary hospital visits.*

- 2.2.2 *The Director of Public Health advised that engagement would be needed with NHS England, which was responsible for the commissioning of pharmaceutical services. The Clinical Chair of NHS Medway Clinical Commissioning Group suggested that relevant Council Members and officers should meet with NHS England and the Local Pharmaceutical Committee to discuss the issues raised and that this meeting should take place ahead of a report being presented to the Board. It was agreed that the Director of Public Health would work with Members to plan and make arrangements for this meeting to take place.*

- 2.2.3 *It was also agreed that a written briefing would be provided to Board Members in advance of the meeting. It was requested that this briefing include key statistics and baseline data to evidence how Medway compared to other areas.*

- 2.3 It was agreed that:

- 2.3.1 *An item on Pharmaceutical Needs in Medway be added to the work programme to be presented to a future Board meeting, subject to a meeting having first taken place with NHS England to discuss the issues raised.*

- 2.4 This paper provides the HWB with the briefing on opening hours and key points from the meeting with NHS England held on 29 June, 2018.

## **3. Advice and analysis**

- 3.1 The briefing note can be found at Appendix 1.

3.2 The meeting with NHS England was attended by:

- Councillor Brake
- Councillor Tranter
- Mike Keen (CEO of the Kent Local Pharmacy Committee)
- Mike Hedley (Contract Manager (Pharmacy and Optometry) NHS England South East)
- Tali Gill (Chairman, Kent and Medway Pharmacy Local Pharmacy Network)
- James Williams (Director of Public Health)
- David Whiting (Consultant in Public Health)

3.3 Apologies were received from:

- Cllr Etheridge

3.4 There was a wide-ranging two-hour discussion, during which the following key points were made:

3.4.1 Community pharmacies are businesses, not public services, and for most it is not profitable for them to open for 24-hours each day. Due to the commercial nature of community pharmacies, the opening of 24-hour pharmacies is generally only viable in areas with large concentrated populations, such as London.

3.4.2 Community pharmacies are highly regulated. There are pressures in two directions: high public demand for local pharmaceutical services; and central government policy leading to a reduction in the amount of resources available to commission pharmaceutical services.

3.4.3 A pharmacy normally has 40 core contractual hours (or 100 for those that have opened under the former exemption from the control of entry test), which cannot be amended without the consent of NHS England. A pharmacy may also have more than 40 core hours where it has made an application based on that higher number, and NHS England has agreed that application. In this case, the pharmacy cannot amend these hours without the consent of NHS England.

3.4.4 NHS England cannot insist that a community pharmacy opens for 24-hours. NHS England can, however, commission an out of hours enhanced service if it believes there is need to do so.

3.4.5 NHS England asks pharmacies when they are open over Christmas and Easter holidays. NHS England also calls and monitors pharmacies to check on their opening hours. The NHS England representative agreed to a members request to follow up any local pharmacy that was not open at a time or day the pharmacist was scheduled to open.

- 3.4.6 GPs are moving to a seven-day service and pharmacies are likely to do so as well.
- 3.4.7 Community pharmacies do not only dispense medication, they may offer a wide range of other services, such as smoking cessation support and health checks.
- 3.4.8 Local residents who search on Google for “24-hour pharmacy” will find the nearest one is in London. This, however, is the result of the search expression used, i.e. 24-hour pharmacy. Searching for a pharmacist online will not provide results showing other ways in which patients can get medication outside of normal hours.
- 3.4.9 NUMSAS (NHS Urgent Medicine Supply Advanced Service) is a service to facilitate appropriate access to repeat medication out-of-hours via NHS 111, enabling patients to access an urgent supply of their regular prescription medicines when appropriate.
- 3.4.10 Access to medicines outside normal opening hours in Medway is commissioned from the local out-of-hours medical services provider (MedOCC), which has available essential and urgently needed medicines, as agreed in the National Out-of-Hours Formulary and are supplied where the need for them cannot wait until the 100-hour pharmacy opens.
- 3.4.11 None of Medway’s close statistical (CIPFA) neighbours has a pharmacy open 24-hours-a-day, all rely on the same approach taken by Medway, i.e. the out-of-hours medical services provider is able to dispense essential and urgently needed medicines, as agreed in the National Out-of-Hours Formulary.

#### **4. Risk management**

- 4.1 There are no risks arising directly from this report.

#### **5. Financial implications**

- 5.1 There are no financial implications arising directly from this report.

#### **6. Legal implications**

- 6.1 It is a statutory duty for the Health and Wellbeing Board to produce a PNA. Health and wellbeing boards are a formal committee of the local authority charged with promoting greater integration and partnership between bodies from the NHS, public health and local government.
- 6.2 The NHS Act (the “2006” Act), amended by the Health and Social Care Act 2012, sets out the requirements for HWBs to develop and update PNAs and gives the Department of Health (DH) powers to make Regulations.

## **7. Recommendation**

- 7.1 It is recommended that the Health and Wellbeing Board notes the report of the meeting with NHS England and other parties held to discuss out of hours access to community pharmacies in Medway.

### **Lead officer contact**

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### **Appendices**

Appendix 1 – Overview of pharmacy opening hours

### **Background papers**

None