

Health and Social Services Committee

HSS(2)-16-06(p4a)

Meeting date: Wednesday 15 November 2006

Venue: Committee Room 1, Senedd, National Assembly for Wales

Title: The Pharmaceutical Services (Advanced and Enhanced Services) (Wales) (Amendment) Directions 2006.

Summary

The Health and Social Services Committee have requested the opportunity to scrutinise these Directions. The intended effect of the Directions is to make minor amendments to existing Directions to remove the requirement for a patient to receive pharmaceutical services from a pharmacy for 3 consecutive months before they are eligible to receive a Medicines Use Review (MUR) and to raise the annual MUR pharmacy limit from 200 to 400. This will then mirror the terms of the advanced service in England.

Background

On 1 April 2005 the National Assembly brought into effect the National Health Service (Pharmaceutical Services) (Amendment) (Wales) (Regulations) 2005. The Regulations detailed a new contractual framework in developing new initiatives in community pharmacy.

The new contract comprises of three tiers: essential; advanced; and enhanced services. Essential and advanced services is the national specification - outlined in the Regulations. Enhanced services are negotiated and commissioned locally by Local Health Boards.

The main aims of Advanced and Enhanced services are to:

- provide clear and fair rewards for high quality services and promote best value for money;
- harness the skills of community pharmacists and their staff to deliver better primary and community care services to patients by developing opportunities and rewards for integrated working;
- reduce the burden of GP workloads; and
- Minimise bureaucracy for both pharmacy and LHB's.

Medicines Use Reviews are an Advanced Service and involves a pharmacist undertaking a face-to-face review with a patient. The reviews are concordance-centred and identify any problems the patient has with his or her current medication and then address these problems. It also examines the

patient's knowledge of his or her medication and help the patient to develop this knowledge. Information will then be fed back to the patient's GP.

Directions made on 4th May 2005 detail the processes for Advanced and Enhanced Services and allow Local Health Boards to give effect to the principles outlined in the Regulations.

Compliance

The proposed legislation will (as far as is applicable):

- have due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998 Section 120);
- be compatible with the Assembly's scheme for sustainable development (Section 121);
- be compatible with Community law (Section 106);
- be compatible with the Assembly's human rights legislation (Section 107); and
- Be compatible with any international obligations binding the UK Government and the Assembly (Section 108).

Financial Implications

The costs arising from the Community Pharmacy contract are funded from the Payments to Contractors BEL 0180 (the Health and Social Services MEG). The 2006-07 Community Pharmacy contract budget has been issued to LHBs under WHC (2005) 094. The costs of increasing the MUR limit to 400 will be accommodated within the existing budget allocation. There will be no additional financial implications for the Assembly.

Cross Cutting Themes

This Government is committed to Improving 'Health and Well Being' in the context of 'Wales: A Better Country'. By increasing the MUR limit to 400 from 200 the Assembly will allow more patients to be assessed and advised on their medication. This in turn should help improve many patients' quality of life and reduce avoidable admittance to hospital.

Action for Subject Committee

To scrutinise The Pharmaceutical Services (Advanced and Enhanced Services) (Wales) (Amendment) Directions 2006.

Brian Gibbons
Minister for Health and Social Services

Contact Point : Carolyn Poulter (CPCHSD)

To: Health and Social Services Committee

From: Brian Gibbons AM
Minister for Health and Social Services

Standing Order 29.5 Memorandum in respect of
The Pharmaceutical Services (Advanced and Enhanced Services) (Wales)
Amendment Directions 2006

Summary

These Directions detail minor changes in the arrangements for Medicines Use Reviews within the Advanced Services of The Pharmaceutical Services (Advanced and Enhanced Services) (Wales) Directions 2005. These directions were made on 4th May 2005 to instruct Local Health Boards to give effect to the principles outlined in the National Health Service (Pharmaceutical Services) (Amendment) (Wales) (Regulations) 2005.

Procedures under Standing Order 29.3(ii) (i.e. consideration by Legislation Committee) and Standing Order 29.3(iii) Plenary, are being disapplied in this instance, as the principle of these Directions has already been debated and approved.

Enabling Power

1. The powers enabling these Directions to be made are contained in sections 16BB(4), 41A, 41B and 126(4) of the National Health Service Act 1977. These powers have been transferred to the National Assembly for Wales.

Background

2. On 1 April 2005 the National Assembly brought into effect the National Health Service (Pharmaceutical Services) (Amendment) (Wales) (Regulations) 2005. The Regulations detailed a new contractual framework in developing new initiatives in community pharmacy.
3. The new contract comprises of three tiers of service: essential; advanced; and enhanced services. Essential and Advanced services are a national specification - outlined in the Regulations. Enhanced services are negotiated and commissioned locally by Local Health Boards.

Effect

4. The main aims of Advanced and Enhanced services are to:
 - provide clear and fair rewards for high quality services and promote best value for money;
 - harness the skills of community pharmacists and their staff to deliver better primary and community care services to patients by developing opportunities and rewards for integrated working;

- reduce the burden of GP workloads; and
 - minimise bureaucracy for both pharmacy and LHB's.
1. Medicines Use Reviews are an Advanced Service and involves a pharmacist undertaking a face-to-face review with a patient. The review is concordance-centred and should identify any problems the patient has with his or her current medication and then address these problems. It also examines the patient's knowledge of his or her medication and helps the patient to develop this knowledge. Information is then be fed back to the patient's GP.
 2. These Directions Amend those made on 4th May 2005 which detail the processes for Advanced and Enhanced Services allowing Local Health Boards to give effect to the principles outlined in the Regulations.
 3. Similar Amendment Directions have already been implemented in England and it is essential that the Welsh Directions are made at the earliest opportunity.

Financial Implications

4. The costs arising from the Community Pharmacy contract are funded from the Payments to Contractors BEL 0180 (the Health and Social Services MEG). The 2006-07 Community Pharmacy contract budget has been issued to LHBs. There will be no additional financial implications for the Assembly. The costs of increasing the MUR limit to 400 will be accommodated within the existing budget allocation.

Consultation

With Stakeholders

5. The new Community Pharmacy Contract was negotiated by the Prescribing Services Negotiating Committee (PSNC) and the NHS Confederation, on an England and Wales basis.

With Subject Committee

6. The Directions were notified to the Health and Social Services Committee, via the list of forthcoming legislation, on 26th October 2006 item no: HSS 39 (06) identified for scrutiny and scheduled for the Committee meeting on 15 November 2006.

Recommended Procedure

7. Subject to the views of Committee, I recommend that Members are given 10 working days Notification of the intention to make this legislation and the Amendment Directions made under SO29.5.

Compliance

8. The proposed legislation will (as far as is applicable):

- have due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998 Section 120);
- be compatible with the Assembly's scheme for sustainable development (Section 121);
- be compatible with Community law (Section 106);
- be compatible with the Assembly's human rights legislation (Section 107); and
- be compatible with any international obligations binding the UK Government and the Assembly (Section 108).

1. The information in this Memorandum has been cleared with the Legal Services Department.

Drafting Lawyer – Michael Lubienski Ext 3913

Head of Branch – Carolyn Poulter Ext. 3014

Drafting Policy Official – Alastair Meredith Ext. 3979

Statement of Information

The Pharmaceutical Services (Advanced and Enhanced Services) (Wales) (Amendment) Directions 2006.

- The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2005 made provision for how Advanced and Enhanced services were to be commissioned. The Pharmaceutical Services (Advanced and Enhanced Services) Directions 2005 detail the processes and allow Local Health Boards to give effect to the principles outlined in the Regulations.
- These amendment Directions allow for minor changes to Advanced Services for Pharmacies to conduct up to 400 Medicines Use Reviews a year and remove the requirement for an individual to have used a particular pharmacy for three consecutive months before having a Medicines Use Review.
- The National Assembly for Wales, exercise of the powers conferred by section 16BB(4), 41A, 41B and 126(4) of the 1977 NHS Act as amended by the National Health Service Reform and Health Care Professions Act 2002, and now vested in the Assembly has the authority to give Directions to Local Health Boards

As the principles of this legislation have already been debated and with regard to the importance and character of the draft, it is considered appropriate to make this legislation in accordance with SO 29.5 and that procedures in Standing Order 29.3(ii)-(iii) should not apply, (i.e. that it is inappropriate for the item of legislation to go to Legislation Committee or Plenary) and to advise Assembly Members of the proposed changes by means of a notification e mail.

The Directions are given in exercise of the powers conferred by section 16BB(4), 41A, 41B and 126

(4) of the 1977 National Health Service Act as amended by the National Health Service Reform and Health Care Professions Act 2002. The power was transferred to the National Assembly for Wales under Article 2 of Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999. Functions in and under this Act have been delegated to the Minister for Health and Social Services.