

NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978

HEALTH BOARD ADDITIONAL PHARMACEUTICAL SERVICES (PUBLIC HEALTH SERVICE) (SCOTLAND) DIRECTIONS 2006

The Scottish Ministers, in exercise of the powers conferred by sections 2(5), 27A, 27B, 28A and 105(7) of the National Health Service (Scotland) Act 1978^a, and all other powers enabling them in that behalf, hereby give the following directions.

1. Citation and commencement

1.1 These Directions may be cited as the Health Board Additional Pharmaceutical Services (Public Health Service) (Scotland) Directions 2006 and shall come into force on 1 July 2006.

2. Interpretation

In these directions, unless the context otherwise requires:

2.1 “the Act” means the National Health Service (Scotland) Act 1978;

“the 1995 Regulations” means the National Health Service (Pharmaceutical Services) (Scotland) regulations 1995^b;

“Public Health Service” or “PHS” has the meaning ascribed in paragraph 3.1.

2.2 Other words and phrases used in these Directions have the same meaning as they have in the Act and in the 1995 Regulations.

2.3 any reference in these Directions

- (i) to a numbered paragraph, is a reference to a paragraph bearing that number in these Directions,
- (ii) to a numbered Schedule, is a reference to the Schedule to these Directions bearing that number, and

^a 1978 c.29; section 2(5) was amended by the Hospital Complaints Procedure Act 1985 (c.42), section 1(1) and the National Health Service and Community Care Act 1990 (c.19), section 66(1); section 27A was inserted by the National Health Service (Primary Care) Act 1997 (c.46) (“the 1997 Act”), section 27(2); section 28 was inserted by the 1997 Act, section 28(2); section 28A was substituted by the Health Act 1999 (c.8) (“the 1999 Act”), section 57, and amended by the Primary Medical Services (Scotland) Act 2004 (asp 1) (“the 2004 Act”), section 8, and schedule 1, paragraph 1; section 105(7) was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5(1) and Schedule 7, the Health Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, Part I, paragraph 24 and the 1999 Act, Schedule 4, paragraph 60. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

^b SI 1995/414, amended by SI 1996/840, 1996/1504, 1997/696, 1998/2224, 3031, SSI 1999/57, 2001/70, 2002/111, 153, 2003/296, 2004/39, SI 2004/1771, SSI 2004/212, 2005/327, 618, 2006/143, 245.

- (iii) to a numbered paragraph of a numbered Schedule, is a reference to a paragraph bearing that number in the Schedule bearing that number.

3. Description of the Public Health Service

3.1. The Public Health Service (PHS) is a service that will encourage the pro-active involvement of community pharmacists and their staff in supporting self care, offering suitable interventions to promote healthy lifestyles, and provision of a health promoting environment across the network of community pharmacies by participating in national and local campaigns.

3.2 The services which are comprised in PHS are specified in Schedule 1, paragraphs 1 and 2.

4. Health Board duty to arrange for a Public Health Service

4.1 With effect from 1 July 2006 and until otherwise directed, Health Boards have a duty to arrange for the provision of a Public Health Service (PHS) for persons in their area as an additional pharmaceutical service.

5. Persons authorised to provide the Public Health Service

5.1 Health Boards may only enter into arrangements for the provision of PHS with:

- (a) a person who is a registered pharmacist; or
- (b) a person other than a registered pharmacist who, by virtue of section 69 of the Medicines Act 1968^a, is taken to be a person lawfully conducting a retail pharmacy business in accordance with that section;

and, in the case of both (a) and (b) who is on the pharmaceutical list maintained by the Health Board in terms of regulation 5 of the 1995 Regulations^b.

6. Compliance and Conditions

6.1. The arrangements made by a Health Board in accordance with paragraphs 4 and 5 shall include the terms and conditions specified in Schedule 1, with which the provider of PHS shall be obliged to comply.

^a 1968 (c.67) section 69 was amended by the Pharmacy Act 1954 (c.61), Schedule 16, the Pharmacists (Fitness to Practise) Act 1997 (c.19), section 1 and Schedule paragraph 4, and the Statute Law Repeals Act 1993 (c.50).

^b Regulation 5 was amended by SI 1997/696, SSI 1999/57, 2004/39, 2006/143.

7. Payment for the provision of a Public Health Service

7.1. Remuneration for the provision of PHS (other than the services specified in paragraph 1(d) of Schedule 1, which will be agreed between the Health Board and the PHS provider) will be paid at nationally negotiated rates. From 1 July 2006 payment will be in accordance with Schedule 2.

Signed by authority of the Scottish Ministers

A handwritten signature in black ink, appearing to read 'Jonathan Pryce', with a stylized flourish at the end.

Jonathan Pryce

Scottish Executive Health Department: A member of the Senior Civil Service

16th June 2006

NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978

HEALTH BOARD ADDITIONAL PHARMACEUTICAL SERVICES (PUBLIC HEALTH SERVICE) (SCOTLAND) DIRECTIONS 2006

SCHEDULE 1

SERVICES TO BE PROVIDED AS A PUBLIC HEALTH SERVICE

1. A Public Health Service (PHS) comprises the following services:
 - (a) the provision of advice to patients or members of the public on healthy living options and promotion of self care in circumstances where in the professional opinion of the pharmacist it is appropriate to do so or by request from a patient or member of the public;
 - (b) making available for use by patients and members of the public a range of NHS or NHS approved health promotion campaign materials and other health education information and support material;
 - (c) participation in a maximum of four health promotion campaigns per year, each campaign being on display and visible within a pharmacy for at least 6 weeks, agreed nationally by Scottish Ministers and a body deemed to be representative of community pharmacy contractors. Between these campaigns generic display material will be available by Scottish Ministers for use by contractors if they wish; and
 - (d) where agreed between a PHS provider and the Health Board, participation in locally agreed health promotion campaigns in the intervals between the four national campaigns at sub-paragraph (c).
2. PHS providers will have the option of making available additional window or frontage space to be used to provide the services listed at 1(c) and (d). Such additional space should be made available for the full duration of the campaigns unless by agreement with the relevant Health Board because of unforeseen or special circumstances.
3. In providing the PHS service, PHS providers will be required to:
 - (a) use material, including leaflets and posters, provided or approved by Scottish Ministers or Health Boards;
 - (b) use the display equipment, including display stands and other devices, made available by Scottish Ministers or Health Boards and make appropriate space available within the pharmacy to hold such display equipment;
 - (c) have regard to and, where required, comply with, stated standards and administrative guidance that is from time to time produced by Scottish Ministers; and
 - (d) conform with the standards generally accepted by the pharmaceutical profession.

SCHEDULE 2

PAYMENT FOR THE PUBLIC HEALTH SERVICE

1. The payments for providing the Public Health Service (PHS) are:

Basic payment – for providing services under Schedule 1, paragraph 1 (a) to (c)
£8,620 per annum, payable monthly in arrears.

Additional payment – for providing services under Schedule 1, paragraph 2
£3,771.55 per annum, payable monthly in arrears.

2. Payments for those PHS providers open 30 hours or less per week will be adjusted as follows:

open more than 5 hours and less than 10 hours per week	60% of the rates at paragraph 1.
open 10 hours or more and less than 15 hours per week	75% of the rates at paragraph 1.
open 15 hours or more and less than 20 hours per week	85% of the rates at paragraph 1.
open 20 hours or more and less than 25 hours per week	90% of the rates at paragraph 1.
open between 25 and 30 hours per week	95% of the rates at paragraph 1.

3. Payments for providing PHS under Schedule 1, paragraph 1(d) will be at rates agreed between the NHS Board and the PHS provider.

4. Health Boards will be entitled to take such reasonable steps as are necessary to ensure that providers are:

- (a) providing appropriate advice and support to patients and members of the public;
- (b) displaying the agreed national campaigns, for the set periods; and
- (c) where the additional payment under paragraph 1 is claimed, that the window or frontage space is being used to provide PHS.

5. Payments made to providers for providing PHS will be subject to post payment verification checks and investigation by the Agency.

6. Where after suitable investigation a Health Board is satisfied that a PHS provider is not providing the services listed in Schedule 1 but is receiving payment under paragraph 1, it may (without prejudice to any other action which may be open to it) :

- (a) write to the provider advising of the conclusion reached by the investigation;
- (b) inform the provider that either or both payments specified in paragraph 1 will be stopped with immediate effect, and
- (c) recover any payments made to the provider under paragraph 1 in respect of any period(s) when the provider was not providing the services specified in Schedule 1.

