

Press Release



2nd March 2004

NPA RESPONSE TO THE EXECUTIVE SUMMARY REPORT OF THE ADVISORY GROUP ON THE REFORM OF THE NHS (PHARMACEUTICAL SERVICES) REGULATIONS 1992

The NPA is pleased to see the Executive Summary of the Control of Entry Advisory Group (AG) and to have some idea of the overall thrust of the Advisory Group's Report. However, we recognise fully the limitations of commenting simply on the basis of an Executive Summary.

We welcome the general thrust of the Report's recommendations that the proposed regulatory amendments should ensure that the new test and exemptions are subordinate to the necessary or desirable test - and support fully the AG's view that caution should be exercised in making wide-ranging regulatory amendment. The regulations are well understood, due in large part to the considerable testing they have had in the Courts. We are pleased to see that the Advisory Group has stressed that the proposed exemptions must be exceptions to the rule. It is to be hoped that Ministers will heed the Advisory Group's warning that should the combined effect of the exemptions be to thwart the regulatory test, this would be *ultra vires*. In respect of the proposed new test of choice and competition we are pleased to see the Advisory Group suggestion that the PCTs should be in the driving seat - and we fully endorse the Advisory Group's view that a needs assessment tool be developed to assist in the determination of adequacy. Further, we welcome the recommendation that further guidance be given to PCTs on the meaning of adequacy. Indeed, were PCTs to assess adequacy as part of their Strategic Services Development Plan (SSDP), this would identify any gaps in service and so lead to a more targeted approach to applications and decision making. Against this background we would query whether the proposed new test is needed.

We endorse fully the view that the creation of the new test of choice and competition will create uncertainty. On this point we note Pharmacy Minister, Rosie Winterton's, comments at the PSNC Dinner last evening when she said that whilst the proposals are to promote more choice and competition, they should not "jeopardise (pharmacists') vital role, particularly in poorer and rural areas".

Community pharmacists are on the verge of a greatly enhanced role and in negotiation on a new contractual framework to support this. It is essential that the environment is conducive to pharmacists making the investment necessary to prepare them for the new role.

We are pleased that the Advisory Group has stressed the need for tighter definitions on the exemptions. This is particularly important in respect of One Stop Primary Care Centres (OSPCCs). The particular concern here is that any surgery might seek to become designated as an OSPCC in order to benefit from this exemption. We agree with the Advisory Group's view that OSPCCs should be defined as being large centres, providing a wide range of services to a significant patient list.

Whilst we recognise that the Review did not fall within the remit of the Advisory Group, we believe it important to re-state our view that the date for Review should be set to allow sufficient time for a proper assessment of the implications of the regulatory changes on service provision - and thus patient care. The date originally suggested by Government is 2006. We consider this far too early for a proper assessment of the impact of any changes.

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Notes to Editors:

1. The National Pharmaceutical Association (NPA) is the trade association that represents the professional and commercial interests of the owners of around 11,000 community pharmacies in the United Kingdom. 2. For more information, please contact the NPA Press Office, on: 01727-858687, ext 3340, 3227, 3265, or 3311.