

## **EXECUTIVE NOTE**

### **THE NATIONAL HEALTH SERVICE (PHARMACEUTICAL SERVICES) (SCOTLAND) AMENDMENT REGULATIONS 2010**

#### **SSI 2010/128**

The above instrument is made in exercise of the powers conferred on Scottish Ministers by sections 27, 105(7), and 108(1) of the National Health Service (Scotland) Act 1978 and all other powers enabling them to do so.

#### **Policy Objectives**

The Regulations amend the National Health Services (Pharmaceutical Services) (Scotland) Regulations 2009. Under the 2009 Regulations, NHS community pharmacists (by paragraph 4(1) and 4(3) of Schedule 1 to the Regulations) are obliged to provide prescribed drugs and appliances with “reasonable promptness”.

The amendments are required to alleviate the problem of critical medicine shortages which have resulted in delays for patients in accessing their drug treatments.

The amendments at paragraph 2 place an obligation upon pharmacists who dispense NHS prescriptions to use all reasonable endeavours to provide prescribed drugs and appliances with reasonable promptness and not to engage in activity which might delay or prevent the dispensing of prescribed drugs and appliances to NHS patients.

The amendments also place on pharmacists an obligation to contact the prescriber or dentist to discuss alternative arrangements where there is likely to be, in that pharmacist’s opinion, a clinically significant delay in the dispensing of those drugs or appliances.

#### **Financial Effects**

The amendment regulations will have no financial impact upon the Scottish Government.

#### **Consultation**

Scottish Ministers consulted with Community Pharmacy Scotland, BMA Scotland, the Association of the British Pharmaceutical Industry, Scotland and the British Association of Pharmaceutical Wholesalers in February 2010. All bodies were supportive of the proposed amendments.

**Scottish Government Health Directorates  
March 2010**