
STATUTORY INSTRUMENTS

2009 No. 3340

The National Health Service (Pharmaceutical Services)
(Appliances) (Amendment) Regulations 2009

PART 3

Amendments to the terms of service of pharmacists

Amendments to Schedule 1 to the principal Regulations

3. Schedule 1 to the principal Regulations is amended in accordance with regulations 4 to 11.

Amendment of paragraph 6

4. For paragraph 6 substitute—

“Urgent supply without a prescription

6.—(1) This paragraph applies where, in a case of urgency, a prescriber requests a pharmacist to provide a drug or appliance.

(2) The pharmacist may provide the drug or appliance requested before receiving a prescription form or repeatable prescription in respect of that drug or appliance, provided that—

- (a) in the case of a request for a drug, the drug is neither—
- (i) a Scheduled drug, nor
 - (ii) a controlled drug within the meaning of the Misuse of Drugs Act 1971⁽¹⁾, other than a drug which is for the time being specified in Schedule 4 or 5 to the Misuse of Drugs Regulations 2001⁽²⁾; and
- (b) in the case of a request for a drug or an appliance, the prescriber undertakes to—
- (i) give the pharmacist a non-electronic prescription form or non-electronic repeatable prescription in respect of the drug or appliance within 72 hours of the request being made, or
 - (ii) transmit an electronic prescription to the ETP service within 72 hours of the request being made.”.

Amendment of paragraph 9

5. In paragraph 9 (refusal to provide drugs or appliances ordered), in sub-paragraph (4)(b), after “the medication regimen of” insert “, or manner of utilisation of the appliance by”.

⁽¹⁾ 1971 c. 38.

⁽²⁾ S.I. 2001/3998; Schedule 4 was amended by S.I. 2003/1432, 2005/3372 and 2007/2154, and Schedule 5 was amended by S.I. 2005/2864.

Amendment of paragraph 10

6.—(1) Amend paragraph 10 (further activities to be carried out in connection with the provision of dispensing services) as follows.

- (2) Renumber the existing provision as sub-paragraph (1).
- (3) In that sub-paragraph—
 - (a) for paragraph (c) substitute—
 - “(c) when providing drugs to patients in accordance with a repeatable prescription, provide appropriate advice in particular on the importance of only requesting those items which they actually need;
 - (ca) when providing appliances to patients in accordance with a prescription form or repeatable prescription—
 - (i) provide appropriate advice in particular on the importance of only requesting those items which they actually need, and
 - (ii) for those purposes, have regard to the details contained in the records maintained under paragraph (e) in respect of the provision of appliances and prescribing pattern relating to the patient in question;”;
 - (b) omit “and” at the end of paragraph (l); and
 - (c) after paragraph (m) insert—
 - “(n) when providing appliances, provide a patient with a written note of the pharmacist’s name, address and telephone number; and
 - (o) when providing specified appliances, comply with the additional requirements set out in paragraph 11A.”.
- (4) After sub-paragraph (1) insert—
 - “(2) Where, on presentation of a prescription form or repeatable prescription in connection with dispensing services under paragraph 4, a pharmacist is unable to provide an appliance, or stoma appliance customisation is required and the pharmacist is unable to provide that, the pharmacist shall—
 - (a) if the patient consents, refer the prescription form or repeatable prescription to another pharmacist or to a supplier of appliances; and
 - (b) if the patient does not consent to a referral, provide the patient with contact details of at least two people who are pharmacists or suppliers of appliances who are able to provide the appliance or stoma appliance customisation (as the case may be), if these details are known to the pharmacist.”.

Insertion of new paragraph 11A

7. After paragraph 11 insert—

“Additional requirements in relation to specified appliances

11A.—(1) This paragraph sets out the additional requirements referred to in paragraph 10(1)(o) relating to the provision of specified appliances.

(2) A pharmacist who dispenses specified appliances in the normal course of business shall provide a home delivery service in respect of those appliances and, as part of that service—

- (a) the pharmacist must offer to deliver the specified appliance to the patient’s home;

- (b) if the patient accepts that offer, the delivery must be made with reasonable promptness and at such time as is agreed with the patient;
 - (c) the specified appliance must be delivered in a package which displays no writing or other markings which could indicate its content; and
 - (d) the manner of delivery of the package and any supplementary items required by sub-paragraph (3) must not convey the type of appliance being delivered.
- (3) In any case where a specified appliance is provided (whether by home delivery or otherwise), the pharmacist shall provide a reasonable supply of appropriate supplementary items (such as disposable wipes and disposal bags) and—
- (a) shall ensure that the patient may, if the patient wishes, consult a person to obtain expert clinical advice regarding the appliance; or
 - (b) if the pharmacist believes it is appropriate to do so, shall—
 - (i) refer the patient to a prescriber, or
 - (ii) offer the patient an appliance use review service.
- (4) If the pharmacist is unable to provide an appliance use review service in accordance with sub-paragraph (3)(b)(ii), the pharmacist must give the patient the contact details of at least two people who are pharmacists or suppliers of appliances who are able to arrange for the service to be provided, if these details are known to the pharmacist.
- (5) Where a pharmacist provides a telephone care line in respect of the dispensing of any specified appliance, the pharmacist shall ensure that during out of hours periods—
- (a) advice is made available to patients through that telephone care line; or
 - (b) the telephone number of NHS Direct National Health Service Trust⁽³⁾, or the website address of NHS Direct National Health Service Trust on line, are made available to patients through that telephone care line.
- (6) For the purposes of this paragraph—
- “expert clinical advice”, in relation to a specified appliance, means advice which is given by a person who is suitably trained and who has relevant experience in respect of the appliance;
- “out of hours periods”, in relation to a pharmacy, means the periods outside the periods during which the pharmacist—
- (a) is obliged to provide pharmaceutical services at the pharmacy by virtue of paragraph 22(1) or 25A(1); or
 - (b) does provide pharmaceutical services at the pharmacy in accordance with a notification under paragraph 22(1A).”.

Amendment of paragraph 19

8.—(1) Amend paragraph 19 (service outline in respect of signposting) as follows.

(2) After sub-paragraph (1) insert—

“(1A) Where, on presentation of a prescription form or repeatable prescription, a pharmacist is unable to provide an appliance or stoma appliance customisation because the provision of the appliance or customisation is not within the pharmacist’s normal course of business, the pharmacist shall—

- (a) if the patient consents, refer the prescription form or repeatable prescription to another pharmacist or to a supplier of appliances; and

(3) Established by the NHS Direct National Health Service Trust (Establishment) Order 2007 (S.I. 2007/478).

- (b) if the patient does not consent to a referral, provide the patient with contact details of at least two people who are pharmacists or suppliers of appliances who are able to provide the appliance or stoma appliance customisation (as the case may be), if these details are known to the pharmacist.”

(3) In sub-paragraph (3), after “under paragraph (1)” insert “or (1A)”.

Amendment of paragraph 26

9. In paragraph 26(4) (clinical governance), in sub-paragraph (2), for paragraph (d) substitute—

“(d) a clinical effectiveness programme, which includes arrangements for ensuring that appropriate advice is given by a pharmacist—

- (i) in respect of the provision of drugs in accordance with a repeatable prescription,
- (ii) in respect of the provision of appliances in accordance with a prescription form or repeatable prescription, or
- (iii) to people caring for themselves or their families,

and arrangements for ensuring that the pharmacist, when giving advice to any patient on a matter mentioned in paragraph (d)(ii), has regard to the details contained in the records maintained under paragraph 10(1)(e) in respect of the provision of appliances and the prescribing pattern relating to the patient in question;”.

Amendment of paragraph 28

10. After paragraph 28(5)(5) (inducements etc.) insert—

“(6) In the case of the provision of appliances, neither a pharmacist nor any person employed or engaged by a pharmacist shall accept or receive any gift or reward in respect of only—

- (a) providing contact details of alternative pharmacists or suppliers of appliances pursuant to paragraph 10(2)(b), 11A(4) or 19(1A)(b); or
- (b) referring a prescription form or repeatable prescription to another pharmacist or supplier of appliances pursuant to paragraph 10(2)(a) or 19(1A)(a) and providing no additional service in connection with the item on that prescription.”.

Amendment of paragraph 37

11. In paragraph 37(1) (inspections and access to information), in paragraph (b)(i), after “patient care and treatment,” insert “including any arrangement made with a person in respect of provision of appliances,”.

(4) Amended by S.I. 2008/528 and 683.

(5) Sub-paragraphs (3) to (5) of paragraph 28 were inserted by S.I. 2009/2205.