

SCHEDULE 1

TERMS OF SERVICE OF PHARMACISTS

PART 5

OTHER TERMS OF SERVICE

Directed Services

33.—(1) A pharmacist with whom a Primary Care Trust makes an arrangement for the provision of any directed services shall comply with the terms and conditions of the arrangement.

(2) Where, by virtue of regulation 13(3)(b), it is a condition of a pharmacist's inclusion in a pharmaceutical list that he provides specified directed services where requested to do so by the Primary Care Trust, that pharmacist shall comply with any such request within such period as the Primary Care Trust may specify.

Information to be supplied

34.—(1) A pharmacist shall give notice to the Primary Care Trust within 28 days (or if this is impracticable, as soon as practicable thereafter) of—

- (a) any occurrence requiring a change in the information recorded about him in the pharmaceutical list which he has not otherwise notified to him in accordance with these Regulations;
- (b) in the case of a pharmacist who is an individual, any change of his private address;
- (c) in the case of a pharmacist that is a body corporate, any change to the address of his registered office; and
- (d) any occurrence requiring his addition to or removal from the ETP list or a change in the information recorded about him in that list.

(2) A pharmacist shall give the Primary Care Trust, if it so requests, the name of any pharmacist employed by him who is responsible for dispensing a particular prescription.

(3) Subject to sub-paragraph (7), a pharmacist that is a body corporate shall (if he is on a pharmaceutical list on 1st April 2005, by 3rd October 2005) supply to his Primary Care Trust in writing the name and address of each of his directors and superintendent, and any changes to the names and addresses of each of its directors and superintendent.

(4) Subject to sub-paragraph (7), if a pharmacist or the director or the superintendent of a pharmacist that is a body corporate is himself on, or is a director or superintendent of a body corporate which is on, another NHS performers or providers list (that is, on a list other than the pharmaceutical list referred to in sub-paragraph (1)), that person shall supply in writing to the Primary Care Trust—

- (a) if he is a director or superintendent of a body corporate, the name and registered office of the body corporate on the other NHS performers or providers list; and
- (b) particulars of the other NHS performers or providers list.

(5) Subject to sub-paragraph (7), if a pharmacist or the director or superintendent of a pharmacist that is a body corporate has himself in the five years prior to 1st April 2005 been on, or has in the five years prior to 1st April 2005 been the director or superintendent of a body corporate which was when he was a director or superintendent on, another NHS performers or providers list (that is, on a list other than the pharmaceutical list referred to in sub-paragraph (1)), that person shall supply in writing to the Primary Care Trust—

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- (a) the name and registered office of the body corporate on the other NHS performers or providers list; and
 - (b) particulars of the NHS performers or providers list,
- unless that information has already been supplied pursuant to sub-paragraph (4).

(6) Subject to sub-paragraph (7), a pharmacist or the director or superintendent of a pharmacist that is a body corporate shall inform the Primary Care Trust—

- (a) if he, or a body corporate of which he is a director or superintendent, applies to be included in any of another Primary Care Trust's NHS performers or providers lists, and of the outcome of any such application; and
- (b) if he becomes a director or superintendent of a body corporate which is on any of another Primary Care Trust's NHS performers or providers lists, or which applies to be included in such a list, and the outcome of any such application.

(7) Where a pharmacist is a body corporate with a registered office in England, the information to be provided under sub-paragraphs (3) to (6) may be provided only to the Primary Care Trust in which that registered office is located, if the pharmacist also provides that Primary Care Trust with details of all the other Primary Care Trusts in whose pharmaceutical lists it is included, and in these circumstances that Primary Care Trust shall pass the information on to any other Primary Care Trust—

- (a) in whose pharmaceutical list the pharmacist is included; or
 - (b) to whom the pharmacist makes an application to be included in its pharmaceutical list,
- that requests it.

(8) In this paragraph, "NHS performers or providers list" means—

- (a) a pharmaceutical list; or
- (b) any other list.

Withdrawal from pharmaceutical lists

35. Where a pharmacist intends to withdraw from a pharmaceutical list in respect of a particular pharmacy, he shall notify the Primary Care Trust of this—

- (a) at least three months in advance of that date; or
- (b) in the case of a pharmacist in respect of whom a condition is imposed by virtue of regulation 13(2)(a) as regards that pharmacy, at least six months in advance of that date,

unless it is impracticable for him to do so in which case he shall notify the Primary Care Trust as soon as it is practicable for him to do so.

Charges for drugs and refunds

36.—(1) Subject to regulations made under section 77 of the Act, all drugs, containers and appliances provided under these terms of service shall be provided free of charge.

(2) Where a pharmacist supplies a container in response to an order for drugs signed by a prescriber, or supplies an oxygen container or oxygen equipment, other than equipment specified in the Drug Tariff as not returnable to the pharmacist, the container and equipment shall remain the property of the pharmacist.

(3) Where any person who is entitled to a repayment of any charge paid under the Charges Regulations presents a pharmacist with a valid claim for the repayment within three months of the date on which the charge was paid, the pharmacist shall make the repayment.

(4) For the purposes of sub-paragraph (3), a claim for repayment is only valid if duly made on form FP57 0405 or form FP57 0403.

Inspections and access to information

37.—(1) A pharmacist shall allow persons authorised in writing by the Primary Care Trust to enter and inspect his pharmacy at any reasonable time, for the purposes of—

- (a) ascertaining whether or not the pharmacist is complying with the requirements of this Schedule;
- (b) auditing, monitoring and analysing—
 - (i) the provision made by the pharmacist, in the course of providing pharmaceutical services, for patient care and treatment, and
 - (ii) the management by the pharmacist of the pharmaceutical services he provides, where the conditions in sub-paragraph (2) are satisfied.

(2) The conditions are that—

- (a) reasonable notice of the intended entry has been given;
- (b) the Local Pharmaceutical Committee for the area where the pharmacy is situated have been invited to be present at the inspection, where this is requested by the pharmacist;
- (c) the person authorised in writing carries written evidence of his authorisation, which he produces on request; and
- (d) he does not enter any part of the premises used solely as residential accommodation without the consent of the resident.

(3) A pharmacist shall, at the request of the Primary Care Trust or of a person authorised in writing mentioned in sub-paragraph (1), allow it or him access to any information which it or he reasonably requires—

- (a) for the purposes mentioned in sub-paragraph (1); or
- (b) in the case of the Primary Care Trust, in connection with its functions that relate to pharmaceutical services.