

SCHEDULE 4

Terms of service for NHS pharmacists who provide pharmaceutical services in particular by the provision of drugs

PART 5

Other terms of service

Directed services

34. An NHS pharmacist with whom a Local Health Board on whose pharmaceutical list the NHS pharmacist is included makes an arrangement for the provision of any directed services must comply with the terms and conditions of the arrangement.

Information to be supplied

35.—(1) An NHS pharmacist must give notice to the Local Health Board on whose pharmaceutical list the NHS pharmacist is included 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 or her in the pharmaceutical list which he or she has not otherwise notified in accordance with these Regulations;
- (b) in the case of an NHS pharmacist who is an individual, any change of his or her private address; and
- (c) in the case of an NHS pharmacist that is a body corporate, any change to the address of its registered office.

(2) An NHS pharmacist must give the Local Health Board, if it so requests, the name of any pharmacist employed by him or her who is responsible for dispensing a particular prescription.

(3) Subject to sub-paragraph (6), an NHS pharmacist that is a body corporate must give notice in writing to the Local Health Board within 28 days (or if this is impracticable, as soon as practicable thereafter) of any changes to the names and addresses of each of its directors and superintendent.

(4) Subject to sub-paragraph (6), if an NHS pharmacist that is a body corporate appoints a director or superintendent that was not listed on the NHS pharmacist's application for inclusion in a pharmaceutical list, the NHS pharmacist must give notice in writing to the Local Health Board within 28 days (or if this is impracticable, as soon as practicable thereafter) of the fitness to practice information about that person.

(5) Subject to sub-paragraph (6), an NHS pharmacist or the director or superintendent of an NHS pharmacist that is a body corporate must inform the Local Health Board—

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

(6) Where an NHS pharmacist is a body corporate with a registered office in Wales, the information to be provided under sub-paragraphs (3) to (5) may be provided only to the Local Health Board in whose area that registered office is located, if the NHS pharmacist also provides that Local Health Board with details of all the other Local Health Boards in whose pharmaceutical lists it is

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included, and in these circumstances that Local Health Board must pass the information on to any other Local Health Board—

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

that requests it.

(7) In this paragraph, “NHS performers or providers list” (*“rhestr cyflawnwyr neu ddarparwyr GIG”*) means—

- (a) a pharmaceutical list; or
- (b) a list maintained of approved performers or providers of primary medical, dental or ophthalmic services.

Withdrawal from pharmaceutical lists

36. Where an NHS pharmacist intends to withdraw from the pharmaceutical list, he or she must notify the Local Health Board of this at least three months in advance of that date, unless it is impracticable for him or her to do so in which case he or she must notify the Local Health Board as soon as it is practicable for him or her to do so.

Charges for drugs and refunds

37.—(1) Subject to regulations made under section 121 of the 2006 Act (charges for drugs, medicines or appliances, or pharmaceutical services) all drugs, containers and appliances provided under these terms of service must be provided free of charge.

(2) Where an NHS 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 NHS pharmacist, the container and equipment remains the property of the NHS pharmacist.

(3) Where any person who is entitled to a repayment of any charge paid under the Charges Regulations presents an NHS pharmacist with a valid claim for repayment, the NHS pharmacist must make the repayment.

(4) For the purposes of sub-paragraph (3), a claim for repayment is only valid if it is duly made on Form WP57 0405 within three months of the date on which the charge was paid.

Inspections and access to information

38.—(1) An NHS pharmacist must allow persons authorised in writing by the Local Health Board in whose pharmaceutical list the NHS pharmacist is included to enter and inspect the NHS pharmacist’s pharmacy at any reasonable time, for the purposes of—

- (a) ascertaining whether or not the NHS pharmacist is complying with the requirements of this Schedule;
- (b) auditing, monitoring and analysing—
 - (i) the provision made by the NHS pharmacist for patient care and treatment, and
 - (ii) the management by the NHS pharmacist of the pharmaceutical services he or she 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 has been invited to be present at the inspection, where this is requested by the NHS pharmacist;
 - (c) the person authorised in writing carries written evidence of his or her authorisation, which he or she produces on request; and
 - (d) the person authorised in writing does not enter any part of the premises used solely as residential accommodation without the consent of the resident.
- (3) An NHS pharmacist must, at the request of the Local Health Board or of a person authorised in writing mentioned in sub-paragraph (1), allow the Local Health Board or person authorised by it access to any information which the Local Health Board or person reasonably requires—
- (a) for the purposes mentioned in sub-paragraph (1); or
 - (b) in the case of the Local Health Board, in connection with its functions that relate to pharmaceutical services.