



Smoking, Health and Social Care (Scotland) Act 2005

2005 asp 13

PART 3

PHARMACEUTICAL CARE SERVICES ETC.

20 Health Boards' functions: provision and planning of pharmaceutical care services

- (1) The 1978 Act is amended as follows.
- (2) After section 2C (functions of Health Boards: primary medical services), insert—

“2CA Functions of Health Boards: pharmaceutical care services

- (1) Every Health Board—
 - (a) must, to the extent that they consider necessary to meet all reasonable requirements, provide or secure the provision of pharmaceutical care services as respects the Board's area; and
 - (b) may, to such extent, provide or secure the provision of pharmaceutical care services as respects the area of another Health Board,and pharmaceutical care services provided, or the provision of which is secured, by a Health Board under or by virtue of this subsection may be performed outside their area.
- (2) For the purpose of securing the provision of pharmaceutical care services under subsection (1), a Health Board may make such arrangements for the provision of the services as they think fit (and may in particular make contractual arrangements with any person).
- (3) A Health Board must publish information about such matters as may be prescribed in relation to the pharmaceutical care services provided under this Part.

Status: This is the original version (as it was originally enacted).

- (4) Without prejudice to section 13, Health Boards must co-operate with one another in discharging their respective functions relating to the provision of pharmaceutical care services under this Part.
- (5) Regulations may provide that services of a prescribed description are, or are not, to be regarded as pharmaceutical care services for the purposes of this Act.
- (6) Regulations under subsection (5) may in particular—
 - (a) classify services as services which are to be regarded as essential services or which are to be regarded as additional services;
 - (b) describe services by reference to the manner or circumstances in which they are provided;
 - (c) provide that pharmaceutical care services for the purposes of this Act include the provision, in circumstances specified in directions given by the Scottish Ministers, of drugs, medicines and appliances included in a list specified in such directions;
 - (d) describe services which involve the ordering of a drug, medicine or appliance included in such a list by reference to the description of person by whom the drug, medicine or appliance is ordered.
- (7) The Scottish Ministers must publish directions given by them under regulations under subsection (5) in the Drug Tariff or in such other manner as they consider appropriate.
- (8) Arrangements made under this Part by a Health Board for the provision of pharmaceutical care services may provide for such services to be performed outside Scotland.
- (9) Anything done by a Health Board in pursuance of subsection (1) or (2) is to be regarded as done in exercise of functions of the Scottish Ministers conferred on the Health Board by an order under section 2(1)(a).

2CB Functions of Health Boards: planning of pharmaceutical care services

- (1) Regulations may make provision requiring every Health Board, in accordance with the regulations, to—
 - (a) prepare a plan for the discharge of their duty under section 2CA(1);
 - (b) keep a plan prepared under paragraph (a) under review;
 - (c) prepare a revised plan; and
 - (d) without prejudice to section 2CA(3), publish a plan so prepared or revised.
- (2) Regulations under subsection (1) may in particular make provision as to—
 - (a) identification by a Health Board in any such plan prepared by them of—
 - (i) what pharmaceutical care services they consider are necessary in order to discharge their duty under section 2CA(1);

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- (ii) whether as respects their area there is convenient access (as regards location and opening hours) to pharmaceutical care services; and
 - (iii) any under-provision of pharmaceutical care services as respects their area;
 - (b) the period within which a plan is to be prepared and published;
 - (c) consultation which a Health Board must undertake in relation to the preparation of a plan;
 - (d) the duration of a plan;
 - (e) the frequency with which a plan must be reviewed and revised by a Health Board;
 - (f) the availability and accessibility of a plan to persons who are resident in a Health Board's area; and
 - (g) such other matters as the Scottish Ministers consider appropriate.
- (3) Regulations making provision as to a matter referred to in subsection (2)(a) may provide that the matter is to be identified in accordance with such criteria as may be specified in directions given by the Scottish Ministers.”.
- (3) In section 18 (duty of the Scottish Ministers), the words “, and of pharmaceutical services,” are repealed.