
D I R E C T I O N S

NATIONAL HEALTH SERVICE ACT 2006

The Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2010

The Secretary of State for Health gives the following Directions in exercise of the powers conferred by sections 8 and 273(1) of, and paragraph 7(1) of Schedule 11 to, the National Health Service Act 2006(a).

Citation, commencement and application

1.—(1) These Directions may be cited as the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2010 and come into force on 1st February 2010.

(2) These Directions are given to Primary Care Trusts in England.

Amendment of the Local Pharmaceutical Services (Essential Small Pharmacies) Directions 2005

2. The Local Pharmaceutical Services (Essential Small Pharmacies) Directions 2005(b) are amended in accordance with Directions 3 to 6.

Amendment of Direction 9

3. In Direction 9 (hours of opening)—

(a) after paragraph (1), insert—

“(1A) The Primary Care Trust must ensure the ESP pilot scheme requires the qualifying pharmacist to notify it of any hours during which the qualifying pharmacist is providing piloted services and which are in addition to those during which the qualifying pharmacist is obliged to provide piloted services pursuant to the arrangements made in accordance with paragraph (1) (those additional hours are referred to as “supplementary opening hours”).”; and

(b) in paragraph (4)(a), after paragraph (i) insert—

“(ia) in sub-paragraph (5), the reference to the supplementary opening hours notified under paragraph 22(1A) of Schedule 1 to those Regulations were a reference to any supplementary opening hours as mentioned in paragraph (1A) of this Direction.”.

New Direction 9A

4. After Direction 9, insert the following Direction—

(a) 2006 c. 41.

(b) These Directions were signed on 28th October 2005 and have been amended by: the Local Pharmaceutical Services (Essential Small Pharmacies) Directions 2007, signed on 22nd February 2007 and repealed with effect from 1st October 2008; the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2008, signed on 30th September 2008 and revoked by these Directions; and the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) (No.2) Directions 2008, signed on 14th November 2008 and revoked by these Directions.

“Temporary arrangements during an emergency requiring the flexible provision of pharmaceutical services

9A.—(1) A Primary Care Trust which is implementing an ESP pilot scheme must ensure that the scheme provides that, during an emergency requiring the flexible provision of pharmaceutical services, the Primary Care Trust may, on application from the qualifying pharmacist (“Q”)—

- (a) permit Q a temporary change to the days on which or times at which Q is obliged to provide piloted services at the premises from which Q has undertaken to provide those services, or permit temporary closure of those premises, if—
 - (i) Q gives at least 24 hours notice of the change or closure, and
 - (ii) the reasons given by Q for the request are, in the opinion of the Primary Care Trust, adequate reasons; or
- (b) permit Q any other temporary variation to the scheme that, in the opinion of the Primary Care Trust, will facilitate continuity of the provision of services of a kind that may be provided under section 126, or by virtue of section 127, of the National Health Service Act 2006 during the emergency.

(2) The Primary Care Trust need not approve the request referred to in paragraph (1)(a)(ii) in advance of the change or closure, and if it does not do so but decides subsequently that Q’s reasons are not, in its opinion, adequate reasons, then the days on which or times at which Q is obliged to provide piloted services at the premises are to revert to the overridden days and times, from the day after the date on which that decision is given to Q.

(3) In this Direction, “emergency requiring the flexible provision of pharmaceutical services” has the meaning given in regulation 2(5) of the Pharmaceutical Regulations.”.

Amendment of Direction 11

5. In Direction 11 (clinical governance)—

- (a) for paragraph (2) substitute—

“(2) Paragraph 31 of Schedule 1 to the Pharmaceutical Regulations shall be read as if—

 - (a) in sub-paragraph (1), the reference to paragraph 29 were omitted; and
 - (b) sub-paragraphs (2) to (5) were omitted.”;
- (b) in paragraph (3), after “requests it” insert “, within 28 days of receiving such a request”.

Amendment of the Schedule

6. In the Schedule (essential small pharmacy payment)—

- (a) in paragraph 2, for “£70,397” substitute “£73,165”;
- (b) in paragraph 3, for “£5,104” substitute “£5,305”; and
- (c) for paragraphs 7 and 8 substitute the following paragraphs—

“7. A qualifying pharmacist who—

- (a) was a qualifying pharmacist for all or part of any calendar month between 1st October 2009 and 31st January 2010 inclusive; and
- (b) in respect of that month, under these Directions as in force on 31st January 2010, was entitled to receive an ESP payment,

is entitled to an additional ESP payment in respect of that month (referred to in Direction 8 as a “relevant month”), calculated in accordance with Direction 8.

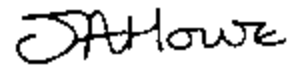
8. The amount of the additional ESP payment referred to in paragraph 7 is the difference between—

- (a) the amount in respect of the relevant month to which the qualifying pharmacist was entitled, as an ESP payment, under these Directions as in force on 31st January 2010; and
- (b) the amount in respect of the relevant month to which the qualifying pharmacist would have been entitled, had the amendments made by Direction 6(a) and (b) of the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2010 been made on 1st October 2009 instead of 1st February 2010.”.

Revocations

7. The Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) Directions 2008, and the Local Pharmaceutical Services (Essential Small Pharmacies) (Amendment) (No. 2) Directions 2008, are revoked.

Signed by authority of the Secretary of State for Health



Head of Pharmacy
Department of Health

29 January 2010