

<b>Subject:</b>	<b>Pharmaceutical Needs Assessment</b>		
<b>Date of Meeting:</b>	<b>5 February 2014</b>		
<b>Report of:</b>	<b>Dr Tom Scanlon, Director of Public Health</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Dr Max Kammerling</b>	<b>Tel: 07894 340590</b>
	<b>Email:</b>	<b>Max.Kammerling@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The Health and Wellbeing Board (HWB) has a statutory responsibility to produce and keep up to date a statement of the needs for pharmaceutical services of the population in its area, referred to as a Pharmaceutical Needs Assessment (PNA). NHS England use the PNA in deciding if new community pharmacies are needed and to inform decisions on which NHS funded services should be provided by pharmacies. The regulations require every HWB to publish its first PNA by 1<sup>st</sup> April 2015. This report sets out the proposed approach that will be taken to meet this duty in Brighton and Hove.

#### 2. RECOMMENDATIONS:

- 2.1 That the Health and Wellbeing Board notes its statutory requirement to produce and keep up to date the PNA as set out in 3.6.
- 2.2 That the Health and Wellbeing Board instructs the Director of Public Health to:
- produce a revised PNA for approval by the HWB by 1 April 2015 (and subsequent updates) and
  - develop and maintain a process to identify any changes to pharmaceutical services and consider if they are substantive enough to require a revised PNA or whether this would be a disproportionate response to those changes.

#### 3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Pharmaceutical Needs Assessment (PNA) is a comprehensive statement of the need for pharmaceutical services of the population in its area. The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 ("the Regulations") set out the legislative basis and requirements of the Health and Wellbeing Board for developing and updating the PNA as well as the responsibility of NHS England in relation to "market entry".
- 3.2 The provision of NHS Pharmaceutical Services is a controlled market. If someone (a pharmacist, a dispenser of appliances, or in some circumstances and normally in rural areas, a GP) wants to provide NHS pharmaceutical services, they are required to apply to NHS England to be included on a

pharmaceutical list. Since April 2013 pharmaceutical lists are compiled and held by NHS England. This is commonly known as the NHS “market entry” system.

- 3.3 Under the Regulations, applications for inclusion on a pharmaceutical list must prove that they are able to meet a pharmaceutical need as set out in the relevant PNA. There are two exceptions, one for services provided by distant selling (e.g. internet pharmacies), and the second is an application for needs not foreseen in the PNA.
- 3.4 NHS England will use the PNA when making decisions on applications. Such decisions are appealable and decisions made on appeal can be challenged through the courts.
- 3.5 NHS England must maintain up to date lists of persons within an area offering a pharmaceutical service. NHS England must consult, giving 45 days for a response, the relevant Health and Wellbeing Board when an application for a new pharmacy or change to an existing pharmacy is received within 2km of the area served by a Health and Wellbeing Board.
- 3.6 The requirements of the Health and Wellbeing Board are as follows:
  - 3.6.1 HWBs are required to produce **the first PNA by 1 April 2015**. The Regulations set out the minimum information which must be included in the PNA, matters that must be considered when making the assessment and the process to be followed (including a statutory 60 day consultation period). In the interim period the Regulations make provision for use of the PNA published by the HWBs former PCT(s) to inform market entry decisions.
  - 3.6.2 HWBs are required to publish a revised assessment within **three years** of publication of their first assessment; and
  - 3.6.3 HWBs are required to publish a revised assessment as soon as is reasonably practical after identifying significant changes to the availability of pharmaceutical services since the publication of its PNA unless it is satisfied that making a revised assessment would be a disproportionate response to those changes. In addition the Health and Wellbeing Board is required to maintain an up to date map of provision of NHS Pharmaceutical Services.
- 3.7 The current position regarding the PNA is described below:
  - 3.7.1 A PNA for Brighton and Hove was published by NHS Brighton and Hove in February 2011. A copy of the PNA can be found on the Brighton and Hove Local Information Service website at <http://www.bhlis.org/resource/view?resourceId=1412>
  - 3.7.2 In March 2013 the PCT Pharmaceutical Committee reviewed the 2011 PNA and published a Supplementary Statement which states that a revised PNA was not required at that point (and would be a disproportionate response). A copy of the Supplementary Statement is available at <http://www.bhlis.org/resource/view?resourceId=1413>
- 3.8 It is recommended that the HWB instructs the Director of Public Health to produce a draft PNA for approval by the HWB by 1<sup>st</sup> April 2015. The Director of Public Health will establish a PNA steering group by March 2013 to oversee this process. The steering group will be chaired by a Consultant in Public Health. Proposed membership of the group includes representatives of BHCC Public

Health Directorate, East Sussex Local Pharmaceutical Committee, NHS England, Brighton and Hove Clinical Commissioning Group and Healthwatch.

- 3.9 The priority actions for the group will be to:
- Agree terms of reference and membership
  - Agree and maintain a process to
    - identify any changes to pharmaceutical services and consider if they are substantive enough to require a revised PNA or whether this would be a disproportionate response to those changes
    - publish any supplementary statement required
    - maintain a map of local pharmaceutical provision
  - agree a timetable and project plan for producing the updated PNA
- 3.10 A revised PNA will be circulated to the HWB as part of the statutory consultation. A final version will be presented to the HWB for approval by 1 April 2015.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 Publication of a PNA is a statutory requirement for the Brighton and Hove Health and Wellbeing Board. The specified option is recommended as an efficient and effective method to fulfil these duties.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The Regulations set out the requirements for consultation on PNAs. When making an assessment for the purposes of publishing a pharmaceutical needs assessment, each HWB must consult the following about the contents of the assessment it is making:
- (a) Local Pharmaceutical Committee
  - (b) Local Medical Committee (c) any persons on the pharmaceutical lists and any dispensing doctors list for its area;
  - (d) any Local Pharmaceutical Service chemist in its area with whom the NHS England has made arrangements for the provision of any local pharmaceutical services;
  - (e) Healthwatch, and any other patient, consumer or community group in its area which in the opinion of the HWB has an interest in the provision of pharmaceutical services in its area; and
  - (f) NHS trusts or NHS foundation trust;
  - (g) NHS England and
  - (h) neighbouring HWBs

There is a minimum period of 60 days for consultation responses.

#### **6. CONCLUSION**

- 6 The Health and Wellbeing Board has a statutory requirement to produce and keep up to date the PNA, including the production of a revised PNA by 1 April 2015. The proposed process will enable its duties to be met.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 The cost of producing the PNA including public involvement and consultation will be met by the ringfenced Public Health Grant. The initial estimate for these elements is £20k and this will be reflected in 2014/15 Public Health Business Plan for 2014/15.

*Finance Officer Consulted: Anne Silley Date: 14/01/14*

### Legal Implications:

- 7.2 The statutory requirement and prescribed process for the HWB to publish a PNA is set out in the body of the report. The proposals in the report are consistent with ensuring that the HWB is in a position to discharge its duties.

*Lawyer Consulted: Elizabeth Culbert Date: 16/01/14*

### Equalities Implications:

- 7.3 The PNA will have regard to the Equality Act 2010 and an Equality Impact Assessment will be undertaken in relation to the revised PNA.

### Sustainability Implications:

- 7.4 There are no specific implications arising from this report

### Corporate/citywide Implications:

- 7.5 The PNA is a key tool for identifying what is needed at a local level to support the commissioning intentions for pharmaceutical services. This will enable the provision of appropriate health services as part of the delivery of local health and social care strategies, including the Health and Wellbeing Strategy.

### Any Other Significant Implications

- 7.6 None.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Map of Brighton and Hove Pharmacies as at January 2014

### **Documents in Members' Rooms**

1. None.

## **Background Documents**

1. The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013
2. Brighton and Hove Pharmaceutical Needs Assessment 2010
3. NHS Brighton & Hove Pharmaceutical Needs Assessment Supplementary Statement – March 2013

# Appendix 1

