NHS Rotherham

Board Meeting – 13 December 2010

First Pharmaceutical Needs Assessment (PNA) including consultation

Contact Details:

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<th>Lead Officer:</th>
<th>Sue Wright</th>
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<td>Senior Pharmaceutical &amp; Prescribing Advisor</td>
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Purpose:

NHS Rotherham has a statutory duty to publish its first pharmaceutical needs assessment (PNA) under the new regulations by 1 February 2011. Failure to meet this duty could lead to a judicial review.

This paper provides information on the PNA to enable the Board to sign off the PNA to enable NHS Rotherham to fulfil its statutory duty.

Regular updates on progress have been submitted for the board's consideration.

Recommendations:

That the Board acknowledges:
1. The regulatory requirements for publication of the PNA by 1 February 2011.
2. The risks outlined in this paper
3. The consultation process has been undertaken for 60 days and consideration has been given to the responses received
4. The gaps which have been identified and the course of action NHS Rotherham will take to address these.
5. NHS Rotherham has taken into consideration updates to DH guidance in constructing the PNA.

The Board is satisfied that the content of the PNA meets the requirements of the regulations and signs off the final PNA documentation for publication.

Background:

The White Paper *Pharmacy in England: Building on strengths – delivering the future* was published by the Department of Health in April 2008. This highlighted the variation in the structure and data requirements of PCT PNAs and confirmed that they required further review and strengthening to ensure they are an effective and robust commissioning tool which supports PCT decisions.

The Health Act 2009 amended the National Health Service Act 2006 to include provisions for regulations to set out the minimum standards for PNAs. The regulations were consulted on in late 2009/early 2010 and were laid in Parliament on 26 March 2010 and came into force on 24 May 2010. The Regulations place PCTs under a duty to publish their first PNA by 1 February 2011 (regulation 3C(1)).
The Health Act 2009 confirmed requirements for PCTs to develop and publish Pharmaceutical Needs Assessments (PNAs) as the basis for determining market entry to NHS pharmaceutical services provision.

The PNA will determine market entry applications from February 2011.

**Analysis of Risks:**
Due to the high level of risk associated with this duty, the development of the PNA has been added to the PCT risk register.

As NHS Rotherham is under a statutory duty to develop and publish its first PNA by 1 February 2011, and to then use it to determine applications from pharmacy and appliance contractors, there are some risks to NHS Rotherham. These are summarised as follows:

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<th>Issue</th>
<th>Implication</th>
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<td>Failure to identify adequate resources to develop the first PNA and therefore failure to meet the statutory duty</td>
<td>SHA interest and potential Judicial Review</td>
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<tr>
<td>Failure to develop the first PNA</td>
<td>SHA interest and potential Judicial Review</td>
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<td>Failure to follow due process in producing the first PNA</td>
<td>Potential Judicial Review</td>
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<tr>
<td>Failure to publish the first PNA by 1 February 2011</td>
<td>SHA interest and potential Judicial Review</td>
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<tr>
<td>Inadequate first PNA that does not allow the PCT to determine applications from pharmacy and appliance contractors</td>
<td>Potential Judicial Review and/or appeals to the NHS Litigation Authority’s Family Health Services Appeal Unit</td>
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There is no right of appeal against the PNA.

In addition:

Commissioned enhanced services from community pharmacy may not reflect patients’ health needs.

Insufficient resources and investment to develop a robust PNA may result in commissioning of services in isolation, disconnected from other commissioning decisions.

Identification of gaps and pharmaceutical needs within the PNA may lead to a flurry of applications during and after the consultation period or will raise expectations which NHS Rotherham cannot then meet.

NHS Rotherham needs to develop a community pharmacy specific decommissioning/exit strategy to support the PNA including:
• services which are no longer necessary
• services which have not been effective
• providers who are not delivering or are not up to standard
• PCT identifying new priorities.

The PNA will be updated at least every three years. This poses a risk as the future of where the PNA will reside is unknown and who will have responsibility for it’s maintenance and refresh is unclear.
Return on Investment:

Statutory requirement subject to judicial review

Analysis of Key Issues:

- The first pharmaceutical needs assessment (PNAs must meet the requirements of the NHS (Pharmaceutical Services) Regulations 2005 as amended by Statutory Instrument 2010 No 914.
- The regulations place a statutory duty on NHS Rotherham to develop and publish their first PNA by 1 February 2011. Schedule 3A of the regulations sets out the minimum requirements for the first PNA produced under this duty, and these include data on the health needs of the PCT’s population, current provision of pharmaceutical services, gaps in current provision and how the PCT proposes to close these gaps. The PNA has also considered the future needs for services.
- NHS Rotherham has included information believed to be pertinent in assessing the need for pharmaceutical services within Rotherham.
- The PNA has been developed with input from the medicines management team, public health, commissioning and contracting, and a range of stakeholders including the Local Pharmaceutical Committee (LPC) and links into Commissioning Plans.
- The PNA steering group was established with agreed terms of reference.
- NHS Rotherham has worked with neighbouring PCTs to consider cross-border commissioning of services and their impact within the PNA.
- NHS Rotherham is to publish a revised assessment within three years of publication of their first assessment (February 2014). In addition, the PNA will be refreshed to reflect any change in pharmaceutical provision or as commissioning priorities change in light of any revision of the Joint Strategic Needs Assessment (JSNA). This process will be managed through Pharmacy Panel.
- NHS Rotherham will publish supplementary statements as and when necessary. These would be issued where:
  1. there has been a change to the availability of pharmaceutical services since the publication of the PNA;
  2. this change is relevant to the granting of applications referred to in section 129(2)(c)(i) and (ii) of the NHS Act 2006 (i.e. applications to open a new pharmacy, to relocate or to provide additional services); and
  3. the PCT is satisfied that a revised PNA would be a disproportionate response.
- NHS Rotherham has responded to consultation requests from neighbouring PCTs. NHS Derbyshire County failed to recognise that Rotherham shares a border with North Derbyshire and Bolsover. They have included us in their consultation but their document does not reference Rotherham pharmaceutical services. The implications of this omission affect NHS Derbyshire County and do not affect NHS Rotherham.
- NHS Rotherham has taken due regard to responses to the consultation and have included the results of the consultation in the final PNA document.
- The timeline for the development of the PNA has been met subject to final publication deadline being achieved.
Patient, Public and Stakeholder Involvement:

A stakeholder list was agreed
A communications plan and patient and public questionnaire was developed and achieved.
Patient and public opinion has informed the PNA.
Patients have been consulted, including those in defined ‘at risk’ groups and ‘hard to reach’ populations.

NHS Rotherham undertook a consultation on the PNA with all stakeholders for a minimum of 60 days, which ended on 21 November 2010. The regulations list those persons and organisations that must be consulted which include the Local Pharmaceutical Committee, Local Medical Committee, RMBC, providers on Rotherham’s pharmaceutical lists and dispensing doctors list, local involvement networks and patient and public groups.

Equality Impact:

Widespread consultation and stakeholder involvement.

The NHS Rotherham screening pro0form in conjunction with that of the DH has been completed. The outcome of which was that a full Equality Impact Assessment was not necessary. A copy of which is in the final document.

The PNA has been designed to ensure there is equity of provision of pharmaceutical services across Rotherham. The purpose of the PNA has been to identify gaps in service provision, so that NHS Rotherham can address the issues identified and commission pharmaceutical services based on the health needs of the population.

Financial Implications:

The current budget set aside for the Global Sum element of Pharmaceutical services is £8.345m. Of this sum circa 64.6% relates to payments for “Essential Services” and a further 30.08% relates to payments in respect of Professional Fees for dispensing services. Circa 1.29% of the budget is spent on payments relating to pre-registration trainees, this leaves approx £336k of the “Global Sum” Pharmaceutical budget available for the Commissioning of “Advanced Services”. In addition to the above NHS Rotherham has established a budget of £156k for the provision of payments to Pharmacies for the supply of NRT treatments, £51k for the provision of the Minor Ailments scheme and £66k for the supply of Emergency Hormonal Contraception. The total resource therefore set aside for the provision of Pharmaceutical services is £8.618m.

Within section G of the “PNA – Pharmaceutical Services – Future Provision” a provision gap (as yet un-quantified) has been identified. Before additional resources are considered as a requirement it would be necessary to review the quality and effectiveness of some of the services commissioned from the resource identified above.

For any new Pharmacies approved the basic cost is as follows –

- Establishment payment of £23k- 25k per granted application.
- Cost of up to 400 Medication Use Reviews £11,200.
- ETP allowance £1,200.
- Repeat dispensing £1,500.
The publication of the Pharmaceutical Needs Assessment will cost approximately £13 per printed copy. An electronic copy will be available on NHS Rotherham website.

Final numbers of copies required have still to be determined and if requests for printed copies will be chargeable.

Approved by: John Doherty

**Human Resource Implications:**

In order to complete the PNA according to the regulatory requirements and timescales the development of the PNA has utilised extensive manpower commitment from the core members of the steering group. The PNA will require ongoing maintenance and will be updated at least every three years and will require ongoing investment in time. This will currently be managed through Pharmacy Panel.

Approved by: Peter Smith

**Procurement:**

None to date

Approved by: Doug Hershaw

**Key Words:**

Pharmaceutical Needs Assessment; PNA; Gap Analysis; Service Provision; Community Pharmacy; Dispensing Practice; Appliance Contractor; Medicines Management; Health Act 2009; Statutory Instrument 2010 No.914; Commissioning;

**Further Sources of Information:**

http://www.opsi.gov.uk/si/si2010/uksi_20100914en_1