2 Introduction

In July 2007, the Minister of State for Public Health, the Rt Hon Dawn Primarolo, MP announced that the Department of Health would publish a pharmacy White Paper. Pharmacy in England: Building on strengths - delivering the future was accordingly published on 3 April 2008. It builds on A Vision for Pharmacy in the new NHS launched in July 2003 and Our health, our care, our say: a new direction for community services published in January 2006.

The White Paper set out the Government’s programme for a 21st century pharmaceutical service and identified practical, achievable ways in which pharmacists and their teams can contribute to improving patient care through delivering personalised pharmaceutical services in the coming years.

The White Paper stated at paragraphs 1.7 and 1.8: ‘As part of the development work to align pharmacy with the primary and community care strategy, the Government intends to publish, for consultation later in 2008, fuller information on a number of proposals for structural change. That consultation will comprise both actions to be taken in the medium term – including any necessary revisions to primary legislation – and actions to reform the current regulatory system pending those revisions’.

Following consultation in the autumn 2008, two clauses were proposed for the Health Bill 2009 to:

- require PCTs to develop and publish pharmaceutical needs assessments (PNAs); and
- then to use PNAs as the basis for determining market entry to NHS pharmaceutical services provision

The Health Bill received Royal Assent in November 2009 and is now known as the Health Act 2009. It contains the powers needed to require PCTs to develop and publish PNAs and then to use PNAs as the basis for determining market entry to NHS pharmaceutical services provision (the second provision will be subject to further regulations).

In July 2009, a regulatory advisory group drawn from interested parties was set up and started its work to translate these proposals into reality. The Group’s terms of reference is: ‘subject to Parliamentary approval of proposals in the Health Bill 2009, to consider and advise on, and to help the Department devise, regulations to implement a duty on NHS PCTs to develop and to publish pharmaceutical needs assessments and on subsequent regulations required to use such assessments as the basis for determining the provision of NHS pharmaceutical services’

The new Regulations - The National Health Service (Pharmaceutical Services) (Amendment) Regulations 2010 are a result of their work on the first clause to require PCTs to develop and publish PNAs.

Development of the PNA is about the PCT’s commissioning intentions for pharmaceutical services i.e. what services the PCT needs to commission to meet the pharmaceutical needs of the people of Oxfordshire and how it will do that.
2.1 Timelines for publication of first and revised assessments

Subject to Parliamentary process:

- The National Health Service (Pharmaceutical Services) (Amendment) Regulations 2010 which came into force in May 2010.
- PCTs will be required to produce **FIRST** assessment **by 1 February 2011**.
- PCTs will be required to publish a revised assessment within **three years** of publication of their first assessment.
- PCTs will be required to publish a revised assessment as soon as is reasonably practical after identifying changes to the availability of pharmaceutical services since the publication of the PNA where these changes are relevant to the granting of applications made under Regulation 5(1) unless it is satisfied that making a revised assessment would be a disproportionate response to those changes.