

PHB 23

Bil Iechyd y Cyhoedd (Cymru)

Public Health (Wales) Bill

Ymateb gan: Company Chemists' Association Limited

Response from: Company Chemists' Association Limited

The Company Chemists' Association response to The Health, Social Care and Sport Committee inquiry into

The general principles of the Public Health (Wales) Bill to improve and protect the health and well-being of the population of Wales and the Health, Social Care and Sport Committee terms of reference.

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## Introduction

The Company Chemists' Association (CCA) provides a forum for the large businesses engaged in community pharmacy to work together to help create

an environment where pharmacy can flourish and providers compete in a fair and equitable way. The CCA aims to represent our members, empower our members to understand the changing policy environment, and influence that policy environment. Our eight member companies – Boots, Well, Lloyds pharmacy, Tesco, Wm Morrison Supermarkets, Asda, Rowlands Pharmacy and Superdrug – own over 6,400 pharmacies between them which represents almost 50% of the pharmacies in the United Kingdom. Our members own just over 50% of pharmacies in Wales.

We are pleased to be able to respond again to the Welsh Governments call for evidence on the Public Health (Wales) Bill as we did in 2015. Please find our amended response below incorporating our previous comments but also extending our concerns and observations to cover the amended principles within the new Bill.

The CCA is extremely supportive of the revised Bill and its aims. However, the Bill covers many areas that we do not feel the CCA would be best placed to make comment on. Therefore, we have offered our views on the most pertinent areas that the Bill seeks to amend that we feel will have a direct impact on community pharmacy in Wales.

## Principles impacting on community pharmacy within the Public Health (Wales) Bill

### 1. Register of retailers of tobacco and nicotine products

#### Part 2 observations

The CCA would like to highlight its concerns with the introduction of such a register and the use of the words for all “nicotine products” we draw your attention to The Bills explanatory memorandum that states

*While many smokers quit without recourse to smoking cessation services and products, it is recognised that nicotine products can play an important*

*role in helping smokers to quit altogether, or to reduce their consumption of tobacco products. Nicotine products include traditional forms of licensed nicotine replacement therapy (NRT), such as nicotine patches, gums and lozenges. There is strong evidence available for the long-term safety of NRT with concurrent smoking, suggesting that long term use of NRT is not associated with an increased incidence of harm, including cardiovascular events or cancer, with the latest analysis of outcome at 12.5 years from study outset.*

## Nicotine Products

Whilst supportive of the intention of the provision, the CCA requests the exemption of all pharmacies providing medically licensed Nicotine products as part of their service delivery for smoking cessation be it over the counter, via prescription or as part of a smoking cessation enhanced service. The Bill could inadvertently affect already very productive community pharmacy stop smoking services and could cause these services to be bound and inhibited by the legislative changes the Bill looks to impose.

## Registered Premises

The CCA requests that as detailed above all pharmacies be exempted from the arrangements this bill seeks to address.

## Distribution to under 18's

Smoking cessation enhanced services and pharmacy provision within Wales does include people under 18 where believed to be competent to participate in such enhanced services, additionally many over the counter NRT products are licensed for sale to 12-18 year olds and some of these products can also be prescribed by their doctor and dispensed by their local pharmacy. Under the new regulations an under 18-year-old patient or customer would not be able to purchase, collect a dispensed prescription or take part in an NHS commissioned smoking cessation service without being accompanied by someone over the age of 18.

An exclusion by legality at this point of entry for young smokers seeking professional help for their addiction would be an inadvertent own goal for Welsh Government if registered pharmacies are not exempted from this provision.

## 2. Health Impact assessments

### Part 5 Observations

The CCA would welcome clarification as to whether Health impact assessments will have a bearing on services delivered by Community Pharmacy and the future impact this may have on community pharmacy in Wales.

The CCA are supportive of this amendment which evaluates how the health of the population of Wales or sector of population will be affected by any proposed decision or action. The CCA feels this is a positive step towards The Well-being of Future Generations (Wales) Act 2015 which aims to ensure that sustainability and well-being, including achieving a healthier Wales, is at the heart of decisions taken by public bodies.

The CCA wishes to ascertain if Health impact assessments could be used by local health boards when considering whether to commission or de-commission services in local areas from community pharmacy service providers.

## 3. Pharmaceutical services

### Part 6 observations

#### Changes to the arrangements to determine Pharmaceutical applications within our communities.

The CCA welcomes the way in which The Bill seeks to maximise the public health role of community pharmacies, and is supportive of the fundamental

change to the way in which decisions about pharmaceutical services in Wales are made by local health boards

The Bill includes provision to require each Local Health Board to publish an assessment of the need for pharmaceutical services in its area with the aim of ensuring that decisions about the location and extent of pharmaceutical services are based on the pharmaceutical needs of local communities. This will be done by introducing Pharmaceutical Needs Assessments. (PNA's)

Pharmaceutical Needs Assessments have proven to be a highly effective method for Health commissioning bodies to identify the needs of its population and what services can be commissioned from community pharmacies to address those needs. However only by periodically reviewing those needs, commissioners can stay up to date with the continued requirements and identify new issues that arise within its population. We also stress that PNAs must be part of a wider assessment of need. PNAs should not be written in isolation but should encourage inter-professional and inter-sector collaboration. By reducing the geographical scope of PNAs would be to the detriment of patient needs. It is important to remember that patients do not always adhere to geographical boundaries when accessing healthcare, therefore neighbouring LHBs PNAs as well as bordering English CCGs PNAs should be considered.

PNA's have been within the English framework for nearly 10 years and the CCA would hope that the Welsh government can learn from and develop further the models already being used to ensure the most effective process is introduced throughout Wales.

PNAs should provide a clear guide to contractors on what services are required and are expected to be delivered locally. There must be a clear service delivery target, agreed between the Health Board, Community Pharmacy Wales and the contractors. Furthermore, Health Boards must have properly advertised the service to the public. Preparation of promotional material should be done in collaboration with Community Pharmacy Wales.

We support that the failure to consistently offer services specified in the PNA which were a condition of granting a pharmacy contract lead to a rapid

removal from the Pharmaceutical List for that site since the conditions of grant and the health needs of the population would not be being met.

The proposals in the Bill if adopted with enthusiasm by both commissioners and service providers should see the availability of services that improve public health in Wales expand and become more accessible to patients across the nation and at times that suit them. Community Pharmacy plays a significant role in looking after the health needs of the nation. Our position at the heart of every community gives us a unique vantage point as an accessible and welcoming health care provider. This should be capitalised on by LHBs and Pharmacy should be at the forefront of their thinking when dealing with pressing public health needs.

The CCA would like to highlight a few key areas for PNA provision within the Bill and ask the committee to reflect on the implications of these legislative changes.

The definition pharmaceutical services should be redefined to reflect the service led vision that PNA's look to embrace. The CCA is supportive of PNA's being an integral part of the development and discussion of the pharmacy contract in Wales.

An All Wales approach should be adopted to ensure needless duplication across Health Boards reducing inconsistency and disparity amongst them and in-turn to avoid incurring unnecessary additional costs to a Prudent Welsh NHS.

When reviewing service provision within the PNA framework it is of paramount importance that only the services currently commissioned by the Health Board be considered when reviewing inadequate provision so as not to disadvantage those located in a less service led Health Board. Where areas of inadequate provision are identified the CCA request that contractors are given the opportunity to redress the balance before any further entry is granted.

**4.Detail whether there are any unintended consequences arising from the Bill?**

The CCA would like to draw the Welsh Government's attention to the following points:

- The unintentional impact on access to smoking cessation products in Wales throughout the community pharmacy network. By implementing tighter controls and adding additional regulatory burden onto the supply of nicotine containing products within pharmacy stop smoking services could be adversely affected.
- Unintentionally the Welsh government could be limiting the opportunity for self-care through OTC sales and limiting the promotion of public health awareness and the Choose Well ethos.
- The inevitable cost implications with the introduction, implementation and sustainability of pharmaceutical needs assessments to be borne by the Health Boards already under severe financial pressures.

## In summary

The CCA is entirely supportive of the goals and principles of the Public Health (Wales) Bill.

As community pharmacy in Wales looks to further integrate itself into the NHS family and increase the community led services within the localities our pharmacies serve, services such as pharmacy smoking cessation provision within our local communities are an invaluable and ever increasing accessible point of contact for patients seeking help for their nicotine addiction. The CCA asks the committee to consider the exemption for all pharmacies from the nicotine products registration and distribution requirements of this Bill.

The CCA agree that the content of this response can be made public.