

## Pharmacy Brief

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### Briefing note

Author: David Reissner

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### Wanted?

If any of your contact details need to be corrected (for example if you are receiving a Pharmacy Brief addressed to someone else) and you or someone you know would like to be added to our mailing list, please email your contact details at [stephanie.palmer@charlesrussell.co.uk](mailto:stephanie.palmer@charlesrussell.co.uk)

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### Half Century

This is the 50th issue of the *Pharmacy Brief*. We have published an edition every quarter since March 1997. Thanks to all of you who have responded with feedback over the years and have offered ideas and encouragement. Our original mailing list had about 400 names. We are happy to provide a free service that now reaches about 6,000 readers. However, if you are receiving a copy addressed to someone else and would like your own copy, or if you no longer wish to receive the *Pharmacy Brief*, please email [stephanie.palmer@charlesrussell.co.uk](mailto:stephanie.palmer@charlesrussell.co.uk).

### Pharmacy Show – 11 and 12 October 2009

Visit David Reissner and the rest of the Pharmacy Team at our stand at the Pharmacy Show on 11 and 12 October 2009, at the NEC. You can find us at Stand F16 and also on Business Accelerator stands.

### Dispensary Staffing Levels

We have become aware that the NHS Counter Fraud Service appears to believe that only qualified dispensers count towards dispensing staff hours when filling in the FP34C form. This runs counter to the guidance issued jointly by the PSNC/Department of Health (available on the PSNC website - [www.psn.org.uk](http://www.psn.org.uk)) which makes it clear that "all staff involved in the dispensing process can be counted in the declaration of dispensing staff levels. This includes pharmacists, pharmacy technicians, dispensing/pharmacy assistants and medicines counter assistants. The dispensing process includes: the taking in and issuing of prescriptions; dispensing prescriptions; clinical assessment of prescriptions and accuracy check of dispensed items; stock ordering and putting stock away; preparation and assembly of medicinal products; resolving queries related to prescriptions; counselling patients on their prescriptions, and; carrying out the administration necessary for the payment of prescriptions (eg endorsing and filing prescriptions)."

However, delivering medicines should not be counted towards dispensary staffing levels.

We suggest that you make sure that you include all time spent by staff in the dispensing process on the FP34(C) declaration. If necessary, keep appropriate records so that you can easily justify the hours given.

### Superintendent Pharmacists and Strict Liability

For years, we have argued before the Society's disciplinary committees that just being superintendent pharmacist of a company that owns a pharmacy where something has gone wrong does not automatically mean the superintendent is guilty of misconduct. We have invariably been successful, but the Society has continued to argue the contrary. In a recent case, the Disciplinary Committee again upheld our argument and gave the following ruling:

- Under the Code of Ethics and Practice, a Superintendent Pharmacist has a personal professional responsibility to ensure the observance of all legal and professional requirements in relation to pharmaceutical aspects of the business
- For the purposes of assessing misconduct in disciplinary proceedings, a breach of this



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## Missing Articles

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Our recent published articles include:

- The Missing LINKs? (*Care Management Matters*)
- Newly Built Pharmacies – The - Risks (*Pharmacy Business*)
- Responsible Pharmacist (*Pharmacy magazine*)
- Supervision and Remote Supervision (*Chemist & Druggist*)
- Letter of the Law: An alternative to criminal prosecution (*Chemist & Druggist*)
- Disciplinary Delays (*Chemist & Druggist*)
- I need to Reduce my Overheads (*P3 magazine*)
- Pharmacies and Green Leases – What is a Green Lease? (*P3 magazine*)
- Ethical Dilemma: Drug Dependents and Pregnancy (*Chemist & Druggist*)
- Pharmacy Sales - Asset or Share Sale? (*Pharmacy business*)
- Pharmacy from Scratch (*P3 magazine*)
- The How and What of Supervision (*Chemist & Druggist*)

If you would like free copies of any of the above please contact Stephanie Palmer on +00 (0)20 7203 5065 or email [stephanie.palmer@charlesrussell.co.uk](mailto:stephanie.palmer@charlesrussell.co.uk).

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## More information

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Name: David Reissner  
+44 (0)20 7203 5065  
[David.reissner@charlesrussell.co.uk](mailto:David.reissner@charlesrussell.co.uk)

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responsibility does not impose strict liability. There must be fault and it must be serious fault

- Before finding a Superintendent Pharmacist guilty of misconduct, there must be consent, connivance or negligence of a serious nature
- Actions where there is no fault or where liability cannot reasonably be foreseen or where the nature of the alleged misconduct is not sufficiently clear or certain cannot constitute misconduct for the purposes of disciplinary proceedings
- The responsibility cannot be delegated
- Where the Superintendent Pharmacist has responsibility for a large number of pharmacies, he or she cannot inspect them all
- Exercising responsibility through Area Managers is acceptable but:
  - It is for the Superintendent Pharmacist to establish systems; and
  - The Superintendent retains a continuing duty to ensure they are effective
  - If the Superintendent knows the systems are not effective, he or she retains responsibility for initiating remedial or further action
  - If the Superintendent knows a manager is failing in the duties delegated by the Superintendent, the Superintendent retains responsibility for initiating remedial or further action

## LINKs

Local Involvement Networks (LINKs) have replaced patient forums. They are designed to increase the involvement of individuals and groups in the improvement of health and social care services in their local area. LINKs have far reaching powers; including the power to visit the premises of those providing health services and report back to the Local Authority or PCT. At present, these powers do not automatically extend to independent providers of health services (such as pharmacies). However, those commissioning services are being encouraged to amend contracts to include the relevant powers, and it may only be a matter of time before representatives from LINKs will be able to visit pharmacies in order to scrutinise the services provided.

## It's a Deal

Tim Jenkins reports that the increase in volume in instructions for business sales and purchases reported in our last edition continues. In the last two months, the team acted for CSPC Pharmacy Limited in relation to its acquisition of a two branch pharmacy in South Devon, the acquisition of a Sussex based pharmacy for an existing regional operator and the sale to a regional operator of a pharmacy company operating in the West Country.

Our understanding of pharmacy businesses enables us to offer a competitively priced added-value full service for clients both large and small and whether buying or selling companies, pharmacy partnerships or sole trader businesses.

For advice, please contact Tim Jenkins on 01483 252529 or email:

[tim.jenkins@charlesrussell.co.uk](mailto:tim.jenkins@charlesrussell.co.uk). Please visit our website at [www.charlesrussell.co.uk](http://www.charlesrussell.co.uk)

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