



Law update for superintendents

From Joy Wingfield, Number 4 September 2011

We have broadened our scope to “professional update” this time as many changes arise in professional standard setting rather than law. In fact, very little new law has actually been introduced in the last six months - there is just an awful lot waiting in the wings.

Pending changes to the law

- Health and Social Care Bill - “recommitted”: not of direct relevance to the superintendent role but latest estimates are that this will be enacted early in 2012. The proposed changes to NHS structure and operation are progressing anyway, with a “change completed” date of April 2013 (maybe).
- Misuse of Drugs regulations review: changes now known in a [consultation](#) due to close on 28th October. Most significant perhaps is an intention NOT to implement mandatory running balances yet for CD registers or standardised requisition forms. Specifically the regulations are to be extended to cover prisons.
- Medicines regulations review: details still awaited, consultation expected in “the autumn”
- The “three year” rule: yet to be abolished but legislation expected in “the autumn”
- MHRA reclassifications: see RPS [link](#) for cumulative updates

Professional guidance

The RPS is issuing a significant amount of new guidance and revising guidance that originally came from RPSGB. The GPhC has made it clear that if you are practising in a particular practice field, they expect you to keep up with practice guidance in that field and they won't be publishing it. In my view, this means that superintendents of community pharmacies must maintain RPS membership. The RPS guidance will become part of the “duty of care” expected of practising superintendents and community pharmacists and will inform the judgements of both the courts and the GPhC.

The RPS guidance varies from a pithy one page reminder to lengthy documents on good dispensing practice or the Responsible Pharmacist toolkit. Below is a selection of some of the short ones.

Under “support” > “day to day practice” > “law and ethics”

[Exercising professional judgement](#) 8th September 2010

[Pseudoephedrine and ephedrine](#) 10th September 2010

[Dispensing and preparing extemporaneous methadone](#) 27th September 2010

[Guidance on Sativex](#) 7th October 2010

[Reminder of legal requirements for CD scripts](#) (date of issue not clear)

[Reminder of legal requirements for veterinary scripts](#) 14th October 2010

[EEA prescriptions](#) 20th December 2010

[Emergency supply](#) 15th February 2011

[Supply of medicines to podiatrists and chiropodists](#) June (?) 2011

[Safe custody of controlled drugs](#) 16th August 2011





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Under “support” > “your day to day practice” > “best practice”

[Medical Devices](#) March 2009

[Identification of foreign medicines](#) (date of issue not clear)

[Near miss error log](#) 14th October 2010

[Homeopathic and herbal products](#) 12th November 2010

[Cholesterol testing](#) 22nd December 2010

[Monitoring blood pressure](#) 10th January 2011

[Cough and cold products for children](#) 1st February 2011

[Professionally promoting and advertising pharmacy services and medication](#) 17th August 2011

[Supply of ehc as a P medicine](#) updated September 2011

Bigger publications

Good dispensing guidelines from August 2009 are [here](#). The RPSGB Responsible Pharmacist toolkit issued in May 2009 is [here](#). Documents issued in July 2011 on workplace pressures, including employing a locum and guidance for locums when working as an RP is [here](#). Guidance, updated in June 2011, particularly with regard to crushing tablets or opening capsules, on specials is [here](#).

The MEP guide

One of the most obvious demonstrations of the split between the GPhC and the RPS is the Medicines Ethics and Practice Guide. The RPS aimed to make it a guide for the practising pharmacist, predominantly of use to those working in community practice. Issued in July 2011 (text available [here](#)), if you haven't looked at your copy yet you may be surprised at how it has changed. The GPhC contribution appears in the appendices which simply list the texts of their various standards and “official” guidance. The bulk of the Guide comprises advice and guidance of a practical and helpful nature to a registered pharmacist; much of the detail of the medicines and controlled drugs legislation has been dropped because it assumes that the reader will already be fairly familiar with this. Unfortunately, this means that the value of the MEP guide as “open book” exam resource for undergraduates and pre-registration pharmacist trainees is significantly diminished. Depending on who you speak to, this discrepancy seems not to have been identified very clearly before publication leaving academia and pre-registration tutors and students in some uncertainty.

Pending activity from the GPhC

During the “autumn” we may see consultations on [standards for retail premises](#), on the [conscience clause](#) and the much delayed [standards for pre-registration tutors](#) and students. The GPhC Council is to consider a [paper](#) on the conscience clause at its meeting on 15th September 2011. They have put it off twice!

Prepared on 9th September 2011 by Joy Wingfield, pharmacy academic and consultant

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Would you like to join the Pharmacy Law and Ethics Association? It is for pharmacists who are interested in law and ethics and lawyers or ethicists who are interested in pharmacy. Annual fee currently £15. Contact PLEA secretary Helen.darracott@pagb.co.uk for an application form. We are now one of the RPS virtual networks http://groups.rpharms.com/_forum/home.asp

