



Contract  
and IT

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## PSNC Briefing 032/16: NHS fraud checking notification

As part of the Department for Health's initiative to combat NHS fraud and pressures on the NHS to reduce expenditure from 1 July 2016, a change to the community pharmacy [terms of service](#)<sup>1</sup> will come into effect requiring pharmacy teams to advise persons presenting a prescription on which an exemption declaration has been made without producing evidence of entitlement to exemption (where evidence is required - see FAQ below) that NHS checks are routinely undertaken to verify that persons are exempt from payment of NHS prescription charges as part of arrangements for preventing or detecting fraud or error.

This PSNC Briefing's aim is to remind<sup>2</sup> community pharmacy teams that this change will be taking place and includes our tips of key things to consider to make compliance with this new requirement a matter of routine.

### What change to the terms of service<sup>3</sup> will take place on 1 July 2016?

On 1 July 2016, pharmacy contractors will be required by their terms of service, before supplying the drug or appliance, to advise the person claiming exemption from payment of NHS prescription charges - where evidence is required but not provided - that NHS checks are routinely undertaken to verify that such persons are exempt from payment of NHS prescription charges, as part of arrangements for preventing or detecting fraud or error. It is up to pharmacy teams how this is done but it must be in "appropriate terms".

For more information, on the [NHS prescription charge](#) and [exemptions from the prescription charge](#), please visit the PSNC website or [NHS Choices](#).

### FAQs

#### Q. Does this mean I have to advise all people claiming exemption from the NHS prescription charge about NHS fraud checks?

No.

**Age-exempt persons** (i.e. children under 16 years of age and persons aged 60 years and over). There is no requirement to advise those persons exempt for this reason, provided their date of birth is computer generated on the prescription or included in the electronic prescription message. Pharmacies will be familiar that in these circumstances the patient is not required to complete the exemption declaration and no evidence is required.

**Prisoners on release patients.** There is no requirement to advise these patients provided their prescription contains the letters 'HMP', and the prison or secure accommodation address and telephone number is printed

<sup>1</sup> See Schedule 4 of the National Health Service (Pharmaceutical & Local Pharmaceutical Services) Regulations 2013

<sup>2</sup> See [March 2016 PSNC news story](#)

<sup>3</sup> See Para. 7 (3A) of Schedule 4 of the National Health Service (Pharmaceutical & Local Pharmaceutical Services) Regulations 2013

in the box provided for the practice address on the front of the form, along with the prescribing code and the cost centre code for the organisation.

In other cases, e.g. where the date of birth is hand-written or not computer printed on the prescription, as usual, satisfactory evidence of the patient's entitlement not to pay the prescription is required – and therefore, the need to advise these persons in appropriate terms is mandatory (if no evidence is provided).

**Q. Is there a simple way of identifying a patient to whom we must advise?**

Yes. If you need to tick the “*evidence not seen*” box on the reverse of the prescription, or submit an equivalent entry in the electronic prescription message, then you must advise in appropriate terms.

**Q. What does advise in “appropriate terms” mean?**

This is a matter for pharmacy teams to decide. However, as always, patient centred care is encouraged – advice must be given in a sensitive and professional manner. Above all, the advice in “appropriate terms” must never suggest that the patient is being accused of fraud / wrongdoing.

If a patient is unsure whether s/he is entitled to a free prescription and decides to pay for the prescription, pharmacy teams may wish to provide an FP57 Refund form with information on how to claim a refund at a later date if they are entitled to exemption from the NHS prescription charge. *Further information for patients can be found on [NHS Choices](#).*

**Q. Do I need to advise people who I have already advised on a previous occasion that the NHS does fraud checks?**

Yes, each time advice must be given in appropriate terms, but what is appropriate on the first occasion may be different to what is appropriate on subsequent occasions.

**Q. Can't I just stick up a poster saying that this is the case?**

Before the supply of drugs or appliances is made, the person claiming exemption from the NHS prescription charge must be advised in “*appropriate terms*” - this must be advice to the effect that the NHS routinely undertakes fraud checks to ensure that persons claiming exemption from payment of NHS prescriptions charges are eligible to the exemption claimed. Displaying a poster in the pharmacy, on its own, is not enough (though it may be useful to draw attention to NHS fraud checking and remind pharmacy staff to advise persons in appropriate terms).

**Q. Any tips of what I can do to prepare?**

Pharmacy teams are encouraged to ensure that SOPs are updated to take into account these changes to the terms of service, and staff trained on the changes.

Generally, there are no defined timeframes between which you must review SOPs though you should ensure these are reviewed regularly (e.g. every two years at the minimum). However, pharmacy contractors will be familiar with the requirement to submit information governance assurances to NHS England on an annual basis and PSNC encourages pharmacy contractors to review SOPs at least every year or if there are significant changes in the law or terms of service which may mean more frequent reviews are needed.

Pharmacy teams are also urged to ensure that awareness of this change to the terms of service is included in the training for new staff and existing staff receive training to update them of this important change.

If you have queries on this PSNC Briefing or you require more information please contact [William Goh, Regulations Officer](#).