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PSNC Legislation and Regulatory Affairs (LRA) Subcommittee

Minutes For the meeting held

By Zoom on 4 March 2022

Members of LRA present: Ian Cubbin (Chair), Marc Donovan, Ifti Khan, Stephen Thomas (Vice-Chair).

In attendance: Gordon Hockey, Janet Morrison, Bharat Patel, Indrajit Patel, Jay Patel, Sian Retallick and Gary Warner.

Welcome from the Chair

1. The Chair welcomed everybody to the meeting.

Apologies for absence

2. There were apologies from Lindsey Fairbrother, who had provided comments on the papers to subcommittee members.

Conflicts or Declarations of Interest

3. There were no new conflicts or declarations of interest.

Minutes of the last meeting

4. The minutes of the subcommittee meeting held in November 2021 were approved.

Actions and Matters Arising

5. There were no matters arising.

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NHSE&I delegation to ICBs

9. The subcommittee noted the paper and NHSE&I slide show annex summarising briefly the draft delegation agreement.

10. It was also noted that the PSNC office has sought regular meetings with NHSE&I on the delegation agreement as it is finalised and implemented and is seeking to arrange for NHSE&I to provide relevant information to LPCs, particularly those LPCs in areas associated with the handful of ICBs starting this year. It was suggested that PSNC regional reps would be helped by having this information to provide to LPCs and contractors.
11. Also noted was that NHSE&I consider that the delegation of primary care functions will have minimal impact on pharmaceutical regulatory matters, with, for example: ICBs working together to use existing NHSE&I staff and current resources redeployed to ICBs; a similar number of PSRCs to remain as decision-makers; checks and balances that NHSE&I can apply to ICBs, such as contractual notices, as well as regular meetings with staff, similar to current NHSE&I contract manager meetings.
12. Functions retained by NHSE&I in the draft agreement are:
 - *Negotiation of the of the national CCPF*
 - *Publication and updating of the Pharmacy manual*
 - *Publication of pharmaceutical lists*
 - *PLDP / PAG and national performer lists processes*
 - *Pre-registration grant administration*
 - *Oversight and assurance of ICB governance processes and management of pharmaceutical provision*
 - *Commissioning of functions provided by NHSBSA and PCSE*
13. PSNC office reported in the paper that it had indicated to NHSE&I the need to ensure there are sufficient resources for the transformation process, the need for consistent decision-making, and additional guidance on the process. It was reported that NHSE&I considered that revisions to the NHS Pharmacy Manual would be sufficient and a draft of this will be provided to PSNC for consideration.
14. The office also reported that some aspects of the proposed delegations are more perplexing or concerning including those in the explanatory note on *Policy Positions, Financial Flexibility* and further clarity on these will be sought from NHSE&I, involving the PSNC funding team. Other issues to explore further included: the 'opportunities' listed in the slides; the different models to be used by ICBs to access support with regulatory functions; onward delegation; and the reference to the integration of pharmacists rather than pharmacies into integrated care systems.
15. **Action: NHSE&I delegation to ICBs to be considered by LRA and FunCon as appropriate in due course.**

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Reports

Hub and spoke dispensing - confidential

18. The report was noted and it was indicated that another LRA meeting would be needed once the DHSC consultation on hub and spoke dispensing between different retail pharmacy businesses had commenced.

DHSC consultation on OPD

19. The report was noted and that OPD funding issues were being included in Year 4 negotiations.

DHSC review of Regulations 174A and 247A of the HMRs

20. The report was noted and the PSNC response to the consultation agreed by the subcommittee.

The National Health Service Litigation Authority (Pharmaceutical Remuneration – Payment Disputes) (England) Directions 2022

21. The report was noted and the appeal provision for COVID-19 cost claims. It was acknowledged that contractors would need to ask for an independent internal appeal, within the relevant 30 days, to be able to seek an appeal to NHS Resolution.

AOB

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