

APPENDIX C

GENERAL MEDICAL SERVICES

Agreement with pharmacist for provision of services under section 59(1) of the Health Act, 1970.

I, (we) \_\_\_\_\_ (hereinafter called of the contractor)

of \_\_\_\_\_

being lawfully entitled to keep open shop and keeping open shop for the compounding and dispensing of medical prescriptions hereby undertake with the \_\_\_\_\_ Health Board (hereinafter called the Board) to dispense medicines and supply drugs and appliances for a person eligible for services under section 59(1) of the Health Act, 1970 and I (we) agree to do so in accordance with the conditions set out in the schedule to this agreement.

My (our) place of business for this purpose will be \_\_\_\_\_ and the normal daily hours of keeping open shop for this purpose in the premises will be the normal hours the shop is open for business with the exception of not more than half an hour after opening time and half an hour before closing time, that is to say -

Monday \_\_\_\_\_

Tuesday \_\_\_\_\_

Wednesday \_\_\_\_\_

Thursday \_\_\_\_\_

Friday \_\_\_\_\_

Saturday \_\_\_\_\_

Sunday \_\_\_\_\_

My (our) hours of keeping open shop on bank holidays, church holidays and other special days shall be subject to local practice in this regard.

Signed \_\_\_\_\_

Date \_\_\_\_\_

in the presence of \_\_\_\_\_

The above proposal of the pharmacist to provide services in accordance with the terms and conditions aforesaid is hereby accepted on behalf of the board.

\_\_\_\_\_

Chief Executive Officer

Date \_\_\_\_\_

**Slip for attachment to agreement with pharmacist**

**CONTRIBUTIONS TO PHARMACEUTICAL CONTRACTORS COMMITTEE**

I (we) agree to deductions on the following basis from payments due to (us) me being made by the Central Pricing Bureau at the end of each three month period, or such other period as may be agreed with the Pharmaceutical Contractors' Committee :-

- (i) a sum equivalent to one-fifth of one penny per professional fee paid during that period for prescriptions dispensed under the attached contract and
- (ii) a sum equivalent to one-fifth of one penny per twenty pence of on-cost payments for that period in respect of supplies to dispensing doctors under the attached contract.

SIGNED \_\_\_\_\_

ADDRESS OF PHARMACY \_\_\_\_\_

DATE \_\_\_\_\_

**SCHEDULE**

**Terms and conditions of agreement with contractor**

1. The contractor shall supply with reasonable promptness to any eligible person who presents a properly completed order for medicines or appliances on a prescription form provided for the purpose by the board or by a body acting on behalf of the board and signed by a registered medical practitioner such medicines or appliances as may be ordered, subject to any directions that may be issued from time to time by the Minister for Health or by the board or by a body acting on behalf of the board after consultation with the Pharmaceutical Contractors' Committee.
2. The contractor shall supply to any general medical practitioner who has entered into an agreement with a health board to provide services under section 58 of the Health Act, 1970 such medicines and appliances for the use of eligible persons as the general medical practitioner may requisition on a form made available by the board, subject to any directions that may be issued from time to time by the Minister for Health or by the board or by a body acting on behalf of the board after consultation with the Pharmaceutical Contractors' Committee.
3. The contractor shall supply in a suitable container properly labelled any medicines which he is required to supply under this agreement. Any container used shall conform with any specification or directions as may be laid down by the Minister for Health after consultation with the Pharmaceutical Contractors' Committee.
4. All medicines and appliances supplied by the contractor shall be of such grade or quality as may be specified from time to time by the Minister for Health or shall otherwise be of a grade or quality ordinarily used for medical purposes. Where trusses or elastic hosiery are supplied it shall, unless measurements have been specified by the prescriber, be the duty of the contractor to supply a properly fitting appliance.
5. The contractor shall maintain at his place of business proper and sufficient equipment and accommodation for the purpose of dispensing medicines and supplying appliances.

6. The contractor shall, if required, allow an officer or other representative of the board, where possible, a pharmaceutical chemist, to inspect, at any reasonable time, the accommodation and the dispensing equipment used for the purposes of this agreement and the medicine and appliances held on the premises.

7. The contractor shall keep his premises open for the provision of services on the days and during the hours set out in the agreement and he shall give prior notification to the board of any proposed change in these arrangements.

8. The dispensing of medicines supplied under this agreement shall be performed either by or under the direct supervision of a registered pharmaceutical chemist or dispensing chemist and druggist.

9. The contractor shall at his place of business exhibit in such manner as to be readily visible by the public, a notice to be provided by the board or by a body acting on behalf of the board indicating that he has entered into an agreement to provide services under section 59(1) of the Health Act, 1970 for eligible persons and shall indicate the hours of service under this contract on the board.

10. The board shall in consideration of the service provided by the contractor in accordance with these terms and conditions and on foot of claims made in the form and at the times directed by the Minister for Health make payments or arrange for payments to be made to the contractor in accordance with such rates as may be approved of or directed by the Minister from time to time after consultation with the Pharmaceutical Contractors' Committee.

11. The contractor shall not demand or accept any payment or consideration whatsoever other than payments under paragraph 10 in reward for the supply of medicines and appliances under section 59(1) of the Health Act, 1970.

12. Where the chief executive officer of the board has reason to believe that a contractor has failed to comply with any of the terms of the agreement or if the contractor or any person employed by the contractor has been convicted of a serious offence relating to the practice of pharmacy the chief executive officer shall notify the contractor of the reasons for such belief by registered post and inform him that he will consider any representations in regard to the matter which may be received by him from the contractor within fourteen days of the issue of the notification. The chief executive officer may, if he is satisfied, after consideration of any representations which the contractor may make in regard to the matter, that the contractor has not complied with the terms of the agreement and if he so thinks fit, either -

(a) issue a warning to the contractor or otherwise communicate appropriately with him or

(b) arrange for the reference of the matter to a committee established under paragraph 13 of this Agreement for the purpose of investigating such matter.

13. The committee established by the chief executive officer to carry out the investigation referred to in paragraph 12 shall consist of -

(i) one person (being chairman of the Committee) who shall be nominated by the Minister for Health in agreement with the Pharmaceutical Contractors' Committee.

(ii) two persons selected by the chief executive officer, and

(iii) two persons nominated by the Pharmaceutical Contractors' Committee.

14. A committee established in accordance with paragraph 13 shall act in accordance with the following rules:-

(i) Any question arising before the committee shall be decided by the majority of the members of the committee who are present and vote and, in case of an equality of votes on any question, the chairman shall have a second or casting vote.

(ii) The committee may act notwithstanding any vacancy among its members.

(iii) The chairman of the committee shall convene the first meeting of the committee not less than ten days after the committee is established.

(iv) During the conduct of the committee's proceedings, the chairman shall have discretion as to the conduct of the proceedings and in particular shall -

(a) decide the order of appearance of persons appearing before the committee,

(b) permit the contractor concerned to appear in person or to be represented or assisted by another person, and

(c) hear, if he thinks fit, any person who is not a party to the proceedings.

(v) The committee shall make its recommendations in writing to the chief executive officer and shall send (within seven days) a copy of the recommendations to the contractor concerned.

(vi) A committee shall complete its examination of a complaint with all practicable speed.

(vii) Where a committee upholds a complaint, it may -

(a) recommend termination of the agreement between the board and the contractor,

(b) recommend to the board that the contractor should be admonished.

(viii) Where the committee recommends the termination of the agreement, the agreement shall be terminated on behalf of the board after the expiration of a period of twenty-one days, unless a request has been made to the Minister under sub-paragraph (ix).

(ix) The contractor in relation to whom a recommendation for termination of an agreement has been made under sub-paragraph (viii) may request the Minister to issue a direction to the chief executive officer of the health board in relation to that recommendation.

(x) A request under-paragraph (ix) shall be submitted in writing to the Minister either by the contractor concerned or on his behalf and shall specify the grounds on which the contractor requests the Minister to issue a direction to the chief executive officer and the Minister shall notify the chief executive officer of the receipt of such request.

(xi) Where a request is made to the Minister under sub-paragraph (x) the Minister may give to the chief executive officer a direction (being a direction to comply with the recommendation of the committee or such other direction as the Minister considers appropriate) and the chief executive officer shall comply with any such direction.

15. The chief executive officer of the health board may, after consultation with the chairman or in his absence the vice-chairman of the board, suspend an agreement pending a decision following a reference to a committee established under paragraph 13 where in the opinion of the chief executive officer the circumstance are sufficiently serious to warrant such suspension in the public interest.

16. The contractor may terminate the agreement on giving three months' notice or such shorter notice as may be accepted by the board.

17. The agreement shall be terminated forthwith on the contractor ceasing to be entitled to practise as a pharmacist or upon his ceasing to keep open shop for the compounding and dispensing of medical prescriptions.

18. In this schedule the word "medicines" includes medicines, drugs and reagents.