



STATUTORY INSTRUMENTS

S.I. No. 246 of 2009



HEALTH PROFESSIONALS (REDUCTION OF PAYMENTS TO
COMMUNITY PHARMACY CONTRACTORS) REGULATIONS 2009

(Prn. A9/0899)

HEALTH PROFESSIONALS (REDUCTION OF PAYMENTS TO
COMMUNITY PHARMACY CONTRACTORS) REGULATIONS 2009

I, MARY HARNEY, Minister for Health and Children, in exercise of the powers conferred on me by section 9 of the Financial Emergency Measures in the Public Interest Act 2009 (No. 5 of 2009), having complied with subsections (4) and (7) of that section, with the consent of the Minister for Finance, hereby make the following regulations:

1. These Regulations may be cited as the Health Professionals (Reduction of Payments to Community Pharmacy Contractors) Regulations 2009.

2. In these Regulations—

“community pharmacy contractor” means a registered pharmacist, company or other body corporate that provides services to the Health Service Executive under an agreement made in accordance with conditions specified by the Minister for Health and Children in 1971 or 1996 for the provision of community pharmacy services to eligible persons under section 59 of the Health Act 1970, as amended from time to time;

“controlled drug” has the same meaning as in section 2 of the Misuse of Drugs Act 1977 (No. 12 of 1977);

“ex-factory price” with respect to a particular drug item at a particular time, means the price of that drug item determined in accordance with the relevant agreements in force at that time between the Health Service Executive and representative bodies of manufacturers and importers of such items;

“fridge item” means a drug item which must be kept in refrigerated storage conditions of between 2 and 8 degrees Celsius as stated in the summary of product characteristics for that item;

“ingredient cost” means—

- (a) in the case of controlled drugs and fridge items, the ex-factory price together with a wholesale mark-up of 17.66 per cent; and
- (b) in the case of any other drug item, the ex-factory price together with a wholesale mark-up as specified in Tables 2 and 3 below.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 7th July, 2009.*

3. These Regulations shall apply to payments in respect of services rendered by a community pharmacy contractor to or on behalf of the Health Service Executive in respect of the dispensing of drug and non-drug items by a registered pharmacist under the General Medical Services Scheme, the Drug Payment Scheme, the Long-Term Illness Scheme, the European Economic Area Scheme and the Health (Amendment) Act 1996 Scheme.

4. The payments (other than reimbursement of ingredient costs and retail mark-up for non-drug items and reimbursement of ingredient costs for controlled drugs and fridge items) that shall be made to a community pharmacy contractor in respect of the services referred to in Regulation 3 from the date of the making of these Regulations shall be those specified in Tables 1, 2 and 3 below.

TABLE 1	
Dispensing under the General Medical Services Scheme, the Drug Payment Scheme, the Long-Term Illness Scheme, the European Economic Area Scheme and the Health (Amendment) Act 1996 Scheme	
Dispensing fees for drug and non-drug items (excluding drug items which are subject to extemporaneous preparation and compounding)	Amount
Standard dispensing fee payable to a community pharmacy contractor under the General Medical Services Scheme, the Drug Payment Scheme, the Long-Term Illness Scheme, the European Economic Area Scheme and the Health (Amendment) Act 1996 Scheme per item dispensed under those schemes:	
— for each of the first 1,667 items dispensed by the community pharmacy contractor in a month	€5.00
— for each of the next 833 items dispensed by the community pharmacy contractor in that month	€4.50
— for each other item dispensed by the community pharmacy contractor in that month	€3.50

TABLE 2	
General Medical Services Scheme	
Other dispensing fees	Amount
Phased dispensing — payable per drug item for each dispensing phase other than the first dispensing phase (for which the standard dispensing fee set out in Table 1 is payable)	€3.27
Non-dispensing — exercise of professional judgment (per drug item not dispensed)	€3.27
Fee per drug item for extemporaneous preparation of oral medication	€6.53
Fee per drug item for extemporaneous compounding and dispensing of:	
— Powder	€19.60
— Ointment or cream	€13.07
Reimbursement	Amount
Ingredient cost of drug items (excluding controlled drugs and fridge items)	ex-factory price plus a 10% wholesale mark-up

TABLE 3	
Drug Payment Scheme, Long-term Illness Scheme, European Economic Area Scheme, The Health (Amendment) Act 1996 Scheme	
Extemporaneous fees (excluding VAT)	Amount
Eye drops	€13.68
Ear and nasal drops	€10.93
Mixtures	
Up to 100 ml	€10.94
101 ml to 200 ml	€14.97
201 ml to 300 ml	€17.04
301 ml and over	€22.53
Lotions	
Up to 100 ml	€10.89
101 ml to 200 ml	€15.24
201 ml to 300 ml	€17.12
301 ml and over	€22.74
Ointments and Creams	
Up to 30 g	€13.76
31 g to 60 g	€18.64
61 g to 120 g	€23.97
121 g to 240 g	€28.90
241 g and over	€34.27
Powders	
Up to 20 sachets	€20.44
Thereafter per 20 sachets (pro rata)	€12.26
Reimbursement	Amount
Ingredient cost of drug items (excluding controlled drugs and fridge items)	ex-factory price plus a 10% wholesale mark-up
Retail mark-up	Amount
Retail mark-up for drug items (excluding controlled drugs and fridge items)	20% of the ingredient cost
Retail mark-up for controlled drugs and fridge items	20% of the ingredient cost

The Minister for Finance consents to the foregoing Regulations.



GIVEN under my Official Seal,
1 July 2009

BRIAN LENIHAN,
Minister for Finance.



GIVEN under my Official Seal,
1 July 2009

MARY HARNEY,
Minister for Health and Children.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations are to give effect to reductions in payments to Community Pharmacy Contractors as provided for in the Financial Emergency Measures in the Public Interest Act 2009.

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