

29 July 2022

Kia ora [REDACTED]

Your Official Information Act (1982) request Te Matau a Māui Hawke's Bay Ref: OIA2022054

I refer to your Official Information Act request dated 6 May 2022 where you requested information from Hawke's Bay District Health Board (HBDHB), now known as Te Whatu Ora – Health New Zealand, Te Matau a Māui Hawke's Bay (TWOHB). Your questions and TWOHB's response is provided below:

- *Any policy document the DHB has in place addressing the risk that an Integrated Pharmacy Services Agreement (ICPSA) is granted to a pharmacy in which medicines are co-located (ie, offered for sale within the same physical premises) as alcohol, cigarettes.*

Te Whatu Ora, Te Matau a Māui Hawke's Bay has a Pharmacy Contract Policy which is a publicly available document. You can find a copy of this policy on our website here:

<https://hawkesbay.health.nz/assets/Pharmacy/Pharmacy-Contract-Policy.pdf>

- *To the extent your DHB has such a policy document, documents recording any discussion about the potential issues raised by co-location of pharmacies and alcohol and/or cigarettes during the development of the DHB's pharmacy contracting policy.*

Please find attached paper titled 'Community Pharmacy Services Contract Policy' dated February 2019 from the Planning and Commissioning Manager to the Commissioning Leadership Group (CLG). Redactions have been made under s9(2)(a) of the Official Information Act to protect individual privacy.

Consultation process and associated documents

The consultation with ICPSA contract holders and pharmacy stakeholders was undertaken in the following way:

- Letter sent dated 30 September 2019 outlining the consultation process and timeline. Attached. Redactions made under s9(2)(a) relating to protecting individual privacy.
- There was one response to this consultation letter received from an organisation on 31 October 2019. This letter is withheld under s9(2)(g)(i) of the Act relating to free and frank expression of opinions.
- Following full contract policy review and pharmacy quality framework scoping, a letter dated 2 November 2020 was sent to the above organisation. The letter of response is attached with redactions made under s9(2)(a) of the Act relating to individual privacy.

In February 2020 HBDHB held a training session with Community Pharmacies about the changes. Hawke's Bay DHB also held a Pharmacy Owners meeting on 2 February 2021 which included a training session about the Pharmacy Contract Policy and Quality Framework to ensure post-consultative open communication and understanding.

Legal communications

Emails between Hawke's Bay DHB and Buddle Findlay around the Quality Framework to the NARR Process dated 31 May 2019, 5 June 2019, 6 June 2019 are withheld under s9(2)(h) of the Official Information Act as withholding is necessary to maintain legal professional privilege.

Email between Hawke's Bay DHB and Buddle Findlay dated 2 December 2019 is withheld under s9(2)(h) of the Official Information Act as withholding is necessary to maintain legal professional privilege.

Email dated 23 July 2021 from Buddle Findlay and related emails are withheld under section 9(2)(h) of the Official Information Act as withholding is necessary to maintain legal professional privilege.

Meeting notes from Buddle Findlay (undated) withheld under section 9(2)(h) of the Official Information Act as withholding is necessary to maintain legal professional privilege.

- *Any documents showing that the DHB and its personnel took into account and/or addressed the fact that alcohol and/or cigarettes are available for sale within the same premises as a pharmacy when considering the application for an ICPSA by a Countdown Pharmacy. This request is limited to ICPSA applications submitted to the DHB by a Countdown Pharmacy after 1 May 2020.*

Email dated 8 March 2021 from Portfolio Manager HBDHB to other HBDHB employees titled "CONFIDENTIAL application for ICPSA for Countdown Hastings" with redactions made under s9(2)(a) of the Act to protect individual privacy.

The following attachments contained within this email are outside the scope of the request and/or withheld under s9(2)(b)(ii) of the Act as to release these documents would be to likely unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information and as such, have not been included:

- G14a – Vulnerable Children Policy SOP
- Learning from HDC case – Deaf patient
- Hearing sign
- Hastings Pharmacy Supplementary Form
- Endorsed Provider
- Conflict of Interest and Confidentiality Agreement Panel
- Consumption of food and beverage & hand washing
- Store Manager Countdown Pharmacy induction pack
- Coding of Prescriptions
- Reply to HBDHB letter dated 24 February
- Hastings Pharmacy Licensing Plan

- *Any policy document the DHB has in place to monitor the operation of an ICPSA (or, if no such specific policy exists, any policy document the DHB has in place to monitor the operation of service agreements it has entered into pursuant to section 25 of the New Zealand Public Health and Disability Act 2000).*

This portion of your request is declined under section 18 (e) of the Official Information Act relating to information that does not exist.

Please note however, provisions contained in the ICPSA and the reporting requirements for the various service specifications attached to the ICPSA include monitoring of the agreement holder service deliveries.

- *Any policy document the DHB has in place addressing how it should respond to a failure to comply with the terms of an ICPSA (or, if no such specific policy exists, any policy document the DHB has in place to address a failure to comply with a service agreement it has entered into pursuant to section 25 of the New Zealand Public Health and Disability Act 2000).*

This portion of your request is declined under section 18 (e) of the Official Information Act relating to information that does not exist.

As per previous response, monitoring of agreement holder service deliveries within the provisions of the ICPSA includes addressing compliance.

- *Documents recording the DHB's response to any failure by a pharmacy to comply with the terms of its ICPSA. This request is limited to failures since 1 January 2021.*

Communications recorded since 1 January 2021 are withheld under s9(2)(b)(ii) of the Act as to release these documents would likely unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information and s9(2)(a) relating to protecting individual privacy.

However, TWOHB can provide a summary as follows:

Since 1 January 2021, the DHB (TWOHB) has communicated with five pharmacies in the region it covers (Central Hawke's Bay, Napier, Hastings and Wairoa) about compliance related to its ICPSA.

A summary of compliance communications includes:

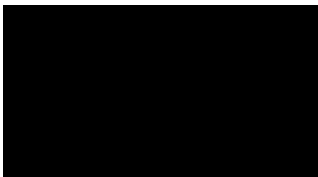
- Medicine management
- Opening hours
- NZ Needle Exchange Programme
- A reminder to include compliance certificates within contract reporting
- Inventory management
- Standard Operating Procedures for new recruits
- Standard Operating Procedures ensuring CPAMS quality components of the contract are carried out and maintained
- Quarterly Report reminder

- Confirmation of waiver extension per recruitment and training
- Reminder to include confirmation of accreditation within reporting period.


I trust this information meets your needs. If you would like any further information or clarification please contact us via email. If you are not satisfied with this response you may contact the Office of the Ombudsman, phone 0800 802 602.

Please note that this response, or an edited version of this response, may be published on the Hawke's Bay website after your receipt of this response.

Ngā mihi,



Te Puni Toha Ratonga | Planning, Funding & Performance
Te Matau a Māui Hawke's Bay

 <p>HAWKE'S BAY District Health Board Whakawāteatia</p>	<p align="center">Community Pharmacy Services Contract Policy</p>
<p>Document Owner</p>	<p>██████████, Planning and Commissioning Manager</p>
<p>Document Author(s)</p>	<p>██████████, Planning and Commissioning Manager</p>
<p>Reviewed by</p>	<p>██████████, Chief Pharmacist</p>
<p>Month/Year</p>	<p>February 2019</p>
<p>Purpose</p>	<p>Community Pharmacy Services Contract Policy</p>
<p>Previous Consideration Discussions</p>	<p>Pharmacy Contract Policy – CLG December 2018 and January 2019 meetings.</p>
<p>Summary</p>	<p>Further to the previous conversation with regards to adopting a more selective approach to contracting for pharmacy services, the following DRAFT documents have been developed.</p> <p>The purpose of this meeting is to:</p> <ul style="list-style-type: none"> • Review and endorse the Community Pharmacy Contracting Policy, ahead of legal review; • Provide guidance on questions related to the HBDHB Community Pharmacy Quality Standards.
<p>Contribution to Goals and Strategic Implications</p>	<p>This approach is aligned to:</p> <ul style="list-style-type: none"> • The HBDHB statutory objective (section 22 (1) (ba) of the Public Health and Disability Act 2000 refers): '..to seek the optimum arrangement for the most effective and efficient delivery of health services in order to meet local .. needs.' • Community Based Pharmacy Services in HB Strategic Direction 2016 – 2020 • Clinical Services Plan
<p>Impact on Reducing Inequities/Disparities</p>	<p>A community equity (rural access) focus has been a major consideration in developing the Policy Contract, application and assessment tools – with an emphasis that the investment ensures all have access to the services - at all geographical locations. The principles of Atawhai Matawhaiti have and will continue to guide in the development and evaluation of the tools.</p>
<p>Consumer Engagement</p>	<p>Consumer engagement will be key part of consultation of this policy and quality framework. The consumer and whānau voice has been consider in the development of the framework.</p>
<p>Other Consultation /Involvement</p>	<p>Policy will require following review before consultation:</p> <ol style="list-style-type: none"> a) DHB contracts team b) Legal advice

	This is planned for March. Consultation will then occur with pharmacy sector, consumers, and other stakeholders (planned for April / May)																												
Financial/Budget Impact	<p>Funding costs for legal review.</p> <p>Consultation costs for travel and meetings with sector and stakeholders.</p> <p>N/A to community pharmacy budget.</p> <p>Note: Impact on DHB staff time for processing of applications.</p> <p>Potential long term risk that accepting new pharmacy contracts will make current providers unsustainable with the implication that we require sustainability funding for priority pharmacies.</p>																												
Announcements/ Communications	Local communication to be planned - timeframe TBC																												
Timing	<p>Other DHBs currently working on a similar policy and process, however at very different stages are: Hutt Valley, Northland, MidCentral, Lakes, Nelson Marlborough, Tairāwhiti and Taranaki. Hutt and Northland are aiming to implement in May and July, respectively.</p> <p>Proposed timeline is as follows:</p> <table border="1"> <thead> <tr> <th>Work Plan</th> <th>Timeline</th> </tr> </thead> <tbody> <tr> <td>Draft policy</td> <td>February 2019</td> </tr> <tr> <td>Draft Quality Framework</td> <td>March 2019</td> </tr> <tr> <td>Legal review with Buddle Findlay</td> <td>March 2019</td> </tr> <tr> <td>Communication Plan</td> <td>March 2019</td> </tr> <tr> <td>Develop additional resources – assessment form, Pharmacy Review Panel TOR</td> <td>March 2019</td> </tr> <tr> <td>Policy documents consultation</td> <td>April 2019</td> </tr> <tr> <td>Sector and community consultation</td> <td>April 2019</td> </tr> <tr> <td>Documents finalised</td> <td>June 2019</td> </tr> <tr> <td>Policy sign off</td> <td>June 2019</td> </tr> <tr> <td>Policy and process in place</td> <td>July 2019</td> </tr> <tr> <th colspan="2">To be considered in the future</th> </tr> <tr> <td>Pharmacy Needs Assessment</td> <td>TBC</td> </tr> <tr> <td>Updating local pharmacy strategy</td> <td>TBC</td> </tr> </tbody> </table>	Work Plan	Timeline	Draft policy	February 2019	Draft Quality Framework	March 2019	Legal review with Buddle Findlay	March 2019	Communication Plan	March 2019	Develop additional resources – assessment form, Pharmacy Review Panel TOR	March 2019	Policy documents consultation	April 2019	Sector and community consultation	April 2019	Documents finalised	June 2019	Policy sign off	June 2019	Policy and process in place	July 2019	To be considered in the future		Pharmacy Needs Assessment	TBC	Updating local pharmacy strategy	TBC
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RECOMMENDATIONS:

CLG is being asked to endorse

1. Draft Community Pharmacy Services Commissioning Policy (with requested feedback below) in particular the
 - a. Essential Service Principles
 - b. Criteria for decision making (See Decision Making section)
2. The development and membership of a Pharmacy Review Panel who make recommendation to CLG
3. Assessment of applications will be
 - a. Essential Service Principles will be non-negotiable
 - b. Quality Principles will be via grading system green / amber / red

CLG is being asked to provide guidance on following:

4. Our two-fold approach for the application, which is:
 - a. Essential Service Principles which would be non-negotiable and be required to be met for an application to be approved.
 - b. Quality Framework which asks as a guide to ensure sound applications are presented, but to also facilitate 'outside-of-the-square' type thinking with new services, rather than a longer tick-box style that the documentation format will not be specified
5. Content of the Essential Service Principles
 - a. Your thoughts on the first three dot points as being non-negotiable areas
 - b. Your views on whether or not the following would be considered an Essential Service Principle or should be considered as a Quality Principles:
 - i. *Applicant services provided, at the location specified, for the hours of operation specified, in particular, agreement to supply all core medicines, regardless of cost and wastage*
 1. *Medicines supply*
 2. *Dispensing services*
 3. *Synchronisation of dispensed medicines*
 4. *Over the Counter Medicines*
 5. *Pharmacist Only Medicines*
 6. *Minor Ailments and Triaging*
 7. *Medicine Reconciliation*
 8. *Medicines Advice, and*
 9. *Health Promotion*
6. HBDHB draft policy does not state limitation between approval for ICPSA and time pharmacy must be operating – focus is working with provider on this when application is approved, rather than policy driven time-frame.
7. Any areas that require specific legal / contract focus other than:
 - a. Pharmacy ownership change and Deed of Assignment.
 - b. Wording around criteria 'Prohibiting the sale of alcohol, tobacco, and gambling products within the same retail space as the pharmacy'.
 - c. Wording to signal quality framework will be applied to all current providers in time (See Policy Review section).

30 September 2019

Dear ICPSA contract holders and pharmacy stakeholders

Re: Consultation on Hawke's Bay DHB Pharmacy / Pharmacist Service Contracting Policy

Consultation Process and Timeline

Consultation on the Hawke's Bay DHB Pharmacy / Pharmacist Service Contracting Policy will open 1 October 2019 and be emailed to stakeholders. It will also be published on the Hawke's Bay DHB website. The consultation period will close 31 October 2019. Written feedback should be provided via email to [REDACTED] by close of business 31 October 2019.

Once submissions have been received, a summary will be developed and published on the Hawke's Bay DHB website. We will also provide notification to the pharmacy sector directly, and via the website, when the policy is in place. If you would like to meet to discuss the policy, please call [REDACTED] to arrange a meeting. Please direct any media queries to communications@hawkesbaydhb.govt.nz

Background

Hawke's Bay DHB developed a strategic direction for pharmacist services ([Hawke's Bay Community Based Pharmacy Services Strategic Direction 2016 - 2020](#)) as part of a long term strategy 'for pharmacies and licencing' in Hawke's Bay. In Phase Two (2017- 2019) of the strategy the DHB committed to 'to explore the appetite for restricting market entry by new community pharmacies into the Hawke's Bay region through minimum quality standards, to ensure high quality community pharmacy services.' Background information to this can be found here: [Community Based Pharmacy Services in Hawke's Bay](#) Strategic Direction 2016-2020.

The DHB also has a responsibility to discharge its statutory functions and objectives under the New Zealand Public Health and Disability Act 2000: '*..to seek the optimum arrangement for the most effective and efficient delivery of health services in order to meet local...needs.*' (section 22(1)(ba)).

In light of our statutory obligations and our local strategy, Hawke's Bay DHB has drafted a local pharmacy contract policy and quality framework. The DHB would like feedback from interested parties on the attached draft policy and quality framework. If you are providing feedback on behalf of a group, please identify your interest or for whom you speak.

Ngā mihi

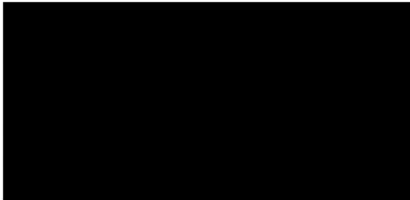


Chris Ash

**Executive Director of Primary Care
Primary Care Directorate**

- Encl/..
1. Pharmacy / Pharmacist Contract Policy
 2. Quality Framework
 3. Supplementary Endorsed Provider Form

2 November 2020



Dear 

Thank you for your feedback on our pharmacy services contracting policy and supporting documents. I have delayed this formal communication so that I could respond directly to the areas you raised.

Pharmacy/Pharmacist Service Contract Policy

Thank you for reminder about the wording in the ICPSA – we have amended the policy to ensure clarity that this policy covers all pharmacist services whether provided by an ICPSA contract holder or non-ICPSA contract holder. We have modified wording to clarify our position that all DHB contract holders, including current ICPSA contract holders, are DHB endorsed providers.

We acknowledge the requirements of ICPSA Clause C.45; our focus is to ensure that the new owner can deliver the requirements of the ICPSA. This process forms part of our due diligence and decision making for ensuring *reasonable conditions* will be met before consenting to a transfer. A time frame of three months for a response has been retained; however, wording has been amended to ensure that this is the maximum duration and timeframes within ICPSA are met. Our reference to negotiation does not refer to negotiation on service specifications for nationally agreed services but which national services will be provided, and to ensure clarity the following has been added:

Nationally agreed service specification are not negotiated locally; however, which of these services will be provided may be negotiated, along with any locally commissioned services.

Endorsed Provider: Pharmacy/Pharmacist Supplementary Form

We acknowledge that some questions will require significant planning for a new provider. It is our expectation that our process supports our ability to ensure a new provider can comply with all ICPSA requirements and national standards.

Pharmacy Services Quality Framework

We note your comments regarding complexity. We have reviewed and refined our quality framework along with indicating which components do not need to be responded to for a location change. In regard to the challenges contractors face providing extended hours, we hope our quality framework allows sufficient movement for providers to consider other ways for improving access to medicines and pharmacist skills and knowledge to their community, other than only extended hours.

The HBDHB contract policy and pharmacy quality framework goes live today and can be found on our website here: <https://hawkesbay.health.nz/health-professionals/pharmacy/>

Yours sincerely



T e P u n i A r o P u t e a - P l a n n i n g a n d F u n d i n g D i r e c t o r a t e

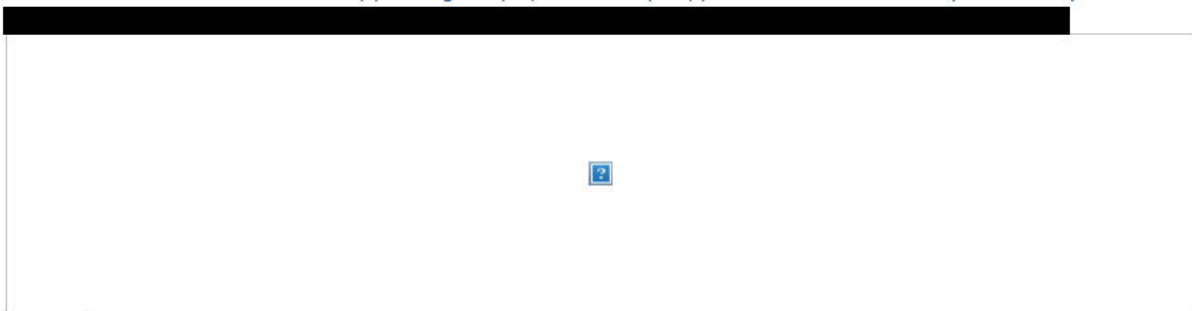
Hawke's Bay District Health Board

Telephone (06) 878 8109 extension 4617; Fax 06 878 1374 Email: Di.Vicary@hawkesbaydhb.govt.nz; www.hawkesbay.health.nz
Corporate Office, Cnr Omaha Road and McLeod Street, Private Bag 9014, Hastings 4156, New Zealand

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: CONFIDENTIAL Application for ICPSA for Countdown Hastings
Date: Monday, 8 March 2021 12:58:57 pm
Attachments: [H2 - Consumption of food and beverage & hand washing \(1\).docx](#)
[G1.4a- Vulnerable Children Policy SOP.pdf](#)
[Store Manager Countdown Pharmacy induction pack \(HBDHB\).pptx](#)
[Learnings from HDC case- Deaf patient.pdf](#)
[hearing sign.pdf](#)
[B11 - Coding of prescriptions.pdf](#)
[B12 - Prescription charges.pdf](#)
[Reply to HBDHB letter dated 24th February 21.docx](#)
[Hastings Pharmacy Pharmacist Supplementary Form - Copy.docx](#)
[04_ Endorsed Provider \(2\).docx](#)
[202649 Hastings Pharmacy Licensing Plan-ENLARGE-Scale Bar.pdf](#)
[~WRD000.jpg](#)
[1.4. Conflict of Interest and Confidentiality Agreement - Panel.doc](#)
[image001.png](#)

Good afternoon all

This morning we have received an updated application from Countdown Pharmacy for a pharmacy contract. We have a scheduled meeting on Thursday 11th at 1pm so we can discuss the documents and our next steps. We have 3 months from today's date to make a decision. CONFLICT OF INTEREST FORM: Please may you bring with you, or email me prior, your conflict of interest form (also attached).



From: [REDACTED]
Sent: Friday, 5 March 2021 17:11
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Application for ICPSA for Countdown Hastings

Hi [REDACTED] - many thanks for your email

Please find attached our letter in response (*Reply to HBDHB letter dated 24th February 21*) and accompanying supporting documents, including an updated Endorsed Provider form.

Regards

[REDACTED]

MERCHANDISE MANAGER - PHARMACY, H&B



[REDACTED]



On Wed, 24 Feb 2021 at 13:59, [REDACTED] > wrote:

Good afternoon [REDACTED]

Please find attached below letter in response to your application for ICPSA for Countdown Hastings.

If you have any queries, please do not hesitate to contact either myself or [REDACTED]

Kind regards,

[REDACTED] | Contract Liaison

[Te Puni Aro Putea | Planning & Funding Directorate](#)

Hawke's Bay District Health Board

Private Bag 9014, Hastings 4156

W: www.hawkesbay.health.nz

Tauwhiro Rārangā te tira He kauanuanu Ākina

From: [REDACTED]
Sent: Wednesday, 24 February 2021 12:59

To: [REDACTED]

Subject: Message from B554E03053 HBDHB

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