



Disposal of unwanted drugs by pharmacies

May 2020

Introduction

As part of essential services pharmacy contractors are required to dispose of unwanted drugs. There are some restrictions on the service, and also requirements on both NHS England and contractors. This paper assists NHS England in understanding the requirements.

Terms of service requirements

Paragraphs 13 and 14, Schedule 4 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended, set out the terms of service for the disposal of unwanted drugs by pharmacy contractors. This requirement is part of the essential services that pharmacy contractors provide under the national contractual framework.

Paragraph 13, Schedule 4 requires pharmacy contractors to accept and dispose of unwanted drugs presented for disposal. However paragraph 14 places limitations on this service and also places obligations on NHS England and pharmacy contractors.

Where a patient has been given drugs and they are no longer required eg the dosage has been changed, treatment has stopped or the patient has died, then they should be returned to a pharmacy contractor for safe disposal. Under their NHS terms of services, pharmacy contractors are required to accept unwanted drugs that were provided to patients who either live in a:

- private household or
- a children's home or
- a residential care home which is defined in paragraph 14(1)(c), Schedule 4.

The drugs must have been kept at the private household, the children's home or the residential care home (paragraph 14(1), Schedule 4).

NHS England is required to put in place, and pay for, arrangements for the collection and disposal of drugs that meet the above description. If NHS England has not done this then the pharmacy contractor is not required to accept any drugs for disposal (paragraph 14(2), Schedule 4).

On receipt of any unwanted drugs, the pharmacy contractor shall:

- Separate solid drugs or ampoules, liquids and aerosols from each other, where this is required either by NHS England or the waste disposal contractor;

- Store the drugs in containers provided by NHS England or the waste disposal contractor, for the purpose of storing drugs of that description; and
- Comply with any other statutory requirements in respect of storing or disposal of drugs of that description. Meeting those statutory requirements is therefore also an essential service. (Paragraph 14(3), Schedule 4).

Finally, pharmacy contractors are required to co-operate with any suitable arrangements that NHS England has put in place for the regular collection of unwanted drugs (paragraph 14(3), Schedule 4).

The collection of any drugs that do not meet the requirements of paragraph 14(1), Schedule 4 is therefore outside of the pharmacy contractor's terms of service and is not an NHS service. The only exception to this is where this is required as part of an advanced or enhanced service commissioned by NHS England.

Monitoring

NHS England will therefore need to ensure that pharmacy contractors are compliant with their terms of service, and will also wish to ensure it is only paying for the disposal of drugs that meet the requirements of paragraph 14(1), Schedule 4. NHS England is therefore advised to take the following action:

- Remind pharmacy contractors of their terms of service and clarify which unwanted drugs may be disposed of via the collection service set up by NHS England.
- Advise pharmacy contractors to contact the Environment Agency to see if they are required to register or not.
- Monitor the number of bins being collected and discuss any increase with the contractor concerned to ensure they are only using the collection service for drugs that meet the requirements of the terms of service.