



Ref: LP12073/SP

**Strictly Private & Confidential
For the Attention of the Addressee Only**

Mr Garvan Lynch,
Superintendent Pharmacist,
Lynch's Pharmacy,
Broadale Commercial Centre,
Maryborough Hill,
Douglas,
Co. Cork
T12CX72

11 March 2024

Re: Community Pharmacy Contractor Agreement for Provision of Community Pharmacy Services under the Health Acts (hereinafter "The Agreement") Bronze Trail Limited t/a Lynch's Pharmacy (GMS 12073)

Dear Mr Lynch,

I refer to previous correspondence from the HSE PCRS, in particular letter from Ms Jennifer McCartan issued 07 December 2023 and emails from Ms McCartan issued 03 January, 2024 and 31 January, 2024. These correspondences clearly outlined the HSE's position with respect to the processing of claims for Bronze Trail Limited t/a Lynch's Pharmacy. The HSE PCRS wishes to remind you of that position and of the following relating to your request for receipt of payments from November 2023 onwards.

November 2023 Claims:

I refer to the Community Pharmacy Contractor Agreement (the Contract) held by you with the HSE for the provision of services under the HSE Primary Care Community Drugs Schemes at Lynch's Pharmacy. In the case of all public sector contracts of a value of €10,000 (inclusive of VAT) or more within any 12-month period, the contractor (and agent as appropriate) is required to produce a current tax clearance certificate. A tax clearance certificate is confirmation that your tax affairs are correct and up to date. The tax clearance certificate for Bronze Trail Limited t/a Lynch's Pharmacy expired in November 2023. All State bodies are not permitted to make payments to individuals, or body corporates who are not Tax Cleared. As HSE PCRS has not received an updated tax clearance certificate, payments have been held automatically by the system and cannot be released until an updated tax clearance certificate is received. PCRS have performed a check with Revenue (as of 7th March 2024) and there is still No Tax Clearance Certificate issued for Bronze Trail Limited.

In any event, as you are aware an inspection was carried out at Lynch's Pharmacy on 28 November, 2023. A number of serious concerns were raised by the Pharmacy Inspectors on the day. One such concern related to the submission of invalid claims in instances whereby medicines / medical devices appear to have been claimed and not supplied to patients. An initial analysis of claims submitted by Lynch's Pharmacy for November 2023 has been carried out. It is evident from this analysis that invalid claims continued to be raised for patients for whom concerns were flagged at inspection.



For example;

- I. Claims for two different Infusion sets (Medtronic Mio Blue and Autosoft90) for the same patient.
- II. Claims for Dexcom and Medtronic Guardian 3 CGM sensors for the same patient. On the day of inspection, no prescription was available for this patient. Concurrent claims are raised for this patient by another pharmacy. Staff members did not know who this patient was on the day of inspection.
- III. Claims for Medtronic Quick-Sets (two different types) for a patient who is not using an insulin pump by admission of your staff at inspection.

Given the concerns highlighted above, in the absence of a copy of a valid prescription for **all claims** submitted by Lynch's Pharmacy under **all Community Drugs Schemes** for November 2023, the HSE PCRS will not release payments for November 2023.

December 2023 Claims:

You were advised in letter of 07 December 2023 that whilst an investigation was ongoing, in the interim, with immediate effect from issue date of letter, **all claims** by Lynch's Pharmacy under **all Community Drugs Schemes** must be accompanied by a copy of a valid prescription and signed third party verification. To date, the HSE PCRS has not received the supporting documentation requested for December 2023 claims. The HSE PCRS understands that a fire broke out at your premises on 28 December, 2023 and relevant paperwork may have been destroyed. The HSE PCRS expects that paperwork remains available for prescriptions received electronically via Healthmail and awaits the provision of such paperwork that may be used to support the electronic claim if it is recovered. The HSE PCRS is not in a position to process claims when a claim has not been submitted.

Monies Outstanding:

Following inspection of 28 November, 2023 a HSE PCRS investigation into claiming practices at Lynch's Pharmacy is ongoing. The inspection report will be brought to the HSE Probity Governance Group for consideration of appropriate next steps in the context of the Pharmacy Contract and also in the context of other parties whom the HSE are obliged to consider informing when issues arise during a detailed inspection. The HSE PCRS understand that you have admitted liability with respect to inappropriate claims raised for medication not collected by patients. The HSE PCRS requests you to consider the amount owed to the HSE and outline same in a detailed excel spreadsheet. This outline is to include the following:

- (i) Calculation of the sum.
- (ii) Relevant patient names, community scheme eligibility numbers, claim numbers, drug codes, quantities, dispensing dates, fees and ingredient cost.
- (iii) The time period for which the over claiming occurred and assurances that no issues arise prior to that date.
- (iv) An explanation as to how this level of over claiming occurred.

In your email of 12 January, 2024, you make reference to a detailed system engineer's report of an inspection of the Pharmacy's computer. This report may assist you in compiling the above. The HSE PCRS repeats its request for a copy of said report. In addition at inspection a request for invoices for 2022 for the following items was made:



- a) All invoices for Continuous Glucose Monitoring sensors.
- b) All invoices for Insulin Pump Infusion Sets.
- c) All invoices for Insulin Pump Reservoirs.
- d) All invoices for Fiasp Insulin (to include pens, penfills and vials).

These invoices have yet to have been received by the HSE PCRS and the HSE PCRS awaits provision of same.

Finally, in your email of 12 January, 2024, you make reference to a lack of appropriate insurance cover. The HSE PCRS requests clarification as to what is meant by this and confirmation that adequate clinical indemnity cover is in place for the Pharmacy.

In the absence of receipt of the requested documentation outlined in this letter and pending full restitution in relation to any and all inappropriate claims, the HSE PCRS is not in a position to process November 2023 claims onwards.

Yours sincerely,

Linda Fitzharris MPSI
Head of Pharmacy Function
Primary Care Reimbursement Service