

EXECUTIVE NOTE

The National Health Service (General Medical Services Contracts)(Scotland) Amendment Regulations 2006 SSI/2006/247

The above instrument was made in exercise of the powers conferred by sections 17K, 17N, 28(1), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978 (“ the 1978 Act”). The instrument is subject to negative resolution procedure.

Background

The National Health Service (General Medical Services Contracts)(Scotland) Regulations 2004 (“the Principal Regulations”) set out the framework for the provision of services under contracts between health boards and general practitioners.

The Principal Regulations make clear the requirements which are placed on general practice contractors in respect of independent nurse prescribers and supplementary prescribers who are engaged or employed in practices or who are partners in a contracting partnership. They are required to inform the health board when an independent nurse prescriber or a supplementary prescriber is employed or engaged or when such a prescriber joins the partnership. A contractor is also required to have arrangements in place so that a supplementary prescriber will prescribe or administer only under certain conditions and in accordance with a clinical management plan for the patient. In addition, a contractor which is required to provide dispensing services because its patients will have serious difficulty in obtaining medicines otherwise because of distance or other circumstances, is not required to dispense medicines prescribed by independent nurse prescribers or supplementary prescribers but may substitute a medicine which it supplies in the normal course of its practice.

Policy Objectives

The instrument amends the definitions in the Principal Regulations of independent nurse prescriber and supplementary prescriber. The amendments are required as a consequence of amendments to the reserved legislation on medicines- The Prescription Only Medicines (Human Use) Order 1977, The Medicines (Sale and Supply)(Miscellaneous Provisions) Regulations 1980 and The Nurses and Midwives (Parts of and Entries in the Register) Amendment Order of Council 2006 . The Committee on Safety of Medicines recommended that suitably trained and qualified nurses should be able to prescribe any licensed medicine for any medical condition within their competence and this was accepted by the Scottish Ministers. The present definitions in the Principal Regulations are based on the previous position whereby the prescribers in question are able to prescribe a limited range of medicines and for a limited range of conditions. The instrument substitutes new definitions which take account of the new status of the prescribers under the reserved legislation.

Consultation

The amendments to be made by the instrument are purely consequential to other changes which were the subject of consultation.

Financial Effects

The instrument will have no financial effects.

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