

EXECUTIVE NOTE

THE NATIONAL HEALTH SERVICE (GENERAL MEDICAL SERVICES CONTRACTS) (SCOTLAND) AMENDMENT REGULATIONS 2007 SSI/2007/206

1. 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 Act”). The instrument is subject to negative resolution procedure.

Background

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

Policy Objectives

3. The instrument amends the 2004 Regulations as follows.

4. The instrument amends regulation 2 by the insertion of a new definition of “prescription form” which takes account of the electronic transfer of prescriptions. This is a consequential amendment required as a result of the National Health Service (Pharmaceutical Services)(Scotland) Amendment Regulations 2007. It also inserts definitions of “advanced electronic signature”, “electronic communication”, “electronic prescription form”, “electronic signature”, “ePharmacy service”, and “non-electronic prescription form”. These are consequential amendments also required for the electronic transfer of prescriptions.

5. Paragraphs 38, 39, 40, 41 and 44 in Part 3 (Prescribing and Dispensing) of Schedule 5 are amended so that prescriptions may be issued by electronic means in addition to the giving of a non-electronic prescription form to a patient. New sub-paragraphs are inserted in paragraph 39 to restrict the prescription of controlled drugs by electronic means in certain circumstances and to require a general practitioner who issues an electronic prescription to give the patient a written record of it.

6. Paragraph 44 of Schedule 5, dealing with dispensing by general practitioners, is amended to remove an anomaly. Sub-paragraph 44(4)(a) states that a general practitioner who is required to provide dispensing services is not required to issue a prescription form to the patient yet paragraph 44(9) and (11) are in terms that the patient has possession of the form to make a declaration for charge exemption. The latter are amended so that the declaration can be made without the form.

7. Sub-paragraph (9) of paragraph 44 of Schedule 5 to the 2004 Regulations contains a definition of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001 (“the 2001 Regulations”). As the 2001 Regulations are being consolidated, the instrument replaces the definition of the 2001 Regulations with a definition of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2007 (“the 2007 Regulations”) which will come into force on 1 April 2007 and the opportunity is being taken of placing the definition in regulation 2 (Interpretation). The reference in sub-paragraph (9) is amended to “the 2007 Regulations” and those in sub-paragraphs (10) and (11) are also amended to the appropriate provisions of the 2007 Regulations.

Security of Electronically Transmitted Information

8. Electronic data flowing between the National Services Scotland Practitioner Services Division (PSD) and GP Practice (GP) and Community Pharmacy (CP) computer systems contain confidential patient information. That information is protected from unauthorised interception and viewing by a process of authentication. That process prevents any information being transmitted unless the information source and the receiving system complete a complex sequence of identity checks. In addition, digital signing of information is used to check that information has not been altered in transit.

9. The ePharmacy security model has additional identification checks to further improve security. Use of a client certificate (issued from a source dedicated to ePharmacy) as well as a server certificate, provides a higher level of access control and security than that normally used for internet commerce.

10. Finally, all data in transit between the systems is encrypted. Information sent to PSD via the ePharmacy 'message store' either uses the same authentication and encryption standards as that used for GP and CP systems, or an encrypted information flow with system access controlled through password protection and rigorous application of firewall rules. These ensure that information can only flow between specified physical locations. GP and CP communication and access to the central systems is also restricted by 'firewalls'. These are software protection devices which ensure that any data source can be prevented from accessing the ePharmacy 'message store' if it is suspected that its identification credentials have been compromised.

Consultation

11. The Executive has been working closely with the relevant professional representative bodies on the policy changes to which these amendments are consequential. There has been no public consultation on them.

Financial Effects

12. The amendments will have no appreciable financial effects.

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