

## **EXECUTIVE NOTE**

### **THE NATIONAL HEALTH SERVICE (PHARMACEUTICAL SERVICES) (SCOTLAND) REGULATIONS 2009 SSI/2009/183**

1. The above instrument was made in exercise of the powers conferred on Scottish Ministers by sections 2(5), 27, 28(2), 28A, 28B, 32D, 32E, 105(7), 106(a) and 108(1) of and Schedule 1, paragraph 11(b) and (c) to, the National Health Service Act 1978 and of all other powers enabling them in that behalf. The instrument is subject to negative resolution procedure and extends to Scotland only.

#### **Policy Objectives**

2. The purpose of the instrument is to replace the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995 (SI/1995/414) and to include in these regulations all amendments made since 31 March 1995, when these regulations came into force. Certain new provisions are made, principally introducing a provision for serial prescriptions which will form the basis of the Chronic Medication Service (CMS) when introduced. Provision is also made in these regulations for the introduction of a new duty on Health Boards to take reasonable steps to consult on applications to the Pharmaceutical List with persons to whom pharmaceutical services may be provided as a result of that application. The instrument includes a number of amendments to clarify where duties and responsibilities are on the pharmacy contractor or pharmacist. This instrument has effect from 1 July 2009.

#### **Serial Prescriptions**

3. As part of the new services available through community pharmacy, the Chronic Medication Service (CMS) will offer eligible patients an enhanced service from community pharmacists including medicines reviews, prescriptions written by their GP for dispensing over a period of up to 12 months and personalised, detailed pharmaceutical care plans. CMS will be based on shared care between the pharmacist and the GP.

4. This instrument underpins CMS by introducing provisions for serial prescribing and dispensing. Schedule 1 provides a definition of a serial prescriber and a serial prescription. The Regulations are amended to provide for dispensing instalments of serial prescriptions for a period not exceeding 48 weeks on the basis of their linked electronic messages, which will not carry a signature from the patient or the patient's representative. The detailed arrangements for CMS will be set out in Directions.

#### **Duty to consult on applications to the Pharmaceutical List**

5. The instrument introduces a new duty on Health Boards to take reasonable steps to consult on applications to the Pharmaceutical List with persons to whom pharmaceutical services may be provided as a result of that application. This is in addition to the consultations with listed bodies already set out in the regulations.

## **Other provisions**

6. The instrument provides amendments throughout to clarify where duties and responsibilities are a matter for the pharmacy contractor or pharmacist. In most instances, other than where the pharmacist is specified, the pharmacy contractor will be the responsible body. An obligation is placed on pharmacy contractors to keep records and designate a person engaged by them with responsibility for patient data handling procedures. The instrument also brings a number of terms and definitions up-to-date and clarifies certain provisions.

## **Consultation**

7. In accordance with paragraph 24(1) and (3) of Schedule 7 to the Tribunals Courts and Enforcement Act 2007, the Administrative Justice and Tribunals Council and its Scottish Committee have been consulted.

8. With regard to the introduction of serial prescriptions, the Scottish Government has been working closely with the relevant professional bodies and the MHRA. However, these proposals have not been the subject of formal public consultation.

## **Financial Effects**

9. There will be no financial impact as a direct result of these changes. The remuneration provided to community pharmacists to handle serial prescriptions will be addressed as part of the negotiations on the new community pharmacy services. The necessary IT infrastructure to support serial prescriptions is being provided through the ePharmacy Programme.

Primary and Community Care Directorate  
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