
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 73

NATIONAL HEALTH SERVICE

The National Health Service (Physiotherapist,
Podiatrist or Chiropodist Independent Prescribers)
(Miscellaneous Amendments) (Scotland) Regulations 2014

<i>Made</i>	- - - -	<i>12th March 2014</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>14th March 2014</i>
<i>Coming into force</i>	- -	<i>1st May 2014</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 17E(1), 17N(1) and 27(1) of the National Health Service (Scotland) Act 1978(1) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the National Health Service (Physiotherapist, Podiatrist or Chiropodist Independent Prescribers) (Miscellaneous Amendments) (Scotland) Regulations 2014 and come into force on 1st May 2014.

Amendment of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004

2. The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004(2) are amended as follows.

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- (1) 1978 c.29; section 27 was amended by the Health Services Act 1980 (c.53) section 20(2), the National Health Service (Amendment) Act 1986 (c.66) section 3(3), the National Health Service and Community Care Act 1990 (c.19) section 66(1) and Schedule 9, paragraph 19(7), the Medicinal Products: Prescription by Nurses etc. Act 1992 (c.28) section 3, the National Health Service (Primary Care) Act 1997 (c.46) Schedule 2, paragraph 44, the Health and Social Care Act 2001 (c.15) section 44(2) and (3), the Health and Social Care Act 2012 (c.7) section 213(7) and section 220(2) and S.I. 1987/2202 article 5, S.I. 2003/1590 Schedule 1, paragraph 2, S.I. 2004/1771 Schedule 1, paragraph 6, S.I. 2005/2011 Schedule 6, paragraph 2(3), S.I. 2007/289 Schedule 1, paragraph 4(2) and S.I. 2010/231 Schedule 4, paragraph 4(2); section 105(7) was amended by the Health Services Act 1980 (c.53) Schedule 6, paragraph 5(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41) section 29(1) and Schedule 9, paragraph 24 and the Health Act 1999 (c.8) Schedule 4, paragraph 60; section 108(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 c.46.
- (2) S.S.I. 2004/115; regulation 2(1) was relevantly amended by S.S.I. 2007/501 and paragraphs 44 and 58 of Schedule 5 were relevantly amended by S.S.I. 2007/206, S.S.I. 2007/501 and S.S.I. 2010/394.

3. In regulation 2(1) (interpretation)—
- (a) in the definition of “prescriber”—
- (i) in sub-paragraph (c) omit “and”;
- (ii) after sub-paragraph (d) insert—
- “**(e)** a physiotherapist independent prescriber; and
- “**(f)** a podiatrist or chiropodist independent prescriber;”;
- (b) in the appropriate places in the alphabetical order, insert the following definitions—
- ““**physiotherapist independent prescriber**” means a physiotherapist who is registered in Part 9 of the register maintained under article 5 of the Health and Social Work Professions Order 2001(3), and against whose name in that register is recorded an annotation signifying that the physiotherapist is qualified to order drugs, medicines and appliances as a physiotherapist independent prescriber;”;
- and
- ““**podiatrist or chiropodist independent prescriber**” means a podiatrist or chiropodist who is registered in Part 2 of the register maintained under article 5 of the Health and Social Work Professions Order 2001, and against whose name in that register is recorded an annotation signifying that the podiatrist or chiropodist is qualified to order drugs, medicines and appliances as a podiatrist or chiropodist independent prescriber;”.
4. In Schedule 5 (other contractual terms)—
- (a) in sub-paragraphs (6) and (7) of paragraph 44 (provision of dispensing services) for “or a pharmacist independent prescriber” in each place it occurs substitute “, a pharmacist independent prescriber, a physiotherapist independent prescriber or a podiatrist or chiropodist independent prescriber”; and
- (b) in sub-paragraphs (1) and (2) of paragraph 58 (independent nurse prescribers and supplementary prescribers) for “or a pharmacist independent prescriber” in each place it occurs substitute “, a pharmacist independent prescriber, a physiotherapist independent prescriber or a podiatrist or chiropodist independent prescriber”.

Amendment of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004

5. The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004(4) are amended as follows.

6. In regulation 2 (interpretation)—
- (a) in the definition of “prescriber”—
- (i) in sub-paragraph (c) omit “and”;
- (ii) after sub-paragraph (d) insert—
- “**(e)** a physiotherapist independent prescriber, and
- “**(f)** a podiatrist or chiropodist independent prescriber;”;
- (b) in the appropriate places in the alphabetical order, insert the following definitions—

(3) S.I. 2002/254; the title of the Order was substituted by the Health and Social Care Act 2012 (c.7) section 213(4) and article 5 was amended by S.I. 2009/1182. Schedule 1 of S.I. 2003/1571 specifies the parts that the Register maintained under article 5 of S.I. 2002/54 is to be divided into.

(4) S.S.I. 2004/116; regulation 2(1) was relevantly amended by S.S.I. 2007/502 and paragraphs 15 and 28 of Schedule 1 were relevantly amended by S.S.I. 2007/205, S.S.I. 2007/502 and S.S.I. 2010/395.

““physiotherapist independent prescriber” means a physiotherapist who is registered in Part 9 of the register maintained under article 5 of the Health and Social Work Professions Order 2001, and against whose name in that register is recorded an annotation signifying that the physiotherapist is qualified to order drugs, medicines and appliances as a physiotherapist independent prescriber;”;

and
““podiatrist or chiropodist independent prescriber” means a podiatrist or chiropodist who is registered in Part 2 of the register maintained under article 5 of the Health and Social Work Professions Order 2001, and against whose name in that register is recorded an annotation signifying that the podiatrist or chiropodist is qualified to order drugs, medicines and appliances as a podiatrist or chiropodist independent prescriber;”.

7. In Schedule 1 (content of agreements)—

(a) in sub-paragraphs (6) and (7) of paragraph 15 (provision of dispensing services) for—

““or a pharmacist independent prescriber” in each place it occurs substitute “, a pharmacist independent prescriber, a physiotherapist independent prescriber or a podiatrist or chiropodist independent prescriber”; and

(b) in sub-paragraphs (1) and (2) of paragraph 28 (independent nurse prescribers and supplementary prescribers) for “or a pharmacist independent prescriber” in each place it occurs substitute “, a pharmacist independent prescriber, a physiotherapist independent prescriber or a podiatrist or chiropodist independent prescriber”.

Amendment of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009

8. The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009(5) are amended as follows.

9. In regulation 2(1) (interpretation and application)—

(a) for “prescriber” substitute—

““prescriber” means—

- (a) a doctor,
- (b) a pharmacist independent prescriber,
- (c) a nurse independent prescriber,
- (d) an optometrist independent prescriber,
- (e) a physiotherapist independent prescriber,
- (f) a podiatrist or chiropodist independent prescriber, or
- (g) a supplementary prescriber under an agreed clinical management plan;” and

(b) in the appropriate places in the alphabetical order, insert the following definitions—

““physiotherapist independent prescriber” means a physiotherapist who is registered in Part 9 of the register maintained under article 5 of the Health and Social Work Professions Order 2001, and against whose name in that register is recorded an annotation signifying that the physiotherapist is qualified to order drugs, medicines and appliances as a physiotherapist independent prescriber;”;

and

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““podiatrist or chiropodist independent prescriber” means a podiatrist or chiropodist who is registered in Part 2 of the register maintained under article 5 of the Health and Social Work Professions Order 2001, and against whose name in that register is recorded an annotation signifying that the podiatrist or chiropodist is qualified to order drugs, medicines and appliances as a podiatrist or chiropodist independent prescriber;”.

10. In paragraph 4(2)(c)(i)(bb) (provision of pharmaceutical services) of Schedule 1 (terms of service for pharmacists and pharmacy contractors) for “48” substitute “56”.

St Andrew’s House,Edinburgh
12th March 2014

MICHAEL MATHESON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004 (“the GMS Regulations”), the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004 (“the Section 17C Regulations”) and the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 (“the 2009 Regulations”), by extending the definition of prescriber through the insertion of two new categories of independent prescriber: physiotherapist independent prescriber and podiatrist or chiropodist independent prescriber.

The GMS Regulations and the Section 17C Regulations contain rules about the supply of drugs, medicines or appliances by GPs, which are modified in relation to drugs, medicines or appliances prescribed by certain independent prescribers. Regulations 4(a) and 7(a) amend those modifications so that they also apply in the case of a physiotherapist independent prescriber or a podiatrist or chiropodist independent prescriber. Regulations 4(b) and 7(b) adds the new types of independent prescribers into provision requiring GPs to notify Health Boards when they engage or terminate a prescribing independent prescriber.

In addition, regulation 10 amends paragraph 4(2)(c)(i)(bb) of Schedule 1 to the 2009 Regulations to increase the period for which drugs, medicines or listed appliances under a serial prescription can be ordered from 48 to 56 weeks.