

2006 No. 913

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Miscellaneous Amendments
Relating to Independent Prescribing) Regulations 2006**

<i>Made</i> - - - -	<i>23rd March 2006</i>
<i>Laid before Parliament</i>	<i>3rd April 2006</i>
<i>Coming into force</i> - -	<i>1st May 2006</i>

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 41, 42, 77, 83A and 126(4) of, and paragraph 3 of Schedule 8A to, the National Health Service Act 1977(a).

Citation, commencement and application

1.—(1) These Regulations may be cited as the National Health Service (Miscellaneous Amendments Relating to Independent Prescribing) Regulations 2006 and shall come into force on 1st May 2006.

(2) These Regulations apply in relation to England only.

Amendment of the National Health Service (Charges for Drugs and Appliances) Regulations 2000

2. In the National Health Service (Charges for Drugs and Appliances) Regulations 2000(b), in regulation 2(1) (interpretation)—

(a) for the definition of “independent nurse prescriber”(c) substitute the following definition—

(a) 1977 c. 49. Section 41 was substituted by the Health and Social Care Act 2001 (c.15) (“the 2001 Act”), section 42(1), and amended by: the National Health Service Reform and Health Care Professions Act 2002 (c.17) (“the 2002 Act”), Schedule 2, paragraphs 1 and 13; and S.I. 2003/1590 and 2004/1771. Section 42 was substituted by the National Health Service (Amendment) Act 1986 (c.66), section 3(1), extended by the Health and Medicines Act 1988 (c.49), and then amended by: S.I. 1987/2202; the National Health Service Community Care Act 1990 (c.19) (“the 1990 Act”), section 12(3); the Health Authorities Act 1995 (c.17) (“the 1995 Act”), Schedule 1, paragraph 30; the 2001 Act, sections 20(1) and (6), 43(2) to (4), and Schedule 6, Part 1; the 2002 Act, Schedule 2, paragraphs 1 and 16; and S.I. 2002/2469. Section 83A was inserted by the Social Security Act 1988 (c.7), section 14(1), and amended by: the Health and Medicines Act 1988, section 25 and Schedule 2, paragraph 6; the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, paragraph 19; S.I. 1998/2385; S.I. 2000/90; the 1990 Act, Schedule 9, paragraph 18(5); the 1995 Act, Schedule 1, paragraph 40; the 2002 Act, Schedule 2, paragraph 32; and the Health and Social Care (Community Health and Standards) Act 2003 (c.43) (“the 2003 Act”), Schedule 4, paragraphs 23 and 32(b), and Schedule 11, paragraphs 7 and 31. Section 126(4) has been amended by: the 1990 Act, section 65(2); the Health Act 1999 (c.8) (“the 1999 Act”), Schedule 4, paragraphs 4 and 37; the 2001 Act, section 67(1) and Schedule 5, paragraph 5 and 13; the 2002 Act, sections 6(3)(c) and 37(1); and the 2003 Act, Schedule 11, paragraphs 7 and 38, and Schedule 14, Part 4. Schedule 8A was inserted by the 2001 Act, Schedule 3, and paragraph 3 of Schedule 8A has been amended by the 2002 Act, Schedule 2, paragraph 81. The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the 1999 Act.

(b) S.I. 2000/620.

(c) This definition was inserted by S.I. 2003/699 and substituted by S.I. 2004/1771.

- “independent nurse prescriber” means a person—
- (a) who is registered in the Nursing and Midwifery Register; and
 - (b) against whose name in that register is recorded an annotation signifying that he is qualified to order drugs, medicines and appliances as a community practitioner nurse prescriber, a nurse independent prescriber or a nurse independent/supplementary prescriber;”;
- (b) for the definition of “nurses and midwives’ professional registers”(a) substitute the following definition—
- “Nursing and Midwifery Register” means the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001(b);”;
- (c) after the definition of “Patient Group Direction”(c) insert the following definition—
- “pharmacist independent prescriber” means a person—
- (a) who is registered in the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954(d) or the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(e); and
 - (b) against whose name in that register is recorded an annotation signifying that he is qualified to order drugs, medicines and appliances as a pharmacist independent prescriber;”;
- (d) in the definition of “prescriber”(f), after “a doctor,” insert “a pharmacist independent prescriber;”;
- (e) for the definition of “repeatable prescriber”(g) substitute the following definition—
- “repeatable prescriber” has the same meaning as in the National Health Service (Pharmaceutical Services) Regulations 2005(h);”;
- (f) for the definition of “supplementary prescriber”(i) substitute the following definition—
- “supplementary prescriber” means a person—
- (a) whose name is registered in—
 - (i) the Nursing and Midwifery Register,
 - (ii) the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954(j),
 - (iii) the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(k),
 - (iv) the part of the register maintained by the Health Professions Council in pursuance of article 5 of the Health Professions Order 2001(l) relating to—
 - (aa) chiropodists and podiatrists,
 - (bb) physiotherapists, or
 - (cc) diagnostic or therapeutic radiographers, or

(a) This definition was inserted by S.I. 2003/699 and amended by S.I. 2004/1771.
 (b) S.I. 2002/253.
 (c) This definition was inserted by S.I. 2000/3189.
 (d) 1954 c.61.
 (e) S.I. 1976/1213 (N.I. 22).
 (f) This definition was inserted by S.I. 2004/865.
 (g) This definition was inserted by S.I. 2004/865.
 (h) S.I. 2005/641.
 (i) This definition was as substituted by S.I. 2005/578 and amended by S.I. 2006/675.
 (j) 1954 c.61.
 (k) S.I. 1976/1213 (N.I. 22).
 (l) S.I. 2002/254; there are no relevant amending instruments.

- (v) the register of optometrists maintained by the General Optical Council in pursuance of section 7 of the Opticians Act 1989(a); and
- (b) against whose name is recorded in the relevant register an annotation signifying that he is qualified to order drugs and appliances as a supplementary prescriber or, in the case of the Nursing and Midwifery Register, a nurse independent/supplementary prescriber;”.

Amendment of the National Health Service (Pharmaceutical Services) Regulations 2005

3. In the National Health Service (Pharmaceutical Services) Regulations 2005(b), in regulation 2(1)(c) (interpretation)—

- (a) in the definition of “independent nurse prescriber”, for sub-paragraph (b) substitute the following sub-paragraph—
 - “(b) against whose name in that register is recorded an annotation signifying that he is qualified to order drugs, medicines and appliances as a community practitioner nurse prescriber, a nurse independent prescriber or a nurse independent/supplementary prescriber;”;
- (b) after the definition of “pharmacist” insert the following definition—
 - ““pharmacist independent prescriber” means a person—
 - (a) who is registered in the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954 or the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976; and
 - (b) against whose name in that register is recorded an annotation signifying that he is qualified to order drugs, medicines and appliances as a pharmacist independent prescriber;”;
- (c) in the definition of “prescriber”, after “dentist,” insert “pharmacist independent prescriber;”;
- (d) in the definition of “repeatable prescriber”, before paragraph (a) insert the following paragraphs—
 - “(za) a pharmacist independent prescriber who—
 - (i) is included in a pharmaceutical list, and—
 - (aa) with whom a Primary Care Trust has made an arrangement for the provision of a directed service which is an Independent Prescribing Service, and
 - (bb) who is issuing or creating a repeatable prescription as part of that arrangement,
 - (ii) is employed or engaged by a person who is included in a pharmaceutical list, and—
 - (aa) a Primary Care Trust has made an arrangement with that person for the provision of a directed service which is an Independent Prescribing Service, and
 - (bb) the pharmacist independent prescriber is issuing or creating a repeatable prescription as part of that arrangement,
 - (iii) is a party to an LPS scheme or LPS arrangements, and—
 - (aa) with whom a Primary Care Trust has made an arrangement for the provision of an Independent Prescribing Service, and

(a) 1989 (c.44).

(b) S.I. 2005/641.

(c) Amended by S.I. 2005/1051, 3315 and 3491.

- (bb) who is issuing or creating a repeatable prescription as part of that arrangement, or
- (iv) is employed or engaged by a party to an LPS scheme or LPS arrangements (other than a Primary Care Trust), and—
 - (aa) a Primary Care Trust has made an arrangement with that party for the provision of an Independent Prescribing Service, and
 - (bb) the pharmacist independent prescriber is issuing or creating a repeatable prescription as part of that arrangement;” and
- (e) for the definition of “supplementary prescriber” substitute the following definition—
 - ““supplementary prescriber” means a person—
 - (a) whose name is registered in—
 - (i) the Nursing and Midwifery Register,
 - (ii) the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954,
 - (iii) the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976,
 - (iv) the part of the register maintained by the Health Professions Council in pursuance of article 5 of the Health Professions Order 2001 relating to—
 - (aa) chiropodists and podiatrists,
 - (bb) physiotherapists, or
 - (cc) diagnostic or therapeutic radiographers, or
 - (v) the register of optometrists maintained by the General Optical Council in pursuance of section 7 of the Opticians Act 1989; and
 - (b) against whose name is recorded in the relevant register an annotation signifying that he is qualified to order drugs and appliances as a supplementary prescriber or, in the case of the Nursing and Midwifery Register, a nurse independent/supplementary prescriber;”.

Amendment of the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006

4. In the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006(a), in regulation 2(1) (interpretation)—

- (a) For the definition of “independent nurse prescriber” substitute the following definition—
 - ““independent nurse prescriber” means a person—
 - (a) who is registered in the Nursing and Midwifery Register; and
 - (b) against whose name in that register is recorded an annotation signifying that he is qualified to order drugs, medicines and appliances as a community practitioner nurse prescriber, a nurse independent prescriber or a nurse independent/supplementary prescriber;” and

(a) S.I. 2006/552.

- (b) in paragraph (b) of the definition of “supplementary prescriber”, after “supplementary prescriber” insert “or, in the case of the Nursing and Midwifery Register, a nurse independent/supplementary prescriber”.

Signed by authority of the Secretary of State for Health

23rd March 2006

Jane Kennedy
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make consequential changes to three sets of National Health Service Regulations that apply in England. The changes arise out of new arrangements for the independent prescribing of drugs and appliances by nurses and pharmacists. Independent nurse prescribers, unless they are community practitioner nurse prescribers, will no longer be limited to prescribing from a particular formulary, and nor will a new category of independent prescriber known as pharmacist independent prescribers.

The National Health Service (Charges for Drugs and Appliances) Regulations 2000 are amended to take account of the fact that the revised and new categories of independent prescribers may be acting as prescribers in walk-in centres, and possibly issuing repeatable prescriptions. The National Health Service (Pharmaceutical Services) Regulations 2005 are also amended to take account of the revised and new categories of prescribers – and in particular of the possibility that pharmacists will be dispensing against prescriptions, including repeatable prescriptions, issued by them. The National Health Services (Local Pharmaceutical Services etc.) Regulations 2006 are amended to take account of the terminology that is to be used for annotations in the register maintained by the Nursing and Midwifery Council to describe the qualifications for the various types of independent nurse prescriber.

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