

EXPLANATORY MEMORANDUM TO
THE NATIONAL HEALTH SERVICE (MISCELLANEOUS AMENDMENTS
RELATING TO INDEPENDENT PRESCRIBING) REGULATIONS 2006

2006 No. 913

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. **Description**
 - 2.1 The Order is needed because of changes to the arrangements for independent prescribing by nurses and pharmacists: there will be a new category of prescriber known as Pharmacist Independent Prescribers, and new arrangements for independent prescribing by nurses – which require consequential amendments to enable their NHS prescriptions to be dispensed and charged for in England.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None

4. **Legislative Background**
 - 4.1 This Order makes further amendments to The National Health Service (Charges for Drugs and Appliances) Regulations 2000, the National Health Service (Pharmaceutical Services) Regulations 2005 and the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006 to reflect the introduction of independent prescribing by pharmacists and the expansion of nurse independent prescribing.
 - 4.2 The National Health Service (Charges for Drugs and Appliances) Regulations 2000 are amended to add the title and definition of the new role of Pharmacist Independent Prescriber as a person qualified and registered to order drugs, medicines and appliances. They also introduce new titles for nurses who prescribe independently.
 - 4.3 The National Health Service (Pharmaceutical Services) Regulations 2005 are amended to reflect the same changes for independent prescribing by nurses and pharmacists and to reflect the fact that pharmacists will be dispensing prescriptions, including repeatable prescriptions, issued by Pharmacist Independent Prescribers.

4.4 The National Health Service (Local Pharmaceutical Services etc.) Regulations 2006 are amended to take account of the new titles for nurses who prescribe independently.

5. **Extent**

5.1 This instrument applies to England.

6. **European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

7.1 The changes relate to prescribing by nurses and pharmacists. They form part of the Government's policy of modernising the NHS and enabling appropriately trained pharmacists and nurses to prescribe medicines and appliances, to improve patient care by appropriate use of their professional skills and to have their NHS prescriptions dispensed.

7.2 The title and role of Pharmacist Independent Prescriber is introduced for the first time. A qualified Pharmacist Independent Prescriber may prescribe any licensed medicine that he/she is competent to prescribe, with the exception of Controlled Drugs. NHS prescription of medicines in community pharmacies will be limited to those pharmacies that have made arrangements with their local Primary Care Trust to provide an additional service, which will be known as an Independent Prescribing Service. A template for these arrangements will be provided by the Department.

7.3 The titles of nurses who are qualified to prescribe independently are amended to reflect changes introduced in the Nurses and Midwives (Parts of and Entries in the Register) Amendment Order of Council 2006.

7.4 The proposed amendments to introduce pharmacist independent prescribing and to expand nurse prescribing were subject to wide public consultation and advice to Ministers by the then Committee on Safety of Medicines. Detailed analysis of the outcome of the public consultation exercise has been published on the Medicines and Healthcare products Regulatory Agency website: www.mhra.gov.uk There was general support for the proposal, with over 60% of responses supporting prescribing of any licensed medicine within a pharmacist prescriber's or a nurse prescriber's competence.

8. **Impact**

- 8.1 The proposal does not impose a cost compliance on business, charities or voluntary bodies. It will be for those providing health care services within and outside the NHS to decide whether they wish to implement independent prescribing by nurses or pharmacists. However if they wish to do so, there will be some costs associated with, for example, training. The Department of Health is funding these costs in the NHS through Strategic Health Authorities for nurses and pharmacists in England who are training to prescribe. A Regulatory Impact Assessment (RIA) was prepared on this basis for the public consultation. The RIA is available on the Medicines and Healthcare products Regulatory Agency website: www.mhra.gov.uk
- 8.2 The impact on the public sector is principally to benefit patient care, by providing improved access to the medicines that patients need.

9. **Contact**

Claire Potter or Paul Robinson at the Department of Health Tel: 0113 2545695 or e-mail: Claire.Potter@dh.gsi.gov.uk Paul.G.Robinson@dh.gsi.gov.uk can answer any questions regarding the instrument.