STATUTORY INSTRUMENTS

2019 No. 990

The National Health Service (Amendments Relating to Serious Shortage Protocols) Regulations 2019

PART 2

Amendments to the PLPS Regulations

New regulation 119A of the PLPS Regulations

3. After regulation 119 of the PLPS Regulations (transitional provisions) insert—

"**Transitional provisions in respect of drugs or appliances supplied in accordance with SSPs**

119A.—(1) This paragraph applies where—

(a) pursuant to paragraph 5A(4)(a) of Schedule 4, paragraph 4A(4)(a) of Schedule 5, paragraph 3A(2)(a) of Schedule 6 or paragraph 3A(4)(a) of Schedule 7, an NHS chemist, an LPS chemist or a dispensing doctor is required to endorse a prescription or an associated batch issue; and

(b) the Secretary of State (or the NHS BSA acting on the Secretary of State's behalf) is only able, or is also able, to process a claim for pharmaceutical reimbursement in respect of the product being provided if the claim is made using a separate token ("a dispensing token"), which is in a form approved by the Secretary of State for the purposes of making such claims (and for prescription charge purposes).

(2) Where paragraph (1) applies—

(a) to the extent required or permitted by the Drug Tariff, a dispensing token recording the provision of the product is treated as being, as regards that product, the prescription for product reimbursement purposes;

(b) if the manner for recording the provision of the product in the dispensing token is provided for in the Drug Tariff, the recording of the provision of the product in the dispensing token must be in the manner provided for in the Drug Tariff; and

(c) the manner of the endorsement of the original prescription or associated batch issue (where provided for in the Drug Tariff) may vary, depending on whether or not it is to be used for product reimbursement purposes.

(3) Where, by virtue of paragraph (2)(a), a dispensing token is treated as being the prescription for product reimbursement purposes—

(a) paragraph 7(6) of Schedule 4 applies as if the reference to paragraph 5A(4)(a) of that Schedule included a reference, in the alternative, to paragraph (2)(a);

(b) paragraph 6(3B) of Schedule 5 applies as if the reference to paragraph 4A(4)(a) of that Schedule included a reference, in the alternative, to paragraph (2)(a);

(c) paragraph 4B of Schedule 6 applies as if the reference to paragraph 3A(2)(b) of that Schedule included a reference, in the alternative, to paragraph (2)(a); and

(d) paragraph 5(6) of Schedule 7 applies as if the reference to paragraph 3A(4)(a) of that Schedule included a reference, in the alternative, to paragraph (2)(a).

(4) For the purposes of this regulation, "pharmaceutical reimbursement" has the meaning given in paragraph 19(3) of Schedule 7.".