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STATUTORY INSTRUMENTS

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**2021 No. 1346**

**The National Health Service (Charges, Primary Medical Services and Pharmaceutical and Local Pharmaceutical Services) (Coronavirus) (Further Amendments) Regulations 2021**

**PART 2**

**Amendments to the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013**

**Amendment of Schedule 7 to the PLPS Regulations**

**10.**—(1) Schedule 7 to the PLPS Regulations (mandatory terms for LPS schemes) is amended as follows.

(2) After paragraph 3A(1) (supply in accordance with a SSP) insert—

**“Supply in accordance with a LPIV**

**3B.**—(1) Subject to the following provisions of this Schedule, where—

- (a) a LPS Contractor (C) receives a LPIV; and
- (b) a person who is entitled to be supplied by C with a prescription item ordered on the LPIV requests the provision of the item in accordance with that LPIV,

C must, with reasonable promptness, provide the prescription item so ordered.

(2) If a person who is entitled as mentioned in sub-paragraph (1)(b) asks C to do so—

- (a) C must give an estimate of the time when the prescription item will be ready; and
- (b) if they are not ready by then, C must give a revised estimate of the time when the item will be ready (until it is ready).

(3) Sub-paragraph (1) does not apply where arrangements are in place for the provision of the item ordered on the LPIV as part of a directed service which includes arrangements for the provision of such an item ordered on such a LPIV.”

(3) In paragraph 6(2) (providing ordered drugs or appliances)—

- (a) in sub-paragraph (13), after “paragraph 3” insert “or 3B”; and
- (b) after sub-paragraph (14) insert—

“(15) Sub-paragraphs (3) to (8) apply to the provision of a drug in accordance with a LPIV as they apply to the provision of a drug in accordance with a prescription form or a repeatable prescription (or an associated batch issue).”

(4) In paragraph 7(3) (refusal to provide drugs or appliances ordered), after sub-paragraph (4) insert—

“(5) C may refuse to provide a prescription item that is or is purportedly ordered on a LPIV where—

- (a) C reasonably believes it is not a genuine order for the person who requests, or on whose behalf is requested, the provision of the prescription item;
- (b) providing it would be contrary to C’s clinical judgement;
- (c) C or other persons are subjected to or threatened with violence by the person who requests the provision of the prescription item, or by any person accompanying that person; or
- (d) the person who requests the provision of the prescription item, or any person accompanying that person, commits or threatens to commit a criminal offence.

(6) C must refuse to provide a prescription item that is or is purportedly ordered on a LPIV where C is satisfied that C is not entitled to provide it or the prescriber was not entitled to prescribe it.”.