CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 1792 (Cy.188)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) (Rhif 2) 2006

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio ymhellach Reoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2001 ("y prif Reoliadau") sy'n darparu ar gyfer codi a chasglu ffioedd am gyffuriau a chyfarpar sy'n cael eu cyflenwi gan fferyllwyr a meddygon sy'n darparu gwasanaethau fferyllol a gweinyddol, a chan Fyrddau Iechyd Lleol ac Ymddiriedolaethau GIG i gleifion allanol.

Mae diwygiadau a wneir gan y Rheoliadau hyn yn darparu ar gyfer cymhwyso'r ffioedd a godir am ddarparu gwasanaethau fferyllol a ddarperir gan fferyllwyr o ran presgripsiynau Cymreig i bresgripsiynau cyfatebol gan bob "claf cymwys" sydd hefyd yn cyflwyno "cerdyn hawl" dilys (a ddyroddir gan Fyrddau Iechyd Lleol).

Maent hefyd yn gwneud darpariaeth i gleifion o dan 25 mlwydd oed hawlio esemptiad rhag y ffi pan font yn cyflwyno ffurflen presgripsiwn cyfatebol neu swp-ddyroddiad cyfatebol yn ymwneud â phresgripsiwn amlroddadwy cyfatebol gyda cherdyn hawl dilys.

Mae claf yn glaf cymwys os yw'n preswylio yng Nghymru ac yn derbyn gwasanaethau meddygol sylfaenol gan gontractwr sydd wedi contractio i ddarparu gwasanaethau o'r fath i Ymddiriedolaeth Gofal Sylfaenol.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 1792 (W.188)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) (No.2) Regulations 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001 ("the principal Regulations") which provide for the making and recovery of charges for drugs and appliances supplied by chemists and doctors providing pharmaceutical and dispensing services, and by Local Health Boards and NHS Trusts to out-patients.

Amendments made by these Regulations make provision for the application of the charges made for the provision of pharmaceutical services that are provided by chemists in respect of Welsh prescriptions to be applied to equivalent prescriptions presented by "qualifying patients" who also present a valid "entitlement card" (which will be issued by Local Health Boards).

They also make provision for qualifying patients who are under the age of 25 years to claim an exemption from charge where they present an equivalent prescription form or equivalent batch issue relating to an equivalent repeatable prescription together with a valid entitlement card.

A patient is a qualifying patient if he or she is resident in Wales and receives primary medical services from a contractor who is contracted to provide such services for a Primary Care Trust.

OFFERYNNAU STATUDOL

2006 Rhif 1792 (Cy.188)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) (Rhif 2) 2006

Wedi'u gwneud	*4 Gorffennaf 2006*
Yn dod i rym	*1 Awst 2006*

Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddwyd gan adrannau 77, 83, 83A ac 126(4) a pharagraff 1 o Atodlen 12 i Ddeddf y Gwasanaeth Iechyd Gwladol 1977(**1**), drwy hyn yn gwneud y Rheoliadau a ganlyn:

(**1**) 1977 p.49; *gweler* adran 128(1) fel y'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal yn y Gymuned 1990 (p.19) ("Deddf 1990"), adran 26(2)(g) ac (i), am y diffiniadau o "prescribed" a "regulations".

Diwygiwyd adran 83 gan Ddeddf Awdurdodau Iechyd 1995 (p.17) ("Deddf 1995"), adran 2 ac Atodlen 1, paragraff 39, gan O.S. 2000/90, erthygl 3(1) ac Atodlen (1), paragraff 13(1) a (4) a chan Ddeddf lechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43) ("Deddf 2003"), adran 196 ac Atodlen 14, Rhan 4.

Mewnosodwyd adran 83A gan Ddeddf Cymorth Gwladol 1988 (p.7) ("Deddf 1988"), adran 14(1) ac fe'i diwygiwyd gan Ddeddf 1990, adran 66(1) ac Atodlen 9, paragraff 18(5)(a) a (b); gan Ddeddf 1995, adran 2(1) ac Atodlen 1, paragraff 40; gan Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 (p.17) ("Deddf 2002"), adran 2(5) ac Atodlen 2 paragraffau 1 a 32; gan Ddeddf 2003, adran 184 ac Atodlen 11, paragraffau 7 a 31 ac hefyd gan adran 196 ac Atodlen 14.

Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 66(2) a Deddf Iechyd 1999 (p.8) ("Deddf 1999"), adran 65(1) ac Atodlen 4, paragraffau 37(1) a (6); gan Ddeddf 2002, adran 6(3)(c) a chan Ddeddf 2003, adran 184 ac atodlen 11, paragraffau 7 a 38.

Diwygiwyd paragraff 1 o Atodlen 12 gan Ddeddf y Gwasanaethau Iechyd 1980 (p.53), adran 25(2) ac Atodlen 5, paragraff 1; gan Ddeddf 1998, adran 16 ac Atodlen 5; gan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p.46), adran 41(10) ac Atodlen 2, paragraff 31 a chan Ddeddf 2003, adran 184 ac Atodlen 11, paragraffau 7 a 44.

Trosgwlyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 77, 83, 83A ac 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 a pharagraff 1 o Atodlen 12 iddi i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2 ac Atodlen 1, fel y'i diwygiwyd gan Ddeddf 1999, adran 66(4), Deddf Iechyd a Gofal Cymdeithasol 2001(p.15), adran 68(1), Deddf 2002, adran 40(1) a Deddf 2003, adran 197(1).

STATUTORY INSTRUMENTS

2006 No. 1792 (W.188)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) (No.2) Regulations 2006

Made	*4 July 2006*
Coming into force	*1 August 2006*

The National Assembly for Wales, in exercise of the powers conferred by sections 77, 83, 83A and 126(4) of and paragraph 1 of Schedule 12 to the National Health Service Act 1977(**1**) hereby makes the following Regulations:

(**1**) 1977 c.49; *see* section 128(1) as amended by the National Health Service and Community Care Act 1990 (c.19) ("the 1990 Act"), section 26(2)(g) and (i), for the definitions of "prescribed" and "regulations".

Section 83 was amended by the Health Authorities Act 1995 (c.17) ("the 1995 Act"), section 2 and Schedule 1, paragraph 39, by S.I. 2000/90, article 3(1) and Schedule 1, paragraph 13(1) and (4) and by the Health and Social Care (Community Health and Standards) Act 2003 (c.43) ("the 2003 Act"), section 196 and Schedule 14, Part 4.

Section 83A was inserted by the Social Security Act 1988 (c.7) ("the 1988 Act"), section 14(1) and was amended by the 1990 Act, section 66(1) and Schedule 9, paragraph 18(5)(a) and (b); by the 1995 Act, section 2(1) and Schedule 1, paragraph 40; by the National Health Service Reform and Health Care Professions Act 2002 (c.17) ("the 2002 Act"), section 2(5) and Schedule 2 paragraphs 1 and 32; by the 2003 Act, section 184 and Schedule 11, paragraphs 7 and 31 and also by section 196 and Schedule 14.

Section 126(4) was amended by the 1990 Act, section 66(2) and the Health Act 1999 (c.8) ("the 1999 Act"), section 65(1) and Schedule 4, paragraphs 37(1) and (6); by the 2002 Act, section 6(3)(c) and by the 2003 Act, section 184 and Schedule 11, paragraphs 7 and 38.

Paragraph 1 of Schedule 12 was amended by the Health Services Act 1980 (c.53), section 25(2) and Schedule 5, paragraph 1; by the 1988 Act, section 16 and Schedule 5; by the National Health Service (Primary Care) Act 1997 (c.46), section 41(10) and Schedule 2, paragraph 31 and by the 2003 Act, section 184 and Schedule 11, paragraphs 7 and 44.

The functions of the Secretary of State under sections 77, 83, 83A and 126(4) of and paragraph 1 of Schedule 12 to the National Health Service Act 1977 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1, as amended by the 1999 Act, section 66(4) and (5), the Health and Social Care Act 2001 (c.15), section 68(1), the 2002 Act, section 40(1) and the 2003 Act, section 197(1).

Enwi, cychwyn, cymhwyso a dehongli

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) (Rhif 2) 2006 a deuant i rym ar 1 Awst 2006.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Yn y Rheoliadau hyn ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2001(**1**).

Diwygio rheoliad 2 o'r prif Reoliadau

2. Yn rheoliad 2 o'r prif Reoliadau (dehongli)-

(a) yn y man priodol yn nhrefn yr wyddor mewnosoder-

"mae i "cerdyn hawl" ("*entitlement card*") yr ystyr a roddir iddo gan reoliad 9A(1);";

(b) yn y man priodol yn nhrefn yr wyddor mewnosoder-

"ystyr "Ymddiriedolaeth Gofal Sylfaenol" ("*Primary Care Trust*") yw Ymddiriedolaeth Gofal Sylfaenol a sefydlwyd o dan adran 16A o'r Ddeddf(**2**);";

(c) yn y man priodol yn nhrefn yr wyddor mewnosoder-

"mae i "claf cymwys" ("*qualifying patient*") yr ystyr a roddir iddo gan reoliad 9A(3);";

Diwygio rheoliad 3 o'r Prif Reoliadau

3.-(1) Diwygir rheoliad 3 o'r prif Reoliadau fel a ganlyn.

(2) Yn lle is-baragraff (1)(b) rhodder yr is-baragraff a ganlyn-

"(b) pan fo'r claf yn cyflwyno presgripsiwn cyfatebol-

(i) mewn achosion pan fo'r claf yn glaf cymwys sydd hefyd yn cyflwyno cerdyn hawl dilys-

(aa) am eitem hosan elastig ffi o £3.00, hynny yw ffi o £6.00 y pâr,

(**1**) O.S.2001/1358 (Cy.86). Mae O.S.2001/2359 (Cy.196), O.S.2004/1018 (Cy.115) ac O.S. 2004/1605 (Cy.164), O.S.2005/427 (Cy.44) ac O.S. 2005/1915 (Cy.158) yn offerynnau diwygio perthnasol.

(**2**) Mewnosodwyd adran 16A yn Neddf y Gwasanaeth Iechyd Gwladol 1977 gan Ddeddf Iechyd 1999 (p.8), adran 2(1).

Title, commencement, application and interpretation

1.-(1) The title of these Regulations is the National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) (No.2) Regulations 2006 and they come into force on 1 August 2006.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations "the principal Regulations" ("*y prif Reoliadau*") means the National Health Service (Charges for Drugs and Appliances) (Wales) (Regulations) 2001(**1**).

Amendment of regulation 2 of the principal Regulations

2.In regulation 2 of the principal Regulations (interpretation)-

(a) in the appropriate place in the alphabetical order insert-

""entitlement card" ("*cerdyn hawl*") has the meaning assigned to it by regulation 9A(1);";

(b) in the appropriate place in the alphabetical order insert-

""Primary Care Trust" ("*Ymddiriedolaeth Gofal Sylfaenol*") means a Primary Care Trust established under section 16A of the Act(**2**);";

(c) in the appropriate place in the alphabetical order insert-

""qualifying patient" ("*claf cymwys*") has the meaning assigned to it by regulation 9A(3);".

Amendment of regulation 3 of the principal Regulations

3.-(1) Regulation 3 of the principal Regulations is amended as follows.

(2) For sub-paragraph (1)(b) substitute the following sub-paragraph-

"(b) where the patient presents an equivalent prescription form-

(i) in cases where the patient is a qualifying patient who also presents a valid entitlement card-

(aa) in respect of an item of elastic hosiery a charge of £3.00, that is to say a charge of £6.00 per pair,

(**1**) S.I.2001/1358 (W.86). Relevant amending instruments are S.I.2001/2359 (W.196), S.I.2004/1018 (W.115) and 2004/1605 (W.164), S.I.2005/427 (W.44) and 2005/1915 (W.158).

(**2**) Section 16A was inserted into the National Health Service Act 1977 by the Health Act 1999 (c.8), section 2(1).

(bb) am gyflenwi pob cyfarpar arall ac am bob swm o gyffur, ffi o £3.00;

(ii) ym mhob achos arall-

(aa) am eitem hosan elastig y ffi yw'r hyn a bennir yn rheoliad 3(1)(a) o Reoliadau Ffioedd 2000,

(bb) am gyflenwi pob cyfarpar arall ac am bob swm o gyffur, y ffi a bennir yn rheoliad 3(1)(b) o Reoliadau Ffioedd 2000.".

(3) Yn lle is-baragraff (3)(b) rhodder yr is-baragraff a ganlyn-

"(b) am bob swp-ddyroddiad cyfatebol-

(i) mewn achosion pan fo'r claf yn glaf cymwys sydd hefyd yn cyflwyno cerdyn hawl dilys-

(aa) am eitem hosan elastig ffi o £3.00, hynny yw ffi o £6.00 y pâr,

(bb) am gyflenwi pob cyfarpar arall ac am bob swm o gyffur, ffi o £3.00;

(ii) ym mhob achos arall-

(aa) am eitem hosan elastig y ffi yw'r hyn a bennir yn rheoliad 3(1A)(b)(i) o Reoliadau Ffioedd 2000,

(bb) am gyflenwi pob cyfarpar arall ac am bob swm o gyffur, y ffi a bennir yn rheoliad 3(1A)(b)(ii) o Reoliadau Ffioedd 2000.".

(4) Yn lle is-baragraff (5)(b) rhodder yr is-baragraff a ganlyn-

"(b) os cyflenwir cyffur a orchmynnir ar ffurflen bresgripsiwn gyfatebol sengl fesul cyfrannau-

(i) pan fo'r claf yn glaf cymwys sydd hefyd yn cyflwyno cerdyn hawl dilys, rhaid i'r ffi o £3.00 sydd i'w thalu am y cyffur hwnnw gael ei thalu pan gyflenwir y gyfran gyntaf,

(ii) ym mhob achos arall, mae'n rhaid i'r ffi a bennir yn rheoliad 3(4) o Reoliadau Ffioedd 2000 gael ei thalu pan gyflenwir y gyfran gyntaf.".

(bb) in respect of the supply of each other appliance and of each quantity of a drug, a charge of £3.00;

(ii) in all other cases-

(aa) in respect of an item of elastic hosiery the charge that is specified in regulation 3(1)(a) of the Charges Regulations 2000,

(bb) in respect of the supply of each other appliance and each quantity of a drug, the charge that is specified in regulation 3(1)(b) of the Charges Regulations 2000.".

(3) For sub-paragraph (3)(b) substitute the following sub-paragraph-

"(b) in respect of each equivalent batch issue-

(i) where the patient is a qualifying patient who also presents a valid entitlement card-

(aa) in respect of an item of elastic hosiery a charge of £3.00, that is to say a charge of £6.00 per pair,

(bb) in respect of the supply of each other appliance and of each quantity of a drug, a charge of £3.00;

(ii) in all other cases-

(aa) in respect of an item of elastic hosiery, the charge specified in regulation 3(1A)(b)(i) of the Charges Regulations 2000,

(bb) in respect of the supply of each other appliance and of each quantity of a drug, the charge that is specified in regulation 3(1A)(b)(ii) of the Charges Regulations 2000.".

(4) For sub-paragraph (5)(b) substitute the following sub-paragraph-

"(b) where a drug ordered on a single equivalent prescription is supplied by instalments-

(i) where the patient is a qualifying patient who also presents a valid entitlement card, the charge of £3.00 payable for that drug must be paid upon the supply of the first instalment,

(ii) in all other cases, the charge specified in regulation 3(4) of the Charges Regulations 2000 must be paid upon the supply of the first instalment.".

Diwygio rheoliad 8 o'r prif Reoliadau

4. Yn lle is-baragraff (1)(c) o reoliad 8 rhodder yr is-baragraff a ganlyn-

"(c) person sydd dan 25 mlwydd oed ac sydd-

(i) yn cyflwyno ffurflen bresgripsiwn Gymreig, neu

(ii) yn cyflwyno swp-ddyroddiad sy'n ymwneud â phresgripsiwn amlroddadwy Cymreig, neu

(iii) yn glaf cymwys sy'n cyflwyno ffurflen bresgripsiwn gyfatebol a cherdyn hawl dilys, neu

(iv) yn glaf cymwys sy'n cyflwyno swp-ddyroddiad cyfatebol sy'n ymwneud â phresgripsiwn amlroddadwy cyfatebol a cherdyn hawl dilys;".

Mewnosod rheoliad 9A yn y prif Reoliadau

5. Ar ôl rheoliad 9 mewnosoder y rheoliad a ganlyn-

"Cardiau hawl

9A.-(1) Bydd Bwrdd Iechyd Lleol, pan fydd wedi ei fodloni bod person yn glaf cymwys, yn dyroddi cerdyn (y cyfeirir ato yn y rheoliadau hyn fel "cerdyn hawl") i'r person hwnnw fydd yn ddilys dros gyfnod a bennir gan y Bwrdd Iechyd Lleol.

(2) Mae cerdyn hawl a ddyroddir yn rhoi i'r claf cymwys y rhoddir ef iddo-

(a) hawl i dalu'r ffioedd am gyflenwi cyffuriau a chyfarpar yn ôl y gyfradd a bennir ym mharagraffau (1)(b)(i), (3)(b)(i) a (5)(b)(i) o reoliad 3; a

(b) i'r cleifion cymwys hynny sydd o dan 25 mlwydd oed, hawl i hawlio'r eithriad rhag y ffi a bennir ym mharagraffau (1)(c)(iii) a (iv) o reoliad 8

(3) At ddibenion y Rheoliadau hyn ystyr "claf cymwys" yw person-

(a) sydd yn preswylio yng Nghymru; a

(b) sydd yn derbyn gwasanaethau o dan Ran 1 o'r Ddeddf gan ddarparydd sydd wedi contractio gydag Ymddiriedolaeth Gofal Sylfaenol i ddarparu gwasanaethau o'r fath; ac

mae'n cynnwys person sy'n gweithredu ar ran person o'r fath.".

Amendment of regulation 8 of the principal Regulations

4. For sub-paragraph (1)(c) of regulation 8 substitute the following sub-paragraph-

"(c) a person who is under 25 years of age and who-

(i) presents a Welsh prescription form, or

(ii) presents a batch issue relating to a Welsh repeatable prescription, or

(iii) is a qualifying patient who presents an equivalent prescription form and a valid entitlement card, or

(iv) is a qualifying patient who presents an equivalent batch issue relating to an equivalent repeatable prescription and a valid entitlement card;".

Insertion of regulation 9A into the principal Regulations

5. After regulation 9 insert the following regulation-

"Entitlement cards

9A.-(1) A Local Health Board, on being satisfied that a person is a qualifying patient, will issue to that person a card (in these Regulations referred to as an "entitlement card") which will be valid for such period as the Local Health Board may determine.

(2) An entitlement card which is issued confers on the qualifying patient to whom it is granted-

(a) an entitlement to pay the charges in respect of the supply of drugs and appliances at the rate specified in paragraphs (1)(b)(i), (3)(b)(i) and (5)(b)(i) of regulation 3; and

(b) for those qualifying patients who are under 25 years of age, an entitlement to claim the exemption from charge specified in paragraphs (1)(c)(iii) and (iv) of regulation 8

(3) For the purposes of these Regulations "a qualifying patient" means a person who-

(a) is resident in Wales; and

(b) receives primary medical services under Part 1 of the Act from a provider who is contracted to provide such services with a Primary Care Trust; and

includes a person acting on behalf of such a person.".

Llofnodwyd ar ran y Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**1**)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**1**)

4 Gorffennaf 2006

4 July 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) 1998 p.38

(**1**) 1998 c.38

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2006 Rhif 1792 (Cy.188)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) (Rhif 2) 2006

STATUTORY INSTRUMENTS

2006 No. 1792 (W.188)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) (No.2) Regulations 2006

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