OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1175 (Cy.102)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd) (Diwygiadau Ynghylch Ffliw Pandemig) (Cymru) 2009

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio rheoliadau ynghylch codi ffioedd ac adennill ffioedd ynglŷn â chyflenwi cyffuriau a darparu triniaeth fel rhan o'r gwasanaeth iechyd yng Nghymru, er mwyn galluogi darparu triniaeth ynglŷn â ffliw pandemig heb godi ffi.

Mae rheoliad 2 yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007, i ddarparu yn ychwanegol at yr amgylchiadau presennol y mae cyffuriau i'w darparu'n ddi-dâl, na chaniateir codi ffi ynghylch cyffuriau pan gyflenwir y cyfryw gyffuriau pan fo clefyd pandemig (megis ffliw pandemig), sy'n ymddangos yn risg difrifol i iechyd dynol neu sy'n ymddangos yn bosibl i fod yn risg difrifol i iechyd dynol (neu pan ragwelir bod clefyd o'r fath ar ddigwydd) a bod cyflenwad o'r cyffuriau yn unol â phrotocol sy'n ymwneud â'r clefyd hwnnw fel y darperir ar ei gyfer yn erthygl 12F o Orchymyn Meddyginiaethau Presgripsiwn yn Unig (Defnydd Dynol) 1997 neu erthygl 8 o Orchymyn Meddyginiaethau (Gwerthiant Fferyllfeydd a Gwerthiant Cyffredinol-Esemptiad) 1980.

Mae rheoliad 3 yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd i Ymwelwyr Tramor) 1989 ("Rheoliadau 1989"), sy'n darparu ar gyfer codi ffioedd ynghylch darparu triniaeth benodol gan y Gwasanaeth Iechyd Gwladol i bersonau nad ydynt fel arfer yn preswylio yn y Deyrnas Unedig ("ymwelwyr tramor"). Mae rheoliad 3(c) o Reoliadau

WELSH STATUTORY INSTRUMENTS

2009 No. 1175 (W.102)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Charges) (Amendments Relating to Pandemic Influenza) (Wales) Regulations 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulations relating to the making and recovery of charges in relation to the supply of drugs and the provision of treatment as part of the health service in Wales, so as to enable the provision of treatment in relation to pandemic influenza without charge.

Regulation 2 amends the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) Regulations 2007, to provide that in addition to the existing circumstances under which drugs are to be provided free of charge, no charge may be made in relation to drugs supplied when there is a pandemic disease (such as pandemic influenza), which poses a serious risk, or potentially poses a serious risk, to human health (or such a disease is anticipated imminently) and the supply of the drugs is in accordance with a protocol relating to that disease as provided for in article 12F of the Prescription Only Medicines (Human Use) Order 1997 or article 8 of the Medicines (Pharmacy and General Sale-Exemption) Order 1980.

Regulation 3 amends the National Health Service (Charges to Overseas Visitors) Regulations 1989 ("the 1989 Regulations"), which make provision for charges in respect of the provision of certain NHS treatment to persons not ordinarily resident in the United Kingdom ("overseas visitors"). Regulation 3(c) of the 1989 Regulations provides that no charge shall be made in

1989 yn darparu na cheir codi unrhyw ffi ynglŷn â gwasanaethau sy'n ffurfio rhan o'r gwasanaeth iechyd a ddarperir i ymwelydd tramor ar gyfer triniaeth sy'n ymwneud â chlefyd a restrir yn Atodlen 1 i Reoliadau 1989. Mae rheoliad 3 o'r Rheoliadau hyn yn diwygio'r Atodlen honno i fewnosod cofnod am ffliw pandemig. Yr effaith fydd na chodir ffi ar ymwelydd tramor sy'n cael ei drin mewn ysbyty am ffliw pandemig am unrhyw driniaeth gan y Gwasanaeth Iechyd Gwladol sy'n ymwneud â'r cyflwr hwnnw.

Nid oes asesiad effaith rheoleiddiol llawn wedi'i lunio ar gyfer yr offeryn hwn gan nad yw'n effeithio o gwbl ar y sector preifat na'r sector gwirfoddol.

respect of services forming part of the health service that are provided for an overseas visitor for treatment in respect of a disease listed in Schedule 1 to the 1989 Regulations. Regulation 3 of these Regulations amends that Schedule to insert an entry for pandemic influenza. The effect is that an overseas visitor who is being treated in a hospital for pandemic influenza will not be charged for any NHS treatment in respect of that condition.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the private and voluntary sectors.

OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1175 (Cy.102)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd) (Diwygiadau Ynghylch Ffliw Pandemig) (Cymru) 2009

Gwnaed	*7 Mai 2009*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*7 Mai 2009*
Yn dod i rym	*8 Mai 2009*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd iddynt gan adrannau 121(1), 124 a 203(9) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(**1**).

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd) (Diwygiadau Ynghylch Ffliw Pandemig) (Cymru) 2009 a deuant i rym ar 8 Mai 2009.

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

Diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007

2.—(1) Diwygier Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007(**2**) fel a ganlyn.

(2) Mewnosoder ar ôl rheoliad 7 y rheoliad canlynol:

"**7.A** (Cyflenwi cyffuriau os digwydd pandemig)

"(1) Ni chaniateir codi ffioedd na'u hadennill o dan y Rheoliadau hyn ynglŷn â chyflenwad —

(a) a wneir—

(**1**) 2006 p.42.

(**2**) O.S. 2007/121 (Cy.11).

WELSH STATUTORY INSTRUMENTS

2009 No. 1175 (W.102)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Charges) (Amendments Relating to Pandemic Influenza) (Wales) Regulations 2009

Made	*7 May 2009*
Laid before the National Assembly for Wales	*7 May 2009*
Coming into force	*8 May 2009*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 121(1), 124 and 203(9) of the National Health Service (Wales) Act 2006(**1**).

Citation, commencement and application

1.—(1) The title of these Regulations is the National Health Service (Charges) (Amendments Relating to Pandemic Influenza) (Wales) Regulations 2009 and they come into force on 8 May 2009.

(2) These Regulations apply in relation to Wales.

Amendment of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007

2.—(1) The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007(**2**) are amended as follows.

(2) There is inserted after regulation 7 the following regulation:

"**7A**. (Supply of drugs in the event of a pandemic)

"(1) No charges may be made or recovered under these Regulations in respect of a supply of drugs which is—

(a) made—

(**1**) 2006 c.42.

(**2**) S.I. 2007/121 (W.11).

(i) tra bydd clefyd yn bandemig, neu

(ii) wrth rag-weld bod clefyd ar ddigwydd yn bandemig

ac yn risg i iechyd dynol neu gyda'r posibilrwydd o fod yn risg i iechyd dynol; a

(b) sydd yn unol â phrotocol sy'n ymwneud â'r clefyd hwnnw fel y darperir ar ei gyfer yn erthygl 12F o Orchymyn Meddyginiaethau Presgripsiwn yn Unig (Defnydd Dynol) 1997(**1**) neu erthygl 8 o Orchymyn Meddyginiaethau (Gwerthu gan Fferyllfeydd ac yn Gyffredinol - Esemptiad) 1980(**2**).".

(i) while a disease is pandemic, or

(ii) in anticipation of a disease being imminently pandemic,

and is a serious risk, or potentially a serious risk, to human health; and

(b) in accordance with a protocol relating to that disease as provided for in article 12F of the Prescription Only Medicines (Human Use) Order 1997(**1**) or article 8 of the Medicines (Pharmacy and General Sale-Exemption) Order 1980(**2**).".

Diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd i Ymwelwyr Tramor) 1989

3. Yn Atodlen 1 i Reoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd i Ymwelwyr Tramor 1989(**3**), yn Rhan IV (clefydau eraill), ar ôl "Severe Acute Respiratory Syndrome" mewnosoder y cofnod canlynol—

"Pandemic influenza (influenza caused by a new virus subtype that has an increased and sustained transmission during a global outbreak of influenza).".

Amendment of the National Health Service (Charges to Overseas Visitors) Regulations 1989

3. In Schedule 1 to the National Health Service (Charges to Overseas Visitors) Regulations 1989(**3**), in Part IV (other diseases), after "Severe Acute Respiratory Syndrome" insert the following entry—

"Pandemic influenza (influenza caused by a new virus subtype that has an increased and sustained transmission during a global outbreak of influenza).".

Edwina Hart

Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

7 Mai 2009

Minister for Health and Social Services, one of the Welsh Ministers

7 May 2009

(**1**) 1997/1830; yr offeryn diwygio perthnasol yw O.S. 2009/1165.

(**2**) 1980/1924; yr offeryn diwygio perthnasol yw O.S. 2009/1165.

(**3**) O.S. 1989/306; Mewnosodwyd Rhan IV o Atodlen 1 gan O.S. 2004/1433 (Cy.146).

(**1**) 1997/1830; relevant amending instrument is S.I. 2009/1165.

(**2**) 1980/1924; relevant amending instrument is S.I. 2009/1165.

(**3**) S.I. 1989/306; Part IV of Schedule 1 was inserted by S.I. 2004/1433 (W.146).

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