OFFERYNNAU STATUDOL CYMRU

2009 Rhif 2607 (Cy.210)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) 2009

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio ymhellach Reoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007 ("y prif Reoliadau").

Yr oedd y prif Reoliadau'n dileu ffioedd o ran cyffuriau a chyfarpar a gyflenwir i gleifion sydd wedi'u cofrestru gydag Ymarferwyr Cyffredinol yng Nghymru, neu wedi'u cofrestru gydag Ymarferwyr Cyffredinol yn Lloegr ac sydd yn dal cardiau hawl dilys. Maent hefyd yn gwneud darpariaeth ar gyfer codi a chasglu ffioedd mewn amgylchiadau rhagnodedig.

Er gwaethaf y ddarpariaeth yn y prif Reoliadau, mae'r Rheoliadau hyn yn ehangu rhestr y cyflyrau meddygol sy'n rhoi hawl i glaf wneud cais am dystysgrif sy'n rhoi esemptiad i'r claf hwnnw o'r gofyniad i dalu ffi am y ddarpariaeth o gyffuriau a chyfarpar a gyflenwir o dan y Gwasanaeth Iechyd Gwladol i gynnwys cancr, effeithiau cancr ac effeithiau triniaeth am gancr.

Mae tystysgrif esemptiad a ddyroddir yn unol â'r diwygiadau a wnaed i'r prif Reoliadau gan reoliadau 3 a 4 yn rhoi hawl i'r claf gael esemptiad o unrhyw ofyniad i dalu ffioedd am gyffuriau a chyfarpar a allai fod yn daladwy fel arall yn unol â Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau ac Offer) 2000 ("y Rheoliadau Ffioedd am Gyffuriau ac Offer").

WELSH STATUTORY INSTRUMENTS

2009 No. 2607 (W.210)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007 ("the principal Regulations").

The principal Regulations abolished charges in respect of drugs and appliances supplied to patients registered with GPs in Wales, or registered with GPs in England and who hold a valid entitlement card. They also make provision for the payment of the making and recovery of charges in prescribed circumstances.

Notwithstanding the provision in the principal Regulations, these Regulations broaden the list of medical conditions which entitle a patient to apply for a certificate which exempts that patient from the requirement to pay a charge for the provision of drugs and appliances supplied under the National Health Service to include cancer, the effects of cancer and the effects of cancer treatment.

A certificate of exemption issued in accordance with the amendments made to the principal Regulations by regulations 3 and 4 entitles the patient to exemption from any requirement to pay charges for drugs and appliances which might otherwise be payable in accordance with the National Health Service (Charges for Drugs and Appliances) Regulations 2000 ("the Charges for Drugs and Appliances Regulations").

Maent hefyd yn gwneud darpariaeth fel y gall cleifion sydd yn preswylio yng Nghymru ac wedi'u cofrestru gydag Ymarferydd Cyffredinol sydd wedi ei gontractio gan Fwrdd Iechyd Lleol i gyflenwi gwasanaethau o'r fath i geisio ad-daliad o ffioedd am gyffuriau a chyfarpar a dalwyd yn unol â'r Rheoliadau Ffioedd am Gyffuriau ac Offer.

They also make provision for the ability of patients who are resident in Wales and registered with a GP who is contracted with a Local Health Board to supply such services to seek reimbursement of charges for drugs and appliances paid in accordance with the Charges for Drugs and Appliances Regulations.

OFFERYNNAU STATUDOL CYMRU

2009 Rhif 2607 (Cy.210)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) 2009

Gwnaed	*24 Medi 2009*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*28 Medi 2009*
Yn dod i rym	*20 Hydref 2009*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 121, 130, 132 a 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(**1**), drwy hyn yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) 2009 a deuant i rym ar 20 Hydref 2009.

(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 (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007(**2**).

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

(**2**) O.S. 2007/121 (Cy.11), yr offeryn diwygio perthnasol yw O.S. 2009/1175 (Cy.102).

WELSH STATUTORY INSTRUMENTS

2009 No. 2607 (W.210)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2009

Made	*24 September 2009*
Laid before the National Assembly for Wales	*28 September 2009*
Coming into force	*20 October 2009*

The Welsh Ministers, in exercise of the powers conferred by sections 121, 130, 132 and 203(9) and (10) of the National Health Service (Wales) Act 2006(**1**), hereby make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2009 and they come into force on 20 October 2009.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations—

"the principal Regulations" ("*y prif Reoliadau*") means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007(**2**).

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

(**2**) S.I. 2007/121 (W.11), the relevant amending instrument is S.I. 2009/1175 (W.102).

Diwygio rheoliad 2 o'r prif Reoliadau

2. Yn rheoliad 2 o'r prif Reoliadau (dehongli) mewnosoder yn y man priodol yn ôl trefn yr wyddor—

"ystyr "Deddf 2006" ("*the 2006 Act*") yw Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(**1**);".

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (interpretation) insert in the appropriate place in the alphabetical order—

""the 2006 Act" ("*Deddf 2006*") means the National Health Service (Wales) Act 2006(**1**);".

Diwygio rheoliad 3 o'r prif Reoliadau

3.—(1) Mae rheoliad 3 o'r prif Reoliadau (cyflenwi cyffuriau a chyfarpar gan fferyllwyr) yn cael ei ddiwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn lle paragraff (10) rhodder y canlynol—

"(10) Rhaid i fferyllydd sy'n codi ac yn casglu ffi—

(a) o dan baragraff (2) oddi wrth neu ar ran claf sy'n berson a ddisgrifir yn rheoliad 11A(1), os gofynnir iddo gan y claf neu gan gynrychiolydd y claf, ddarparu derbynneb am y swm a gafwyd yn y ffurf a gymeradwywyd gan Weinidogion Cymru;

(b) o dan baragraff (2) neu (5) oddi wrth neu ar ran claf nad yw'n berson a ddisgrifir yn rheoliad 11A(1), os gofynnir iddo gan y claf neu gan gynrychiolydd y claf, ddarparu derbynneb am y swm a gafwyd ar y ffurflen a ddarparwyd at y diben a rhaid i'r ffurflen honno gynnwys ffurfiau o ddatganiad yn cefnogi cais ar gyfer ad-daliad a gwybodaeth o ran i bwy y dylai cais am ad-daliad gael ei wneud.".

Amendment of regulation 3 of the principal Regulations

3.—(1) Regulation 3 of the principal Regulations (supply of drugs and appliances by chemists) is amended in accordance with the following provisions of this regulation.

(2) For paragraph (10), substitute the following—

"(10) A chemist who makes and recovers a charge—

(a) under paragraph (2) from or on behalf of a patient who is a person described in regulation 11A(1) must, if so required by the patient or the patient's representative, provide a receipt for the amount received in the form approved by the Welsh Ministers;

(b) under paragraph (2) or (5) from or on behalf of a patient who is not a person described in regulation 11A (1) must, if so required by the patient or the patient's representative, provide a receipt for the amount received on the form provided for the purpose, which form must contain forms of declaration in support of an application for repayment and information as to whom an application for repayment should be made.".

Diwygio rheoliad 4 o'r prif Reoliadau

4.—(1) Mae rheoliad 4 o'r prif Reoliadau (cyflenwi cyffuriau a chyfarpar gan feddygon) yn cael ei ddiwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn lle paragraff (7) rhodder y canlynol—

"(7) Rhaid i feddyg sy'n codi ac yn casglu ffi o dan baragraff (2)—

(a) oddi wrth neu ar ran claf sy'n berson a ddisgrifir yn rheoliad 11A(1), os gofynnir iddo gan y claf neu gan gynrychiolydd y claf, ddarparu derbynneb am y swm a gafwyd yn y ffurf a gymeradwywyd gan Weinidogion Cymru;

Amendment of regulation 4 of the principal Regulations

4.—(1) Regulation 4 of the principal Regulations (supply of drugs and appliances by doctors) is amended in accordance with the following provisions of this regulation.

(2) For paragraph (7), substitute the following—

"(7) A doctor who makes and recovers a charge under paragraph (2)—

(a) from or on behalf of a patient who is a person described in regulation 11A(1) must, if so required by the patient or the patient's representative, provide a receipt for the amount received in the form approved by the Welsh Ministers;

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

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

(b) oddi wrth neu ar ran claf nad yw'n berson a ddisgrifir yn rheoliad 11A(1), os gofynnir iddo gan y claf neu gan gynrychiolydd y claf, ddarparu derbynneb am y swm a gafwyd ar y ffurflen a ddarparwyd at y diben a rhaid i'r ffurflen honno gynnwys ffurfiau o ddatganiad yn cefnogi cais ar gyfer ad-daliad a gwybodaeth o ran i bwy y dylai cais am ad-daliad gael ei wneud.".

(b) from or on behalf of a patient who is not a person described in regulation 11A(1) must, if so required by the patient or the patient's representative, provide a receipt for the amount received on the form provided for the purpose, which form must contain forms of declaration in support of an application for repayment and information as to whom an application for repayment should be made.".

Diwygio rheoliad 8 o'r prif Reoliadau

5. Yn rheoliad 8 o'r prif Reoliadau (esemptiadau), ar ôl paragraff (1)(d) mewnosoder y canlynol—

"(da) person sydd â thystysgrif esemptio ddilys a ddyroddwyd gan Fwrdd Iechyd Lleol ar y sail bod y person yn cael triniaeth am—

(i) cancr;

(ii) effeithiau cancr, neu

(iii) effeithiau triniaeth am gancr,

pan ddefnyddir y dystysgrif ynghylch cyffuriau neu gyfarpar a gyflenwir ar neu ar ôl 1 Tachwedd 2009.

(db) person sydd â thystysgrif esemptio ddilys a ddyroddwyd ar unrhyw un o'r seiliau yn is-baragraff (da) o dan drefniadau cyfatebol sy'n cael effaith yn Lloegr, yr Alban neu Ogledd Iwerddon pan ddefnyddir y dystysgrif ynghylch cyffuriau neu gyfarpar a gyflenwir ar neu ar ôl 1 Tachwedd 2009.".

Amendment of regulation 8 of the principal Regulations

5. In regulation 8 of the principal Regulations (exemptions), after paragraph (1)(e) insert the following—

"(ea) a person with a valid exemption certificate issued by a Local Health Board on the ground that the person is undergoing treatment for—

(i) cancer;

(ii) the effects of cancer, or

(iii) the effects of cancer treatment,

where the certificate is used in respect of drugs or appliances which are supplied on or after 1 November 2009.

(eb) a person with a valid exemption certificate issued on any of the grounds in sub-paragraph (ea) under equivalent arrangements which have effect in England, Scotland or Northern Ireland where the certificate is used in respect of drugs or appliances which are supplied on or after 1 November 2009.".

Diwygio rheoliad 9 o'r prif Reoliadau

6.—(1) Mae rheoliad 9 o'r prif Reoliadau (tystysgrifau esemptio - gwneud cais amdanynt a'u rhoi) yn cael ei ddiwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Ym mharagraff (1)—

(a) ar ôl is-baragraff (c), mewnosoder y canlynol—

" ;

(ch) ei fod yn berson sy'n cael triniaeth fel a bennir yn rheoliad 8(1)(da)"; a

(b) yn lle'r geiriau "o dan is-baragraff (a) neu (b)", rhodder "o dan is-baragraff (a), (b) neu (ch)".

(3) Ym mharagraff (3) yn lle'r geiriau "o dan baragraff (1)(b)", rhodder "o dan baragraff (1)(b) neu (1)(ch)".

Amendment of regulation 9 of the principal Regulations

6.—(1) Regulation 9 of the principal Regulations (certificates of exemption - application and issue) is amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)—

(a) after sub-paragraph (c), insert the following—

" ;

(d) he or she is a person undergoing treatment as specified in regulation 8(1)(ea)"; and

(b) for the words "under sub-paragraph (a) or (b)", substitute "under sub-paragraph (a), (b) or (d)".

(3) In paragraph (3) for the words "under paragraph (1)(b)", substitute "under paragraph (1)(b) or (1)(d)".

Mewnosod rheoliad 11A yn y prif Reoliadau

7.—(1) Ar ôl rheoliad 11 (cardiau hawl) mewnosoder y canlynol—

"**Ad-dalu ffioedd penodol a dalwyd o dan Reoliadau Ffioedd 2000**

11A.—(1) Os cafodd ffi ei thalu o dan Reoliadau Ffioedd 2000, boed yn unol â'r Rheoliadau hyn ai peidio, gan neu ar ran person sydd, ar yr adeg pan dalwyd y ffi, yn berson—

(a) sy'n preswylio yng Nghymru; a

(b) sy'n derbyn gwasanaethau meddygol sylfaenol o dan Ran 4 o Ddeddf 2006 gan ddarparydd a gontractiwyd i ddarparu gwasanaethau o'r fath gyda Bwrdd Iechyd Lleol,

caniateir i gais am ad-dalu'r ffi honno gael ei wneud yn unol â pharagraff (2).

(2) Rhaid i gais am ad-daliad a wneir gan neu ar ran person a ddisgrifir ym mharagraff (1)—

(a) cael ei wneud yn y cyfryw ffurf a dull ag y caiff Gweinidogion Cymru eu penderfynu;

(b) cael ei wneud o fewn 3 mis o'r dyddiad y talwyd y ffi, neu o fewn y cyfryw gyfnod y caiff Gweinidogion Cymru, am reswm da, ei ganiatáu; ac

(c) cael derbynneb gydag ef am y ffi a dalwyd a datganiad fod y person, ar yr adeg y talwyd y ffi, yn berson a ddisgrifir ym mharagraff (1).".

Insertion of regulation 11A into the principal Regulations

7.—(1) After regulation 11 (entitlement cards) insert the following—

"**Repayment of certain charges paid under the Charges Regulations 2000**

11A.—(1) Where a charge has been paid under the Charges Regulations 2000, whether or not in accordance with these Regulations, by or on behalf of a person who is, at the time the charge was paid, a person who—

(a) is resident in Wales; and

(b) receives primary medical services under Part 4 of the 2006 Act from a provider who is contracted to provide such services with a Local Health Board,

an application for the repayment of that charge may be made in accordance with paragraph (2).

(2) An application for repayment made by or on behalf of a person described in paragraph (1) must—

(a) be made in such form and manner as the Welsh Ministers may determine;

(b) be made within 3 months from the date on which the charge was paid, or within such period as the Welsh Ministers may, for good cause, allow; and

(c) be accompanied by the receipt for the charge paid and a declaration that the person was, at the time the charge was paid, a person described in paragraph (1).".

Edwina Hart

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

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

24 Medi 2009

24 September 2009

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2009 Rhif 2607 (Cy.210)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) (Diwygio) 2009

2009 No. 2607 (W.210)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2009

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