
OFFERYNNAU STATUDOL CYMRU

2010 Rhif 1648 (Cy.156)

Y GWASANAETH IECHYD GWLADOL, CYMRU

**Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau
Fferyllol) (Diwygio) (Cymru) (Rhif 2) 2010**

<i>Gwnaed</i>	- - - -	<i>21 Mehefin 2010</i>
<i>Gosodwyd gerbron Cynulliad</i>		
<i>Cenedlaethol Cymru</i>	- -	<i>23 Mehefin 2010</i>
<i>Yn dod i rym</i>	- -	<i>14 Gorffennaf 2010</i>

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 80, 83, 86, 121 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 (Gwasanaethau Fferyllol) (Diwygio) (Cymru) (Rhif 2) 2010 a deuant i rym ar 14 Gorffennaf 2010.

(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 (Gwasanaethau Fferyllol) 1992(2).

Diwygio rheoliad 2 o'r prif Reoliadau

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

(a) yn y diffiniad o “terms of service”—

(i) yn is-baragraff (b) ar ôl y geiriau “Schedule 2” hepgorer “.” a mewnosoder “, and”, a

(ii) mewnosoder fel is-baragraff (c) y geiriau “in relation to suppliers of appliances, in Schedule 2A.”; a

(b) ym mharagraff (1C) ar ôl y geiriau “where these words occur” mewnosoder “except in the definition of “equivalent body””.

(1) 2006 p.42.

(2) O.S. 1992/662. Offerynnau diwygio perthnasol yw O.S. 2007/205 (Cy.19), O.S. 2009/1491 (Cy.144) ac O.S. 2010/868 (Cy.90).

Diwygiadau i Atodlen 2 i'r prif Reoliadau

3.—(1) Diwygir Atodlen 2 i'r prif Reoliadau yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Ym mharagraff 10A (gofynion ychwanegol mewn perthynas â chyfarpar penodedig), yn is-baragraff (6)(a) yn lle “25(A)(1)” rhodder “24A(1)”.

(3) Ym mharagraff 24A, o flaen y geiriau “24A” mewnosoder fel teitl y paragraff “Temporary opening hours and closures during an emergency requiring the flexible provision of pharmaceutical services”.

Diwygiadau i Atodlen 2A i'r prif Reoliadau

4.—(1) Diwygir Atodlen 2A i'r prif Reoliadau yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Ym mharagraff 6 (materion cychwynnol cyn darparu cyfarpar)—

(a) yn lle is-baragraff (3)(a) rhodder—

“(a) the supplier of appliances must ask any person who makes a declaration that the person named on the prescription form or repeatable prescription does not have to pay the charges specified in regulation 3 of the Charges Regulations by virtue of either—

- (i) entitlement to exemption under regulation 8 of the Charges Regulations, or
- (ii) entitlement to remission of charges under regulation 5 of the Remission of Charges Regulations,

to produce satisfactory evidence of such entitlement unless the declaration is in respect of entitlement to exemption by virtue of regulation 8 of the Charges Regulations or in respect of entitlement to remission by virtue of regulation 5(1) (e) or (2) of the Remission of Charges Regulations and at the time of the declaration the supplier of appliances already has such evidence available to him;” a

(b) yn lle is-baragraff (3)(c) rhodder—

“(c) in the case of an electronic prescription form or an electronic repeatable prescription, the supplier of appliances must comply with any requirements of the ETP service to provide—

- (i) a record of the exemption from or remission of charges claimed and whether satisfactory evidence was produced, as referred to in sub-paragraph (a), and
- (ii) in any case where a charge is due, confirmation that the relevant charge was paid.”.

(3) Ym mharagraff 12 (oriau agor: cyffredinol)—

(a) yn is-baragraffau (1)(b) ac (c) yn lle “paragraph 4 of Schedule 2” rhodder “Part 3 of Schedule 2”; a

(b) yn is-baragraff (5) ar ôl y geiriau “obligations under sub-paragraph (1) the supplier of appliances” mewnosoder “must”.

(4) Ym mharagraff 14 (penderfyniad ar oriau agor a annogir gan y Bwrdd Iechyd Lleol)—

(a) yn is-baragraffau (3)(b) ac (c) yn lle “paragraph 4 of Schedule 2” rhodder “Part 3 of Schedule 2”; a

(b) yn is-baragraff (3)(c) yn lle “paragraph 13(1)(a)” rhodder “paragraph 12(1)(a)”.

(5) Ym mharagraff 15 (penderfyniad ar oriau agor a annogir gan gyflenwr cyfarpar)—

(a) yn is-baragraffau (4)(b) ac (c) yn lle “paragraph 4 of Schedule 2” rhodder “Part 3 of Schedule 2”; a

- (b) yn is-baragraff (4)(c) yn lle “paragraph 13(1)(a)” rhodder “paragraph 12(1)(a)”.
- (6) Ym mharagraff 18 (cymelliadau)—
- (a) yn is-baragraff (3)(a) yn lle “11(1)(4) or 12(1)(a)” rhodder “10(4) or 11(1)(b)”; a
- (b) yn is-baragraff (3)(b) yn lle “12(1)(a)” rhodder “11(1)(a)”.
- (7) Diwygir y paragraff 20 cyntaf (y ddyletswydd i ddarparu gwybodaeth ynghylch materion ffitrwydd i ymarfer: cyflenwyr cyfarpar sydd ar restrau fferyllol ar 1 Ebrill 2010) fel a ganlyn—
- (a) caiff ei rifo o'r newydd yn baragraff 19;
- (b) yn is-baragraff (1) yn lle “paragraph 22” rhodder “paragraph 21”; ac
- (c) yn is-baragraff (2) yn lle “paragraph 26” rhodder “paragraph 21”.
- (8) Diwygir paragraff 19 (y ddyletswydd i ddarparu gwybodaeth ynghylch materion ffitrwydd i ymarfer fel y maent yn codi) fel a ganlyn—
- (a) caiff ei rifo o'r newydd yn baragraff 20;
- (b) yn is-baragraff (1) yn lle “paragraph 26” rhodder “paragraph 21”; ac
- (c) yn is-baragraff (2) yn lle “paragraph 22” rhodder “paragraph 21”.
- (9) Diwygir yr ail baragraff 20 (Bwrdd Iechyd Lleol cartref cyrff corfforaethol) fel a ganlyn—
- (a) caiff ei rifo o'r newydd yn baragraff 21; a
- (b) yn lle “paragraphs 20 and 21 and 25(4)(a) and (b)” rhodder “paragraphs 19, 20 and 24(3) and (4)”.
- (10) Diwygir paragraff 21 (cwynion) fel a ganlyn—
- (a) caiff ei rifo o'r newydd yn baragraff 22; a
- (b) yn lle'r paragraff rhodder y paragraff a osodir yn yr Atodlen i'r Rheoliadau hyn.
- (11) Caiff paragraff 22 (gwasanaethau a gyfarwyddir) ei rifo o'r newydd yn baragraff 23.
- (12) Diwygir paragraff 23 (gwybodaeth sydd i'w rhoi) fel a ganlyn—
- (a) caiff ei rifo o'r newydd yn baragraff 24; a
- (b) yn is-baragraffau (3) a (5) yn lle “sub-paragraph (9)” rhodder “sub-paragraph (7)”.
- (13) Caiff paragraff 24 (tynnu'n ôl o restrau fferyllol) ei rifo o'r newydd yn baragraff 25.
- (14) Caiff paragraff 25 (taliadau am gyfarpar) ei rifo o'r newydd yn baragraff 26.
- (15) Caiff paragraff 26 (arolygiadau a chael at wybodaeth) ei rifo o'r newydd yn baragraff 27.

Diwygiadau i Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2010

5.—(1) Diwygir rheoliad 16 (trefniant trosiannol) o Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2010(3) yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Ym mharagraff (3), yn lle “Chyfarwyddiadau Gwasanaethau Fferyllol (Cymru) 2010” rhodder “Chyfarwyddiadau Gwasanaethau Fferyllol (Gwasanaethau Uwch) (Cyfarpar) (Cymru) 2010”(4).

(3) Yn lle paragraff (5) o'r testun Saesneg rhodder—

“(5) In this regulation—

(a) “the terms of service” (“*telerau gwasanaethu*”)—

(3) [O.S. 2010/868 \(Cy.90\)](#).

(4) Ar gael ar wefan Llywodraeth Cynulliad Cymru: www.cymru.gov.uk/legislation/?lang=cy.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

- (i) in relation to a pharmacist, means the terms of service set out in Schedule 2 to the principal Regulations;
 - (ii) in relation to a supplier of appliances, means the terms of service set out in Schedule 2A to the principal Regulations; and
 - (b) “transitional period” (“*cyfnod trosiannol*”) means the nine month period that ends at the end of 31 December 2010.”.
- (4) Ym mharagraff (5)(b) o'r testun Cymraeg ar ôl y geiriau ““*cyfnod trosiannol*”” mewnosoder “(“*transitional period*”)”.

21 Mehefin 2010

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YR ATODLEN

Rheoliad 4(10)

Paragraff i'w roi yn lle paragraff 22 (cwynion) o Atodlen 2A i'r prif Reoliadau

“Complaints

22.—(1) A supplier of appliances must establish and operate in accordance with this paragraph a procedure (in this paragraph referred to as a “complaints procedure”) to deal with any complaints made by or on behalf of any person to whom the supplier of appliances has provided pharmaceutical services.

(2) The complaints procedure to be established by a supplier of appliances may be such that it also deals with complaints made in relation to one or more other suppliers of appliances.

(3) The complaints procedure to be established by a supplier of appliances who provides pharmaceutical services from more than one set of premises may be such that it relates to all of those premises together.

(4) A complaints procedure shall apply to complaints made in relation to any matter reasonably connected with the provision of pharmaceutical services by the supplier of appliances and within the responsibility or control of—

- (a) the supplier of appliances;
- (b) where the supplier of appliances is a body corporate, any of its directors or former directors;
- (c) a former partner of the supplier of appliances; and
- (d) any employee of the supplier of appliances,

and in this paragraph references to “complaint” means a complaint falling within this sub-paragraph.

(5) A complaint may be made on behalf of any person with his or her consent, or—

- (a) where the person is under 16 years of age—
 - (i) by either parent, or in the absence of both parents, the guardian or other adult person who has care of the child, or
 - (ii) where the person is in the care of an authority to whose care he or she has been committed under the provisions of the Children Act 1989 or in the care of a voluntary organisation, by that authority or voluntary organisation; or
- (b) where the person is incapable of making a complaint, by a relative or other adult person who has an interest in the person’s welfare.

(6) A complaint may be made as respects a person who has died by a relative or other adult person who had an interest in his or her welfare or, as respects a person to whom paragraph (a) (ii) of sub-paragraph (5) applies, by the authority or voluntary organisation.

(7) A complaints procedure shall comply with the following requirements—

- (a) the supplier of appliances must specify a person (who need not be connected with the supplier of appliances and who, in the case of an individual, may be specified by his or her job title) to be responsible for receiving and investigating all complaints;
- (b) all complaints must be—
 - (i) recorded in writing,
 - (ii) acknowledged, either orally or in writing, within the period of two days (excluding Saturdays, Sundays, Christmas Day, Good Friday and bank holidays) beginning with the day on which the complaint was received by the

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person specified under paragraph (a), or where that is not possible as soon as reasonably practicable, and

(iii) properly investigated;

- (c) within the period of 20 days (excluding Saturdays, Sundays, Christmas Day, Good Friday and bank holidays) beginning with the day on which the complaint was received by the person specified under paragraph (a), or where that is not possible as soon as reasonably practicable, the complainant must be given a written summary of the investigation and its conclusions;
- (d) where the investigation of the complaint requires consideration of any records relating to the person as respects whom the complaint is made, the person specified under paragraph (a) must inform him or her or the person acting on his or her behalf if the investigation will involve disclosure of information contained in those records to a person other than the supplier of appliances or a director, partner or employee of the supplier of appliances;
- (e) the supplier of appliances must keep a record of all complaints and copies of all correspondence relating to complaints, but such records must be kept separate from any records relating to the person by whom the complaint was made; and
- (f) a complainant must be advised of his or her right to request a review, in accordance with the Directions, where he or she is dissatisfied with the results of the investigation conducted under the complaints procedure.

(8) At each of the premises at which the supplier of appliances provides pharmaceutical services he or she must provide information about the complaints procedure and give the name (or title) and address of the person specified under paragraph (a) of sub-paragraph (7).

(9) A supplier of appliances must cooperate with any investigation of a complaint by the Local Health Board in accordance with the procedures operated by the Local Health Board under the Directions, whether or not that investigation follows one under the complaints procedure operated by the supplier of appliances.

(10) The cooperation required by sub-paragraph (9) includes—

- (a) answering questions reasonably put to the supplier of appliances by the Local Health Board;
- (b) providing any information relating to the complaint reasonably required by the Local Health Board; and
- (c) attending any meeting to consider the complaint, if held at a reasonably accessible place and at a reasonable hour and due notice has been given, if the presence of the supplier of appliances at the meeting is reasonably required by the Local Health Board.

(11) In this paragraph “the Directions” means the Directions to Local Health Boards on dealing with complaints about family health services practitioners, providers of personal medical services and providers of personal dental services other than personal dental services provided by NHS Trusts, coming into force on 1 April 2003.”.

EXPLANATORY NOTE

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

Mae'r Rheoliadau hyn yn diwygio ymhellach Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992 (O.S. 1992/662) (“y prif Reoliadau”) o ran y telerau gwasanaethu ar gyfer fferyllwyr a chyflenwyr cyfarpar ac yn gwneud mân newidiadau i'r darpariaethau trosiannol yn Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2010 (O.S. 2010/868 (Cy.90)).

Mae rheoliad 2 o'r Rheoliadau yn diwygio rheoliad 2 (dehongli) o'r prif Reoliadau i ddarparu bod ystyr “terms of service” yn cwmpasu telerau gwasanaeth cyflenwyr cyfarpar; ac i ddarparu bod cyfeiriadau at “Health Authority” yn cael eu trin fel cyfeiriadau at “Local Health Board” ac eithrio mewn perthynas â'r diffiniad o “equivalent body”.

Mae rheoliad 3 o'r Rheoliadau yn diwygio Atodlen 2 i'r prif Reoliadau sy'n gosod y telerau gwasanaeth ar gyfer fferyllwyr.

Mae rheoliad 4 o'r Rheoliadau yn diwygio Atodlen 2A i'r prif Reoliadau sy'n gosod y telerau gwasanaeth ar gyfer cyflenwyr cyfarpar.

Mae rheoliad 5 o'r Rheoliadau yn diwygio rheoliad 16 (trefniant trosiannol) o Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2010 fel ei bod yn cyfeirio'n gywir at Gyfarwyddiadau'r Gwasanaethau Fferyllol (Gwasanaethau Uwch) (Cyfarpar) (Cymru) 2010 ac i ddileu'r argraff bod y diffiniad o “transitional period” yn dod o fewn y diffiniad o “the terms of service”.