OFFERYNNAU STATUDOL CYMRU

2014 Rhif 2291 (Cy.226)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffisiotherapyddion-ragnodwyr, Podiatryddion-ragnodwyr neu Giropodyddion-ragnodwyr Annibynnol) (Diwygiadau Amrywiol) (Cymru) 2014

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004 ("Rheoliadau 2004"), Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007 ("Rheoliadau 2007") a Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Cymru) 2013 ("Rheoliadau 2013") drwy estyn y diffiniad o ragnodydd drwy fewnosod dau gategori o ragnodydd annibynnol: ffisiotherapydd-ragnodydd annibynnol; a phodiatrydd-ragnodydd neu giropodydd-ragnodydd annibynnol.

Mae'r Rheoliadau hyn hefyd yn diwygio Rheoliadau Codi Tâl am Fagiau Siopa Untro (Cymru) 2010 ("Rheoliadau 2010") drwy estyn yr esemptiad i'r gofyniad i godi tâl am fagiau siopa untro.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

WELSH STATUTORY INSTRUMENTS

2014 No. 2291 (W.226)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Physiotherapist, Podiatrist or Chiropodist Independent Prescribers) (Miscellaneous Amendments) (Wales) Regulations 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 ("the 2004 Regulations"), the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007 ("the 2007 Regulations") and the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013 ("the 2013 Regulations") by extending the definition of prescriber through the insertion of two categories of independent prescriber: physiotherapist independent prescriber; and podiatrist or chiropodist independent prescriber.

These Regulations also amend the Single Use Carrier Bags Charge (Wales) Regulations 2010 ("the 2010 Regulations") by extending the exemption from the requirement to charge for single use carrier bags.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

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Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffisiotherapyddion-ragnodwyr, Podiatryddion-ragnodwyr neu Giropodyddion-ragnodwyr Annibynnol) (Diwygiadau Amrywiol) (Cymru) 2014

Gwnaed *27 Awst 2014*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *29 Awst2014*

Yn dod i rym *24 Medi 2014*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 47, 80, 83, 86 a 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(**1**), ac adrannau 77 a 90 o Ddeddf Newid yn yr Hinsawdd 2008(**2**) a pharagraff 3 o Atodlen 6 iddi, yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffisiotherapyddion-ragnodwyr, Podiatryddion-ragnodwyr neu Giropodyddion-ragnodwyr Annibynnol) (Diwygiadau Amrywiol) (Cymru) 2014 a deuant i rym ar 24 Medi 2014.

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

Dehongli

2. Yn y Rheoliadau hyn—

ystyr "Rheoliadau 2004" ("*the 2004 Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol

(**1**) 2006 p. 42.
(**2**) 2008 p. 27.

WELSH STATUTORY INSTRUMENTS

2014 No. 2291 (W.226)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Physiotherapist, Podiatrist or Chiropodist Independent Prescribers) (Miscellaneous Amendments) (Wales) Regulations 2014

Made *27 August 2014*

Laid before the National Assembly for Wales *29 August 2014*

Coming into force *24 September 2014*

The Welsh Ministers, in exercise of the powers conferred by sections 47, 80, 83, 86 and 203(9) and (10) of the National Health Service (Wales) Act 2006(**1**), and sections 77 and 90 of, and paragraph 3 of Schedule 6 to, the Climate Change Act 2008(**2**) make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the National Health Service (Physiotherapist, Podiatrist or Chiropodist Independent Prescribers) (Miscellaneous Amendments) (Wales) Regulations 2014 and they come into force on 24 September 2014.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

"the 2004 Regulations" ("*Rheoliadau 2004*") means the National Health Service (General

(**1**) 2006 c. 42.
(**2**) 2008 c .27.

(Contractau Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004(**1**);

ystyr "Rheoliadau 2007" ("*the 2007 Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007(**2**);

ystyr "Rheoliadau 2010" ("*the 2010 Regulations*") yw Rheoliadau Codi Tâl am Fagiau Siopa Untro (Cymru) 2010(**3**); ac

ystyr "Rheoliadau 2013" ("*the 2013 Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Cymru) 2013(**4**).

Diwygio Rheoliadau 2004

3.—(1) Mae Rheoliadau 2004 wedi eu diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 2(1), yn y mannau priodol yn nhrefn yr wyddor mewnosoder y diffiniadau a ganlyn—

""physiotherapist independent prescriber" means a person—

(a) who is either engaged or employed by the contractor or is a party to the contract,

(b) who is a physiotherapist, and

(c) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a physiotherapist independent prescriber;";

""podiatrist or chiropodist independent prescriber" means a person—

(a) who is either engaged or employed by the contractor or is a party to the contract,

(b) who is a podiatrist or chiropodist, and

(c) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a podiatrist or chiropodist independent prescriber;".

(3) Yn rheoliad 2(1), yn y diffiniad o "prescriber"—

(**1**) O.S. 2004/478 (Cy. 48). Yr offeryn diwygio perthnasol yw O.S. 2007/205 (Cy. 19).
(**2**) O.S. 2007/121 (Cy. 11).
(**3**) O.S. 2010/2880 (Cy. 238).
(**4**) O.S. 2013/898 (Cy. 102).

Medical Services Contracts) (Wales) Regulations 2004(**1**);

"the 2007 Regulations" ("*Rheoliadau 2007*") means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007(**2**);

"the 2010 Regulations" ("*Rheoliadau 2010*") means the Single Use Carrier Bags Charge (Wales) Regulations 2010(**3**); and

"the 2013 Regulations" ("*Rheoliadau 2013*") means the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013(**4**).

Amendment of the 2004 Regulations

3.—(1) The 2004 Regulations are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1), in the appropriate places in the alphabetical order insert the following definitions—

""physiotherapist independent prescriber" means a person—

(a) who is either engaged or employed by the contractor or is a party to the contract,

(b) who is a physiotherapist, and

(c) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a physiotherapist independent prescriber;";

""podiatrist or chiropodist independent prescriber" means a person—

(a) who is either engaged or employed by the contractor or is a party to the contract,

(b) who is a podiatrist or chiropodist, and

(c) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a podiatrist or chiropodist independent prescriber;".

(3) In regulation 2(1), in the definition of "prescriber"—

(**1**) S.I. 2004/478 (W. 48). Relevant amending instrument is S.I. 2007/205 (W. 19).
(**2**) S.I. 2007/121 (W. 11).
(**3**) S.I. 2010/2880 (W. 238).
(**4**) S.I. 2013/898 (W. 102).

(i) ar ôl is-baragraff (d), hepgorer “and”;

(ii) ar ôl is-baragraff (e) mewnosoder—

“(f) a physiotherapist independent prescriber, and

(g) a podiatrist or chiropodist independent prescriber;”.

(4) Ym mharagraff 49(3) a (4) o Atodlen 6 (amodau sy’n berthnasol i ddarparu gwasanaethau gweinyddu) ar ôl “pharmacist independent prescriber” ym mhob man lle y mae’n digwydd mewnosoder “, a physiotherapist independent prescriber, a podiatrist or chiropodist independent prescriber”.

(5) Ym mharagraff 64(1) a (2) o Atodlen 6 (sy’n ymwneud â nyrsys sy’n rhagnodi’n annibynnol, nyrsys-ragnodwyr annibynnol, fferyllwyr-ragnodwyr annibynnol a rhagnodwyr atodol) ar ôl “pharmacist independent prescriber” ym mhob man lle y mae’n digwydd mewnosoder “, a physiotherapist independent prescriber, a podiatrist or chiropodist independent prescriber”.

(6) Ym mhennawd paragraff 64 o Atodlen 6, ar ôl “pharmacist independent prescriber” mewnosoder “, physiotherapist independent prescriber, podiatrist or chiropodist independent prescriber”.

Diwygio Rheoliadau 2007

4.—(1) Mae Rheoliadau 2007 wedi eu diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 2(1), yn y mannau priodol yn nhrefn yr wyddor mewnosoder y diffiniadau a ganlyn—

“ystyr “ffisiotherapydd-ragnodydd annibynnol” (“*physiotherapist independent prescriber*”) yw person—

(a) sy’n ffisiotherapydd, a

(b) y cofnodir yn erbyn ei enw yn y gofrestr berthnasol nodyn yn dynodi ei fod yn gymwys i archebu cyffuriau, meddyginiaethau a chyfarpar fel ffisiotherapydd-ragnodydd annibynnol;”;

“ystyr “podiatrydd-ragnodydd neu giropodydd-ragnodydd annibynnol” (“*podiatrist or chiropodist independent prescriber*”) yw person—

(a) sy’n bodiatrydd neu’n giropodydd, a

(b) y cofnodir yn erbyn ei enw yn y gofrestr berthnasol nodyn yn dynodi ei fod yn gymwys i archebu cyffuriau, meddyginiaethau a chyfarpar fel podiatrydd-ragnodydd neu giropodydd-ragnodydd annibynnol;”.

(i) after sub-paragraph (d), omit “and”;

(ii) after sub-paragraph (e) insert—

“(f) a physiotherapist independent prescriber, and

(g) a podiatrist or chiropodist independent prescriber;”.

(4) In paragraph 49(3) and (4) of Schedule 6 (terms relating to the provision of dispensing services) after “pharmacist independent prescriber” at each place where it occurs insert “, a physiotherapist independent prescriber, a podiatrist or chiropodist independent prescriber”.

(5) In paragraph 64(1) and (2) of Schedule 6 (which relate to independent nurse prescribers, nurse independent prescribers, pharmacist independent prescribers and supplementary prescribers) after “pharmacist independent prescriber” at each place where it occurs insert “, a physiotherapist independent prescriber, a podiatrist or chiropodist independent prescriber”.

(6) In the heading for paragraph 64 of Schedule 6, after “pharmacist independent prescriber” insert “, physiotherapist independent prescriber, podiatrist or chiropodist independent prescriber”.

Amendment of the 2007 Regulations

4.—(1) The 2007 Regulations are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1), in the appropriate places in the alphabetical order insert the following definitions—

““physiotherapist independent prescriber” (“*ffisiotherapydd-ragnodydd annibynnol*”) means a person—

(a) who is a physiotherapist, and

(b) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a physiotherapist independent prescriber;”;

““podiatrist or chiropodist independent prescriber” (“*podiatrydd-ragnodydd neu giropodydd-ragnodydd annibynnol*”) means a person—

(a) who is a podiatrist or chiropodist, and

(b) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a podiatrist or chiropodist independent prescriber;”.

(3) Yn rheoliad 2(1), yn y diffiniad o "rhagnodydd"—

(i) ar ôl is-baragraff (ch), hepgorer "ac";

(ii) ar ôl is-baragraff (d), yn lle ";" rhodder "," a mewnosoder—

"(dd) ffisiotherapydd-ragnodydd annibynnol, ac

(e) podiatrydd-ragnodydd neu giropodydd-ragnodydd annibynnol."

Diwygio Rheoliadau 2010

5.—(1) Mae Rheoliadau 2010 wedi eu diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn lle paragraff 1(2)(a) o Atodlen 1 (esemptiadau) rhodder—

"(a) cynnyrch meddyginiaethol neu gyfarpar rhestredig a werthir yn unol â phresgripsiwn a ddyroddwyd gan ymarferydd meddygol cofrestredig, deintydd, rhagnodydd atodol, nyrs-ragnodydd annibynnol, nyrs sy'n rhagnodi'n annibynnol, optometrydd-ragnodydd annibynnol, fferyllydd-ragnodydd annibynnol, ffisiotherapydd-ragnodydd annibynnol, podiatrydd-ragnodydd neu giropodydd-ragnodydd annibynnol neu broffesiynolyn iechyd yr AEE;".

(3) Ym mharagraff 1(3) o Atodlen 1 yn y mannau priodol yn nhrefn yr wyddor mewnosoder y diffiniadau a ganlyn—

"mae i "ffisiotherapydd-ragnodydd annibynnol" ("*physiotherapist independent prescriber*") yr ystyr a roddir yn rheoliad 2(1) o Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Cymru) 2013;";

"mae i "podiatrydd-ragnodydd neu giropodydd-ragnodydd annibynnol" ("*podiatrist or chiropodist independent prescriber"*) yr ystyr a roddir yn rheoliad 2(1) o Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Cymru) 2013;".

Diwygio Rheoliadau 2013

6.—(1) Mae Rheoliadau 2013 wedi eu diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 2(1), yn y man priodol yn nhrefn yr wyddor mewnosoder y diffiniadau a ganlyn—

(3) In regulation 2(1), in the definition of "prescriber"—

(i) after sub-paragraph (d), omit "and";

(ii) after sub-paragraph (e), for "." substitute "," and insert—

"(f) a physiotherapist independent prescriber, and

(g) a podiatrist or chiropodist independent prescriber."

Amendment of the 2010 Regulations

5.—(1) The 2010 Regulations are amended in accordance with the following provisions of this regulation.

(2) For paragraph 1(2)(a) of Schedule 1 (exemptions) substitute—

"(a) medicinal products or listed appliances sold in accordance with a prescription issued by a registered medical practitioner, a dentist, a supplementary prescriber, a nurse independent prescriber, an independent nurse prescriber, an optometrist independent prescriber, a pharmacist independent prescriber, a physiotherapist independent prescriber, a podiatrist or a chiropodist independent prescriber or an EEA health professional;".

(3) In paragraph 1(3) of Schedule 1 in the appropriate places in the alphabetical order insert the following definitions—

""physiotherapist independent prescriber" ("*ffisiotherapydd-ragnodydd annibynnol*") has the meaning given in regulation 2(1) of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013;";

""podiatrist or chiropodist independent prescriber" ("*podiatrydd-ragnodydd neu giropodydd-ragnodydd annibynnol*") has the meaning given in regulation 2(1) of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013;".

Amendment of the 2013 Regulations

6.—(1) The 2013 Regulations are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1), in the appropriate place in the alphabetical order insert the following definitions—

"ystyr "ffisiotherapydd-ragnodydd annibynnol" ("*physiotherapist independent prescriber"*) yw person—

(a) sy'n ffisiotherapydd, a

(b) sydd â nodyn gyferbyn â'i enw yn Rhan 9 o'r gofrestr a gynhelir o dan erthygl 5 o Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2011 sy'n dynodi ei fod yn gymwys i archebu cyffuriau, meddyginiaethau a chyfarpar fel ffisiotherapydd-ragnodydd annibynnol;";

"ystyr "podiatrydd-ragnodydd neu giropodydd-ragnodydd annibynnol" ("*podiatrist or chiropodist independent prescriber"*) yw person—

(a) sy'n bodiatrydd neu'n giropodydd, a

(b) sydd â nodyn gyferbyn â'i enw yn Rhan 2 o'r gofrestr a gynhelir o dan erthygl 5 o Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2011 sy'n dynodi ei fod yn gymwys i archebu cyffuriau, meddyginiaethau a chyfarpar fel podiatrydd-ragnodydd neu giropodydd-ragnodydd annibynnol;".

(3) Yn rheoliad 2(1), yn lle'r diffiniad o "rhagnodydd" rhodder—

"ystyr "rhagnodydd" ("*prescriber*") yw meddyg, deintydd, nyrs sy'n rhagnodi'n annibynnol, nyrs-ragnodydd annibynnol, optometrydd-ragnodydd annibynnol, fferyllydd-ragnodydd annibynnol, ffisiotherapydd-ragnodydd annibynnol, podiatrydd-ragnodydd neu giropodydd ragnodydd annibynnol neu ragnodydd atodol;".

""physiotherapist independent prescriber" ("*ffisiotherapydd-ragnodydd annibynnol*") means a person—

(a) who is a physiotherapist, and

(b) against whose name in Part 9 of the register maintained under article 5 of the Health and Social Work Professions Order 2011 is recorded an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a physiotherapist independent prescriber;";

""podiatrist or chiropodist independent prescriber" ("*podiatrydd-ragnodydd neu giropodydd-ragnodydd annibynnol*") means a person—

(a) who is a podiatrist or a chiropodist, and

(b) against whose name in Part 2 of the register maintained under article 5 of the Health and Social Work Professions Order 2011 is recorded an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a podiatrist or chiropodist independent prescriber;".

(3) In regulation 2(1), for the definition of "prescriber" substitute—

""prescriber" ("*rhagnodydd*") means a doctor, dentist, independent nurse prescriber, nurse independent prescriber, optometrist independent prescriber, pharmacist independent prescriber, physiotherapist independent prescriber, podiatrist or chiropodist independent prescriber or a supplementary prescriber;".

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

27 Awst 2014

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

27 August 2014

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