SCHEDULE 5

OTHER CONTRACTUAL TERMS

PART 3

PRESCRIBING AND DISPENSING

Provision of dispensing services

44.—(1) Without prejudice to any separate right a medical practitioner may have under regulation 12 of the Pharmaceutical Regulations (arrangements for provision of pharmaceutical services by doctors)(**1**), a contractor may provide dispensing services to his registered patients under the contract only if he is required to do so by the Board in accordance with the following provisions of this paragraph.

(2) A contractor may provide dispensing services to his registered patients only if he is required to do so by the Board in accordance with the following provisions of this paragraph.

(3) Where the Board, is satisfied that a person, by reason of –

   (a) distance;

   (b) inadequacy of means of communication; or

   (c) other exceptional circumstances,

will have serious difficulty in obtaining from a chemist any drugs, medicines or appliances, other than scheduled drugs, required for that person's treatment, the Board shall require the contractor with whom the person is a registered patient to supply such drugs, medicines and appliances to that person until further notice.

(4) Notwithstanding anything contained in sub-paragraph (3) –

   (a) a contractor shall not be required to undertake the supply of drugs, medicines and appliances under sub-paragraph (3) if the contractor satisfies the Board that the contractor does not normally provide dispensing services under the contract;

   (b) a contractor shall be entitled to receive reasonable notice from the Board that the contractor is required to undertake the supply of drugs, medicines and appliances under sub-paragraph (2) or that such supply is to be discontinued.

(5) A contractor which is required under this paragraph to provide dispensing services to some or all of his registered patients may provide any necessary dispensing services to a person whom that contractor has accepted as a temporary resident.

(**1**) Regulation 12 was amended by S.R. 2001/222