

EXPLANATORY MEMORANDUM TO
Pharmaceutical Services and Charges for Drugs and Appliances (Amendment)
Regulations (Northern Ireland) 2009

S.R. 2009 No. 191

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Health, Social Services and Public Safety to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 63(1), (2), 63AA, 64, 98, 106(b) and 107(6) of, and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972 and is subject to the negative resolution procedure.
- 1.3. The rule is due to come into operation on 8th June 2009.

2. Purpose

- 2.1. These Regulations amend the Pharmaceutical Services Regulations (Northern Ireland) 1997 ("the Pharmaceutical Regulations"), which relate to the provision of pharmaceutical services and the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997 ("the Charges Regulations"), which provide for the making and recovery of charges for drugs and appliances supplied by doctors and chemists providing pharmaceutical services, and by hospitals and HSC trusts to out-patients.
- 2.2. Regulation 2 amends regulation 2(1) (interpretation) of the Pharmaceutical Regulations. It substitutes sub-paragraph (b) in the definition of "independent nurse prescriber", omits the definition "nurses and midwives' professional register" and substitutes a new definition of "Nursing and Midwifery Register". It inserts a new definition of "optometrist independent prescriber" and a new definition of "pharmacist independent prescriber". It substitutes a new definition of "prescriber", substitutes a new definition of "prescription form" and substitutes sub-paragraph (b) in the definition of "relevant register". It inserts a new sub-paragraph (c) in the definition of "repeatable prescriber" and substitutes a new definition of "supplementary prescriber" which includes chiropodists and podiatrists, physiotherapists, diagnostic or therapeutic radiographers and optometrists.
- 2.3. Regulation 3 amends regulation 2 (1) (interpretation) of the Charges Regulations. It omits the definition of "Agency", substitutes a new definition of "independent nurse prescriber", omits the definition of "medical list" and substitutes a new definition of "Nursing and Midwifery Register" in place of the existing definition of "nurses and midwives' professional register". It inserts a new definition of "optometrist independent prescriber", inserts a new definition of "pharmacist independent prescriber" and inserts a new definition of "prescriber". It substitutes a new definition of "prescription form", inserts a new definition of "repeatable prescriber" and substitutes a new definition of "repeatable prescriber". It substitutes a new definition of "supplementary prescriber"

which includes chiroprodists and podiatrists, physiotherapists, diagnostic or therapeutic radiographers and optometrists and substitutes a new subparagraph (a) in the definition of "terms of service".

3. Background

- 3.1. This is part of the overall programme of work to improve patients' access to medicines and to better use the skills of NHS professional staff by allowing nurses, optometrists and pharmacists to become independent prescribers.

4. Matters of Special Interest to the Health, Social Services and Public Safety Committee

- 4.1. None.

5. Consultation

- 5.1. As required by the legislation we consulted with the Pharmaceutical Society of Northern Ireland, the Pharmaceutical Contractors Committee and the Health and Social Services Boards.

6. Position in Great Britain

- 6.1. The equivalent legislation in England is the National Health Service (Miscellaneous Amendments Relating to Independent Prescribing) Regulations 2006 No. 913. The equivalent Scottish legislation is the National Health Service (Pharmaceutical Services) (Scotland) Amendment (No. 2) Regulations 2006 No. 245, the National Health Services (Pharmaceutical Services) (Scotland) Amendment (No. 3) Regulations 2007 No. 500 and the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2008 No. 27.

7. Equality Impact

- 7.1. As the measure has no adverse impact on Section 75 groups the Department has concluded it is not necessary to submit this measure to a full EQIA.

8. Regulatory Impact

- 8.1. A Regulatory Impact Assessment was not considered necessary as the impact of the changes will not have an adverse impact on business, charities, social enterprise or voluntary bodies.

9. Financial Implications

- 9.1. None.

10. Section 24 of the Northern Ireland Act 1998

- 10.1. The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

11. EU Implications

- 11.1. Not applicable.

12. Additional Information

- 12.1. Not applicable.