EXPLANATORY MEMORANDUM TO THE

MISUSE OF DRUGS (AMENDMENT) REGULATIONS 2005

2005 No. 271

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This instrument amends the Misuse of Drugs Regulations 2001 ("the 2001 Regulations") to make provision for supplementary prescribers (a first level nurse, pharmacist or registered midwife who satisfy certain conditions). The 2001 Regulations provide, inter alia, for circumstances in which certain persons can administer and supply controlled drugs and certain safeguards in respect of those powers. The amendments made by this order enable supplementary prescribers to administer, supply and give directions for the administration of certain controlled drugs under and in accordance with the terms of a clinical management plan and enable persons to administer certain controlled drugs in accordance with the directions of such a supplementary prescriber. The amendments made by this order also ensure that existing safeguards are extended to cover these new circumstances.

2.2 Supplementary prescribing will allow nurses and pharmacists to administer controlled drugs under a formal arrangement called a clinical management plan. A clinical management plan is a written plan relating to the treatment of a single patient which is agreed by the patient, the doctor or dentist and the supplementary prescriber who is to prescribe, administer or give directions for administration under the plan.

2.3 The terms 'supplementary prescriber' and 'clinical management plan' are used in a wider context of health care provision and this Order defines these terms by reference to other relevant secondary legislation in order to ensure that exactly the same persons will have powers in respect of controlled drugs.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The instrument is made under sections 7, 10, 22 and 31 of the Misuse of Drugs Act 1971. That Act received Royal Assent on 27 May 1971. Section

31(3) of the Misuse of Drugs Act 1971 provides that the Secretary of State may not make regulations under that Act except after consultation with the Advisory Council on the Misuse of Drugs (ACMD). The ACMD has considered the proposals to extend supplementary prescribing for controlled drugs and has recommended that the proposed change be implemented.

5. Extent

5.1 This instrument applies to the United Kingdom.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy Background

7.1 In 1999, a recommendation made in the Review of Prescribing, Supply and Administration of Medicines (the Crown Review) to extend prescribing powers to supplementary prescribers was published. It was suggested that once a doctor or dentist had diagnosed a patient's condition, a clinical management plan could be set up in agreement with the patient, which would enable responsibility for that patient's care to be passed to another health professional (a nurse or pharmacist).

7.2 A public consultation exercise was carried out between April and July 2002 on the proposal. On 4 April 2003, amendments made by the Department of Health to the Prescriptions Only Medicines (Human Use) Order 1997 and changes made to NHS regulations allowed supplementary prescribing to come into force for medicines other than controlled drugs. The amendments made by this Order extend supplementary prescribing to all controlled drugs, except those listed in Schedule 1 to the 2001 Regulations, which are not intended for medicinal use.

7.3 The initiative to extend supplementary prescribing to controlled drugs is part of the NHS plan to improve patient care by allowing quicker and more effective access to medicines and make better use of professional skills.

8. Impact

8.1 A Regulatory Impact Assessment prepared by the Medicines and Healthcare Products Regulatory Agency described the effect of the supplementary prescribing proposals on the healthcare sector and highlighted the potential costs in terms of training and administration is attached to this memorandum.

8.2 **Please insert para on what the RIA says**

8.3 There are no resource implications for the Home Office.

9. Contact

Chris Edwards in the Drug Legislation and Enforcement Unit at the Home Office (50 Queen Anne's Gate, London SW1H 9AT), Telephone: 020 7273 3474, E mail: chris.edwards@homeoffice.gsi.gov.uk, can answer any queries regarding the instrument.