
STATUTORY INSTRUMENTS

2015 No. 1879

The National Health Service (Personal Medical Services Agreements) Regulations 2015

PART 10

Prescribing and dispensing: out of hours services

Supply of medicines etc. by contractors providing out of hours services

59.—(1) In this Part—

“complete course” means the course of treatment appropriate to the patient’s condition, being the same as the amount that would have been prescribed if the patient had been seen during core hours;

“necessary drugs, medicines and appliances” means those drugs, medicines and appliances which the patient requires and for which, in the reasonable opinion of the contractor having regard to the patient’s medical condition, it would not be reasonable in all the circumstances for the patient to wait to obtain them;

“out of hours performer” means a prescriber, a person acting in accordance with a Patient Group Direction or any other health care professional employed or engaged by the contractor who can lawfully supply a drug, medicine or appliance, who is performing out of hours services under the agreement;

“Patient Group Direction” has the meaning given in the regulation 213(1) of the Human Medicines Regulations 2012(1) (interpretation); and

“supply form” means a form provided by the Board and completed by or on behalf of the contractor for the purpose of recording the provision of drugs, medicines or appliances to a patient during the out of hours period.

(2) Where a contractor whose agreement includes the provision of out of hours services has agreed with the Board that its agreement should also include the supply of necessary drugs, medicines or appliances to patients at the time that it is providing them with out of hours services, the contractor must comply with the requirements of paragraphs (3) to (5).

(3) The contractor must ensure that an out of hours performer—

- (a) only supplies necessary drugs, medicines and appliances;
- (b) supplies the complete course of the necessary medicine or drug to treat the patient; and
- (c) does not supply—
 - (i) drugs, medicines or appliances which the contractor could not lawfully supply,
 - (ii) appliances which are not listed in Part IX of the Drug Tariff,
 - (iii) restricted availability appliances, except where the patient is a person, or it is for a purpose, specified in the Drug Tariff, or

- (iv) a drug, medicine or other substance listed in Schedule 1 to the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc) Regulations 2004⁽²⁾ (drugs, medicines and other substances not to be ordered under a general medical services contract), or a drug listed in Schedule 2 to those Regulations⁽³⁾ (drugs, medicines and other substances that may be ordered only in certain circumstances), other than in the circumstances specified in that Schedule.
- (4) The out of hours performer—
- (a) must (except where sub-paragraph (b) applies) record on a separate supply form for each patient any drugs, medicines or appliances supplied to the patient; and
 - (b) may complete a single supply form in respect of the supply of any necessary drugs, medicines or appliances to two or more persons in a school or other institution in which at least 20 persons normally reside, in which case the out of hours performer may write on the supply form the name of the school or institution rather than the name of each individual patient.
- (5) The out of hours performer must ask any person to produce satisfactory evidence of entitlement where that person makes a declaration that a patient does not have to pay any of the charges specified in regulations made under section 172 of the Act (charges for drugs, medicines or appliances, or pharmaceutical services) or section 174 of the Act (pre-payment certificates)⁽⁴⁾ in respect of dispensing services to the patient by virtue of either—
- (a) entitlement to exemption under regulations made under section 172 or 174 of the Act; or
 - (b) entitlement to full remission of charges under regulations made under section 182 (remission and repayment of charges) or 183⁽⁵⁾ (payment of travelling expenses) of the Act.
- (6) Paragraph (5) does not apply if, at the time of the declaration, satisfactory evidence of entitlement is already available to the out of hours service performer.
- (7) If, in accordance with paragraphs (5) and (6), no satisfactory evidence of entitlement is produced or no such evidence is otherwise already available to the out of hours performer, the out of hours performer must endorse the supply form to that effect.
- (8) Subject to paragraph (9), nothing in this regulation prevents an out of hours performer from supplying a Scheduled drug or a restricted availability appliance in the course of treating a patient under a private arrangement.
- (9) The provisions of regulation 18 which relates to fees and charges apply in respect of the supply of necessary drugs, medicines and appliances under this regulation as they apply in respect of prescriptions for any drugs, medicines and appliances.

(2) [S.I. 2004/629](#). There are no amendments to Schedule 1.

(3) [S.I. 2001/3998](#). Schedule 2 was amended by [S.I. 2004/3215](#), [S.I. 2009/2230](#), [S.I. 2010/2389](#), [S.I. 2011/680](#) and [1043](#), [S.I. 2013/363](#) and [2194](#), [S.I. 2012/2389](#) and [S.I. 2014/1625](#).

(4) The Regulations made under sections 172 and 174 are the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 ([S.I. 2003/2382](#)) and the National Health Service (Charges for Drugs and Appliances) Regulations 2015 ([S.I. 2015/570](#)). [S.I. 2003/2382](#) was amended by [S.I. 2004/633](#) and [936](#), [S.I. 2005/26](#), [578](#) and [2114](#), [S.I. 2006/562](#), [675](#) and [2171](#), [S.I. 2007/1898](#), [S.I. 2008/571](#), [1697](#), [1700](#) and [2868](#), [S.I. 2009/411](#), [S.I. 2010/620](#), [S.I. 2011/1587](#), [S.I. 2013/458](#), [475](#) and [1600](#), and [S.I. 2015/417](#), [643](#), [570](#), [993](#) and [1776](#).

(5) Section 183 was amended paragraph 98 of Schedule 4 to the 2012 Act and by [S.I. 2010/915](#) and [S.I. 2013/2269](#).