
STATUTORY INSTRUMENTS

2018 No. 1114

The National Health Service (Pharmaceutical Services,
Charges and Prescribing) (Amendment) Regulations 2018

PART 2

Amendments to the PLPS Regulations

Amendment of Schedule 5 to the PLPS Regulations

8.—(1) Schedule 5 to the PLPS Regulations (terms of service of NHS appliance contractors) is amended as follows.

(2) In paragraph 4 (dispensing of appliances)—

(a) in sub-paragraph (2)—

(i) omit “or” at the end of paragraph (a),

(ii) in paragraph (b), after “C receives” insert “as a nominated dispensing contractor”,

(iii) insert “; or” at the end of paragraph (b), and

(iv) after paragraph (b), insert the following paragraph—

“(c) any person—

(i) presents C with an EPS token that relates to an order of a kind specified in paragraph (a)(i) or (ii), and

(ii) requests the provision of an appliance in accordance with the related electronic prescription form,”; and

(b) in sub-paragraph (3)—

(i) omit “or” at the end of paragraph (a),

(ii) in paragraph (b), after “C receives” insert “as a nominated dispensing contractor”,

(iii) insert “; or” at the end of paragraph (b), and

(iv) after paragraph (b), insert the following paragraph—

“(c) any person—

(i) presents C with an EPS token that relates to an order of a kind specified in paragraph (a)(i) or (ii), and

(ii) requests the provision of appliances in accordance with the related electronic repeatable prescription,”.

(3) In paragraph 6(1) (preliminary matters before providing appliances)—

(a) in sub-paragraph (3)(a), for “a declaration” substitute “or duly completes a declaration as or on behalf of the person named on the prescription form or repeatable prescription”;

- (b) in sub-paragraph (3)(c), for “transmit to the Electronic Prescription Service” substitute “ensure that the following information is duly entered into the records managed by the Information Centre that are accessible as part of the Electronic Prescription Service (if either it is not already recorded in those records or a check, known as real time exemption check, has not produced satisfactory evidence as mentioned in sub-paragraph (a))”; and
- (c) after sub-paragraph (3), insert the following sub-paragraph—
 - “(3A) For the purposes of sub-paragraph (3), satisfactory evidence includes evidence derived from a check, known as a real time exemption check, of electronic records that are managed by the NHS BSA for the purposes (amongst other purposes) of providing advice, assistance and support to patients or their representatives in respect of whether a charge is payable under the Charges Regulations.”.
- (4) In paragraph 8 (refusal to provide appliances ordered), after sub-paragraph (1) insert the following sub-paragraph—
 - “(1A) C may refuse to provide an appliance ordered on an electronic prescription if the access that C has to the Electronic Prescription Service is not such as to enable C to dispense that prescription promptly (or at all).”.
- (5) In paragraph 10 (additional requirements in relation to electronic prescribing)—
 - (a) in sub-paragraph (2)(a), for “the dispensing contractor chosen by that person” substitute “a nominated dispensing contractor”; and
 - (b) after sub-paragraph (5), insert the following sub-paragraph—
 - “(6) If C dispenses an electronic prescription or makes an urgent supply without a prescription, C must send the form duly completed by or on behalf of the patient, if one is required under regulation 3(3)(b), (5C) or (5E) of the Charges Regulations in respect of that prescription (which may be the associated EPS token), to the NHS BSA.”.