



OFFERYNNAU STATUDOL
CYMRU

2010 Rhif 1648 (Cy.156)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Gwasanaethau Fferyllol)
(Diwygio) (Cymru) (Rhif 2) 2010

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio ymhellach Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992 (O.S. 1992/662) ("y prif Reoliadau") o ran y telerau gwasanaethu ar gyfer fferyllwyr a chyflenwyr cyfarpar ac yn gwneud mân newidiadau i'r darpariaethau trosiannol yn Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2010 (O.S. 2010/868 (Cy.90)).

Mae rheoliad 2 o'r Rheoliadau yn diwygio rheoliad 2 (dehongli) o'r prif Reoliadau i ddarparu bod ystyr "terms of service" yn cwmpasu telerau gwasanaeth cyflenwyr cyfarpar; ac i ddarparu bod cyfeiriadau at "Health Authority" yn cael eu trin fel cyfeiriadau at "Local Health Board" ac eithrio mewn perthynas â'r diffiniad o "equivalent body".

Mae rheoliad 3 o'r Rheoliadau yn diwygio Atodlen 2 i'r prif Reoliadau sy'n gosod y telerau gwasanaeth ar gyfer fferyllwyr.

Mae rheoliad 4 o'r Rheoliadau yn diwygio Atodlen 2A i'r prif Reoliadau sy'n gosod y telerau gwasanaeth ar gyfer cyflenwyr cyfarpar.

Mae rheoliad 5 o'r Rheoliadau yn diwygio rheoliad 16 (trefniant trosiannol) o Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2010 fel ei bod yn cyfeirio'n gywir at Gyfarwyddiadau'r Gwasanaethau Fferyllol (Gwasanaethau Uwch) (Cyfarpar) (Cymru) 2010 ac i ddileu'r argraff bod y diffiniad o "transitional period"

WELSH STATUTORY
INSTRUMENTS

2010 No. 1648 (W.156)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Pharmaceutical Services)
(Amendment) (Wales) (No. 2)
Regulations 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Pharmaceutical Services) Regulations 1992 (S.I. 1992/662) ("the principal Regulations") in respect of the terms of service for pharmacists and suppliers of appliances; and make minor amendments to the transitional provisions in the National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2010 (S.I. 2010/868 (W.90)).

Regulation 2 of the Regulations amends regulation 2 (interpretation) of the principal Regulations to provide that the meaning of "terms of service" encompasses the terms of service for suppliers of appliances; and to provide that references to a "Health Authority" are treated as references to a "Local Health Board" except in relation to the definition of an "equivalent body".

Regulation 3 of the Regulations amends Schedule 2 to the principal Regulations which sets out the terms of service for pharmacists.

Regulation 4 of the Regulations amends Schedule 2A to the principal Regulations which sets out the terms of service for suppliers of appliances.

Regulation 5 of the Regulations amends regulation 16 (transitional arrangement) of the National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2010 to make the correct reference to the Pharmaceutical Services (Advanced Services) (Appliances) (Wales) Directions 2010 and to remove the impression that the definition of

yn dod o fewn y diffiniad o "the terms of service".

"transitional period" falls within the definition of "the terms of service".

2010 Rhif 1648 (Cy.156)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Gwasanaethau Fferyllol)
(Diwygio) (Cymru) (Rhif 2) 2010

Gwnaed 21 Mehefin 2010

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 23 Mehefin 2010

Yn dod i rym 14 Gorffennaf 2010

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 80, 83, 86, 121 a 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1) drwy hyn yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn, cymhwyso a dehongli

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) (Rhif 2) 2010 a deuant i rym ar 14 Gorffennaf 2010.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Yn y Rheoliadau hyn ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992(2).

Diwygio rheoliad 2 o'r prif Reoliadau

2. Yn rheoliad 2 (dehongli) o'r prif Reoliadau—

(a) yn y diffiniad o "terms of service"—

(i) yn is-baragraff (b) ar ôl y geiriau "Schedule 2" hepgorer "." a mewnosoder ", and", a

(1) 2006 p.42.

(2) O.S. 1992/662. Offerynnau diwygio perthnasol yw O.S. 2007/205 (Cy.19), O.S. 2009/1491 (Cy.144) ac O.S. 2010/868 (Cy.90).

2010 No. 1648 (W.156)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Pharmaceutical Services)
(Amendment) (Wales) (No. 2)
Regulations 2010

Made 21 June 2010

*Laid before the National
Assembly for Wales* 23 June 2010

Coming into force 14 July 2010

The Welsh Ministers, in exercise of the powers conferred by sections 80, 83, 86, 121 and 203(9) and (10) of the National Health Service (Wales) Act 2006(1) hereby make the following Regulations:

Title, commencement, application and interpretation

1.–(1) The title of these Regulations is The National Health Service (Pharmaceutical Services) (Amendment) (Wales) (No 2) Regulations 2010 and they come into force on 14 July 2010.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations "the principal Regulations" ("*y prif Reoliadau*") means the National Health Service (Pharmaceutical Services) Regulations 1992(2).

Amendment of regulation 2 of the principal Regulation

2. In regulation 2 (interpretation) of the principal Regulations—

(a) in the definition of "terms of service"—

(i) in sub-paragraph (b) after the words "Schedule 2" omit "." and insert ", and", and

(1) 2006 c.42.

(2) S.I. 1992/662. Relevant amending instruments are S.I. 2007/205 (W.19), S.I. 2009/1491 (W.144) and S.I. 2010/868 (W.90).

- (ii) mewnosoder fel is-baragraff (c) y geiriau "in relation to suppliers of appliances, in Schedule 2A."; a
- (b) ym mharagraff (1C) ar ôl y geiriau "where these words occur" mewnosoder "except in the definition of "equivalent body"".

Diwygiadau i Atodlen 2 i'r prif Reoliadau

3.–(1) Diwygir Atodlen 2 i'r prif Reoliadau yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Ym mharagraff 10A (gofynion ychwanegol mewn perthynas â chyfarpar penodedig), yn is-baragraff (6)(a) yn lle "25(A)(1)" rhodder "24A(1)".

(3) Ym mharagraff 24A, o flaen y geiriau "24A" mewnosoder fel teitl y paragraff "Temporary opening hours and closures during an emergency requiring the flexible provision of pharmaceutical services".

Diwygiadau i Atodlen 2A i'r prif Reoliadau

4.–(1) Diwygir Atodlen 2A i'r prif Reoliadau yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Ym mharagraff 6 (materion cychwynnol cyn darparu cyfarpar)–

(a) yn lle is-baragraff (3)(a) rhodder–

"(a) the supplier of appliances must ask any person who makes a declaration that the person named on the prescription form or repeatable prescription does not have to pay the charges specified in regulation 3 of the Charges Regulations by virtue of either–

- (i) entitlement to exemption under regulation 8 of the Charges Regulations, or
- (ii) entitlement to remission of charges under regulation 5 of the Remission of Charges Regulations,

to produce satisfactory evidence of such entitlement unless the declaration is in respect of entitlement to exemption by virtue of regulation 8 of the Charges Regulations or in respect of entitlement to remission by virtue of regulation 5(1)(e) or (2) of the Remission of Charges Regulations and at the time of the declaration the supplier of appliances already has such evidence available to him;" ; a

(b) yn lle is-baragraff (3)(c) rhodder–

"(c) in the case of an electronic prescription form or an electronic repeatable prescription, the supplier of appliances must comply with any requirements of

(ii) insert as sub-paragraph (c) the words "in relation to suppliers of appliances, in Schedule 2A."; and

(b) in paragraph (1C) after the words "where these words occur" insert "except in the definition of "equivalent body"".

Amendments to Schedule 2 to the principal Regulations

3.–(1) Schedule 2 to the principal Regulations is amended in accordance with the following provisions of this regulation.

(2) In paragraph 10A (additional requirements in relation to specified appliances), in sub-paragraph (6)(a) for "25(A)(1)" substitute "24A(1)".

(3) In paragraph 24A, before the words "24A" insert as the title to the paragraph "Temporary opening hours and closures during an emergency requiring the flexible provision of pharmaceutical services".

Amendments to Schedule 2A to the principal Regulations

4.–(1) Schedule 2A to the principal Regulations is amended in accordance with the following provisions of this regulation.

(2) In paragraph 6 (preliminary matters before providing appliances)–

(a) for sub-paragraph (3)(a) substitute–

"(a) the supplier of appliances must ask any person who makes a declaration that the person named on the prescription form or repeatable prescription does not have to pay the charges specified in regulation 3 of the Charges Regulations by virtue of either–

- (i) entitlement to exemption under regulation 8 of the Charges Regulations, or
- (ii) entitlement to remission of charges under regulation 5 of the Remission of Charges Regulations,

to produce satisfactory evidence of such entitlement unless the declaration is in respect of entitlement to exemption by virtue of regulation 8 of the Charges Regulations or in respect of entitlement to remission by virtue of regulation 5(1)(e) or (2) of the Remission of Charges Regulations and at the time of the declaration the supplier of appliances already has such evidence available to him;" ; and

(b) for sub-paragraph (3)(c) substitute–

"(c) in the case of an electronic prescription form or an electronic repeatable prescription, the supplier of appliances must comply with any requirements of

the ETP service to provide—

- (i) a record of the exemption from or remission of charges claimed and whether satisfactory evidence was produced, as referred to in sub-paragraph (a), and
- (ii) in any case where a charge is due, confirmation that the relevant charge was paid."

(3) Ym mharagraff 12 (oriau agor: cyffredinol)—

- (a) yn is-baragraffau (1)(b) ac (c) yn lle "paragraph 4 of Schedule 2" rhodder "Part 3 of Schedule 2"; a
- (b) yn is-baragraff (5) ar ôl y geiriau "obligations under sub-paragraph (1) the supplier of appliances" mewnosoder "must".

(4) Ym mharagraff 14 (penderfyniad ar oriau agor a annogir gan y Bwrdd Iechyd Lleol)—

- (a) yn is-baragraffau (3)(b) ac (c) yn lle "paragraph 4 of Schedule 2" rhodder "Part 3 of Schedule 2"; a
- (b) yn is-baragraff (3)(c) yn lle "paragraph 13(1)(a)" rhodder "paragraph 12(1)(a)".

(5) Ym mharagraff 15 (penderfyniad ar oriau agor a annogir gan gyflenwr cyfarpar)—

- (a) yn is-baragraffau (4)(b) ac (c) yn lle "paragraph 4 of Schedule 2" rhodder "Part 3 of Schedule 2"; a
- (b) yn is-baragraff (4)(c) yn lle "paragraph 13(1)(a)" rhodder "paragraph 12(1)(a)".

(6) Ym mharagraff 18 (cymelliadau)—

- (a) yn is-baragraff (3)(a) yn lle "11(1)(4) or 12(1)(a)" rhodder "10(4) or 11(1)(b)"; a
- (b) yn is-baragraff (3)(b) yn lle "12(1)(a)" rhodder "11(1)(a)".

(7) Diwygir y paragraff 20 cyntaf (y ddyletswydd i ddarparu gwybodaeth ynghylch materion ffytwydd i ymarfer: cyflenwyr cyfarpar sydd ar restrau fferyllo ar 1 Ebrill 2010) fel a ganlyn—

- (a) caiff ei rifo o'r newydd yn baragraff 19;
- (b) yn is-baragraff (1) yn lle "paragraph 22" rhodder "paragraph 21"; ac
- (c) yn is-baragraff (2) yn lle "paragraph 26" rhodder "paragraph 21".

(8) Diwygir paragraff 19 (y ddyletswydd i ddarparu gwybodaeth ynghylch materion ffytwydd i ymarfer fel y maent yn codi) fel a ganlyn—

- (a) caiff ei rifo o'r newydd yn baragraff 20;
- (b) yn is-baragraff (1) yn lle "paragraph 26" rhodder "paragraph 21"; ac
- (c) yn is-baragraff (2) yn lle "paragraph 22" rhodder "paragraph 21".

the ETP service to provide—

- (i) a record of the exemption from or remission of charges claimed and whether satisfactory evidence was produced, as referred to in sub-paragraph (a), and
- (ii) in any case where a charge is due, confirmation that the relevant charge was paid."

(3) In paragraph 12 (opening hours: general)—

- (a) in sub-paragraphs (1)(b) and (c) for "paragraph 4 of Schedule 2" substitute "Part 3 of Schedule 2"; and
- (b) in sub-paragraph (5) after the words "obligations under sub-paragraph (1) the supplier of appliances" insert "must".

(4) In paragraph 14 (determination of opening hours instigated by the Local Health Board)—

- (a) in sub-paragraphs (3)(b) and (c) for "paragraph 4 of Schedule 2" substitute "Part 3 of Schedule 2"; and
- (b) in sub-paragraph (3)(c) for "paragraph 13(1)(a)" substitute "paragraph 12(1)(a)".

(5) In paragraph 15 (determination of opening hours instigated by the supplier of appliances)—

- (a) in sub-paragraphs (4)(b) and (c) for "paragraph 4 of Schedule 2" substitute "Part 3 of Schedule 2"; and
- (b) in sub-paragraph (4)(c) for "paragraph 13(1)(a)" substitute "paragraph 12(1)(a)".

(6) In paragraph 18 (inducements)—

- (a) in sub-paragraph (3)(a) for "11(1)(4) or 12(1)(a)" substitute "10(4) or 11(1)(b)"; and
- (b) in sub-paragraph (3)(b) for "12(1)(a)" substitute "11(1)(a)".

(7) The first paragraph 20 (duty to provide information about fitness to practise matters: suppliers of appliances on pharmaceutical lists on 1 April 2010) is amended as follows—

- (a) renumbered as paragraph 19;
- (b) in sub-paragraph (1) for "paragraph 22" substitute "paragraph 21"; and
- (c) in sub-paragraph (2) for "paragraph 26" substitute "paragraph 21".

(8) Paragraph 19 (duty to provide information about fitness to practise matters as they arise) is amended as follows—

- (a) renumbered as paragraph 20;
- (b) in sub-paragraph (1) for "paragraph 26" substitute "paragraph 21"; and
- (c) in sub-paragraph (2) for "paragraph 22" substitute "paragraph 21".

(9) Diwygir yr ail baragraff 20 (Bwrdd Iechyd Lleol cartref cyrff corfforaethol) fel a ganlyn—

- (a) caiff ei rifo o'r newydd yn baragraff 21; a
- (b) yn lle "paragraphs 20 and 21 and 25(4)(a) and (b)" rhodder "paragraphs 19, 20 and 24(3) and (4)".

(10) Diwygir paragraff 21 (cwynion) fel a ganlyn—

- (a) caiff ei rifo o'r newydd yn baragraff 22; a
- (b) yn lle'r paragraff rhodder y paragraff a osodir yn yr Atodlen i'r Rheoliadau hyn.

(11) Caiff paragraff 22 (gwasanaethau a gyfarwyddir) ei rifo o'r newydd yn baragraff 23.

(12) Diwygir paragraff 23 (gwybodaeth sydd i'w rhoi) fel a ganlyn—

- (a) caiff ei rifo o'r newydd yn baragraff 24; a
- (b) yn is-baragraffau (3) a (5) yn lle "sub-paragraph (9)" rhodder "sub-paragraph (7)".

(13) Caiff paragraff 24 (tynnu'n ôl o restrau fferyllol) ei rifo o'r newydd yn baragraff 25.

(14) Caiff paragraff 25 (taliadau am gyfarpar) ei rifo o'r newydd yn baragraff 26.

(15) Caiff paragraff 26 (arolygiadau a chael at wybodaeth) ei rifo o'r newydd yn baragraff 27.

Diwygiadau i Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2010

5.—(1) Diwygir rheoliad 16 (trefniant trosiannol) o Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Diwygio) (Cymru) 2010(1) yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Ym mharagraff (3), yn lle "Chyfarwyddiadau Gwasanaethau Fferyllol (Cymru) 2010" rhodder "Chyfarwyddiadau Gwasanaethau Fferyllol (Gwasanaethau Uwch) (Cyfarpar) (Cymru) 2010"(2).

(3) Yn lle paragraff (5) o'r testun Saesneg rhodder—

"(5) In this regulation—

- (a) "the terms of service" ("*telerau gwasanaethu*")—
 - (i) in relation to a pharmacist, means the terms of service set out in Schedule 2 to the principal Regulations;
 - (ii) in relation to a supplier of appliances, means the terms of service set out in Schedule 2A to the principal Regulations; and

(9) The second paragraph 20 (home Local Health Board of bodies corporate) is amended as follows—

- (a) renumbered as paragraph 21; and
- (b) for "paragraphs 20 and 21 and 25(4)(a) and (b)" substitute "paragraphs 19, 20 and 24(3) and (4)".

(10) Paragraph 21 (complaints) is amended as follows—

- (a) renumbered as paragraph 22; and
- (b) substitute for the paragraph the paragraph set out in the Schedule to these Regulations.

(11) Paragraph 22 (directed services) is renumbered as paragraph 23.

(12) Paragraph 23 (information to be supplied) is amended as follows—

- (a) renumbered as paragraph 24; and
- (b) in sub-paragraphs (3) and (5) for "sub-paragraph (9)" substitute "sub-paragraph (7)".

(13) Paragraph 24 (withdrawal from pharmaceutical lists) is renumbered as paragraph 25.

(14) Paragraph 25 (charges for appliances) is renumbered as paragraph 26.

(15) Paragraph 26 (inspections and access to information) is renumbered as paragraph 27.

Amendments to the National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2010

5.—(1) Regulation 16 (transitional arrangement) of the National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2010(1) is amended in accordance with the following provisions of this regulation.

(2) In paragraph (3), for "Pharmaceutical Services (Wales) Directions 2010" substitute "Pharmaceutical Services (Advanced Services) (Appliances) (Wales) Directions 2010"(2).

(3) For the English language text of paragraph (5) substitute—

"(5) In this regulation—

- (a) "the terms of service" ("*telerau gwasanaethu*")—
 - (i) in relation to a pharmacist, means the terms of service set out in Schedule 2 to the principal Regulations;
 - (ii) in relation to a supplier of appliances, means the terms of service set out in Schedule 2A to the principal Regulations; and

(1) O.S. 2010/868 (Cy.90).

(2) Ar gael ar wefan Llywodraeth Cynulliad Cymru: www.cymru.gov.uk/legislation/?lang=cy.

(1) S.I. 2010/868 (W.90).

(2) Available on the Welsh Assembly Government's website: www.wales.gov.uk/legislation.

(b) "transitional period" (*cyfnod trosiannol*) means the nine month period that ends at the end of 31 December 2010."

(4) Ym mharagraff (5)(b) o'r testun Cymraeg ar ôl y geiriau ""cyfnod trosiannol"" mewnosoder ("*transitional period*").

(b) "transitional period" (*cyfnod trosiannol*) means the nine month period that ends at the end of 31 December 2010."

(4) In the Welsh language text of paragraph (5)(b) after the words ""cyfnod trosiannol"" insert ("*transitional period*").

Edwina Hart

Y Gweinidog dros Iechyd a Gwasanaethau
Cymdeithasol, un o Weinidogion Cymru

Minister for Health and Social Services, one of the
Welsh Ministers

21 Mehefin 2010

21 June 2010

Rheoliad 4(10)

Regulation 4(10)

Paragraff i'w roi yn lle paragraff 22
(cwynion) o Atodlen 2A i'r prif Reoliadau

Paragraph to be substituted for paragraph 22
(complaints) of Schedule 2A to the principal
Regulations

"Complaints

22.–(1) A supplier of appliances must establish and operate in accordance with this paragraph a procedure (in this paragraph referred to as a "complaints procedure") to deal with any complaints made by or on behalf of any person to whom the supplier of appliances has provided pharmaceutical services.

(2) The complaints procedure to be established by a supplier of appliances may be such that it also deals with complaints made in relation to one or more other suppliers of appliances.

(3) The complaints procedure to be established by a supplier of appliances who provides pharmaceutical services from more than one set of premises may be such that it relates to all of those premises together.

(4) A complaints procedure shall apply to complaints made in relation to any matter reasonably connected with the provision of pharmaceutical services by the supplier of appliances and within the responsibility or control of–

- (a) the supplier of appliances;
- (b) where the supplier of appliances is a body corporate, any of its directors or former directors;
- (c) a former partner of the supplier of appliances; and
- (d) any employee of the supplier of appliances,

and in this paragraph references to "complaint" means a complaint falling within this sub-paragraph.

(5) A complaint may be made on behalf of any person with his or her consent, or–

- (a) where the person is under 16 years of age–
 - (i) by either parent, or in the absence of both parents, the guardian or other adult person who has care of the child, or
 - (ii) where the person is in the care of an authority to whose care he or she has been committed under the provisions of the Children Act 1989 or in the care of a voluntary organisation, by that authority or voluntary organisation; or
- (b) where the person is incapable of making a complaint, by a relative or other adult person who has an interest in the person's welfare.

(6) A complaint may be made as respects a person

"Complaints

22.–(1) A supplier of appliances must establish and operate in accordance with this paragraph a procedure (in this paragraph referred to as a "complaints procedure") to deal with any complaints made by or on behalf of any person to whom the supplier of appliances has provided pharmaceutical services.

(2) The complaints procedure to be established by a supplier of appliances may be such that it also deals with complaints made in relation to one or more other suppliers of appliances.

(3) The complaints procedure to be established by a supplier of appliances who provides pharmaceutical services from more than one set of premises may be such that it relates to all of those premises together.

(4) A complaints procedure shall apply to complaints made in relation to any matter reasonably connected with the provision of pharmaceutical services by the supplier of appliances and within the responsibility or control of–

- (a) the supplier of appliances;
- (b) where the supplier of appliances is a body corporate, any of its directors or former directors;
- (c) a former partner of the supplier of appliances; and
- (d) any employee of the supplier of appliances,

and in this paragraph references to "complaint" means a complaint falling within this sub-paragraph.

(5) A complaint may be made on behalf of any person with his or her consent, or–

- (a) where the person is under 16 years of age–
 - (i) by either parent, or in the absence of both parents, the guardian or other adult person who has care of the child, or
 - (ii) where the person is in the care of an authority to whose care he or she has been committed under the provisions of the Children Act 1989 or in the care of a voluntary organisation, by that authority or voluntary organisation; or
- (b) where the person is incapable of making a complaint, by a relative or other adult person who has an interest in the person's welfare.

(6) A complaint may be made as respects a person

who has died by a relative or other adult person who had an interest in his or her welfare or, as respects a person to whom paragraph (a)(ii) of sub-paragraph (5) applies, by the authority or voluntary organisation.

(7) A complaints procedure shall comply with the following requirements–

- (a) the supplier of appliances must specify a person (who need not be connected with the supplier of appliances and who, in the case of an individual, may be specified by his or her job title) to be responsible for receiving and investigating all complaints;
- (b) all complaints must be–
 - (i) recorded in writing,
 - (ii) acknowledged, either orally or in writing, within the period of two days (excluding Saturdays, Sundays, Christmas Day, Good Friday and bank holidays) beginning with the day on which the complaint was received by the person specified under paragraph (a), or where that is not possible as soon as reasonably practicable, and
 - (iii) properly investigated;
- (c) within the period of 20 days (excluding Saturdays, Sundays, Christmas Day, Good Friday and bank holidays) beginning with the day on which the complaint was received by the person specified under paragraph (a), or where that is not possible as soon as reasonably practicable, the complainant must be given a written summary of the investigation and its conclusions;
- (d) where the investigation of the complaint requires consideration of any records relating to the person as respects whom the complaint is made, the person specified under paragraph (a) must inform him or her or the person acting on his or her behalf if the investigation will involve disclosure of information contained in those records to a person other than the supplier of appliances or a director, partner or employee of the supplier of appliances;
- (e) the supplier of appliances must keep a record of all complaints and copies of all correspondence relating to complaints, but such records must be kept separate from any records relating to the person by whom the complaint was made; and
- (f) a complainant must be advised of his or her right to request a review, in accordance with the Directions, where he or she is dissatisfied with the results of the investigation conducted under the complaints procedure.

(8) At each of the premises at which the supplier of appliances provides pharmaceutical services he or she must provide information about the complaints procedure and give the name (or title) and address of

who has died by a relative or other adult person who had an interest in his or her welfare or, as respects a person to whom paragraph (a)(ii) of sub-paragraph (5) applies, by the authority or voluntary organisation.

(7) A complaints procedure shall comply with the following requirements–

- (a) the supplier of appliances must specify a person (who need not be connected with the supplier of appliances and who, in the case of an individual, may be specified by his or her job title) to be responsible for receiving and investigating all complaints;
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 - (i) recorded in writing,
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 - (iii) properly investigated;
- (c) within the period of 20 days (excluding Saturdays, Sundays, Christmas Day, Good Friday and bank holidays) beginning with the day on which the complaint was received by the person specified under paragraph (a), or where that is not possible as soon as reasonably practicable, the complainant must be given a written summary of the investigation and its conclusions;
- (d) where the investigation of the complaint requires consideration of any records relating to the person as respects whom the complaint is made, the person specified under paragraph (a) must inform him or her or the person acting on his or her behalf if the investigation will involve disclosure of information contained in those records to a person other than the supplier of appliances or a director, partner or employee of the supplier of appliances;
- (e) the supplier of appliances must keep a record of all complaints and copies of all correspondence relating to complaints, but such records must be kept separate from any records relating to the person by whom the complaint was made; and
- (f) a complainant must be advised of his or her right to request a review, in accordance with the Directions, where he or she is dissatisfied with the results of the investigation conducted under the complaints procedure.

(8) At each of the premises at which the supplier of appliances provides pharmaceutical services he or she must provide information about the complaints procedure and give the name (or title) and address of

the person specified under paragraph (a) of sub-paragraph (7).

(9) A supplier of appliances must cooperate with any investigation of a complaint by the Local Health Board in accordance with the procedures operated by the Local Health Board under the Directions, whether or not that investigation follows one under the complaints procedure operated by the supplier of appliances.

(10) The cooperation required by sub-paragraph (9) includes—

- (a) answering questions reasonably put to the supplier of appliances by the Local Health Board;
- (b) providing any information relating to the complaint reasonably required by the Local Health Board; and
- (c) attending any meeting to consider the complaint, if held at a reasonably accessible place and at a reasonable hour and due notice has been given, if the presence of the supplier of appliances at the meeting is reasonably required by the Local Health Board.

(11) In this paragraph "the Directions" means the Directions to Local Health Boards on dealing with complaints about family health services practitioners, providers of personal medical services and providers of personal dental services other than personal dental services provided by NHS Trusts, coming into force on 1 April 2003."

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the person specified under paragraph (a) of sub-paragraph (7).

(9) A supplier of appliances must cooperate with any investigation of a complaint by the Local Health Board in accordance with the procedures operated by the Local Health Board under the Directions, whether or not that investigation follows one under the complaints procedure operated by the supplier of appliances.

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OFFERYNNAU STATUDOL
CYMRU

2010 Rhif 1648 (Cy.156)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Gwasanaethau Fferyllol)
(Diwygio) (Cymru) (Rhif 2) 2010

WELSH STATUTORY
INSTRUMENTS

2010 No. 1648 (W.156)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Pharmaceutical Services)
(Amendment) (Wales) (No 2)
Regulations 2010