WELSH STATUTORY INSTRUMENTS

2013 No. 683 (W.81)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (General Medical Services Contracts) (Prescription of Drugs Etc.) (Wales) (Amendment) Regulations 2013

Made - - - -	*21 March 2013*
Laid before the National Assembly for Wales - -	*22 March 2013*
Coming into force - -	*12 April 2013*

The Welsh Ministers, in exercise of the powers conferred by sections 46(2), 203(9) and (10) of the National Health Service (Wales) Act 2006(**1**), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the National Health Service (General Medical Services Contracts) (Prescription of Drugs Etc.) (Wales) (Amendment) Regulations 2013 and they come into force on 12 April 2013.

(2) These Regulations apply in relation to Wales.

Amendment of the National Health Service (General Medical Services Contracts) (Prescription of Drugs Etc.) (Wales) Regulations 2004

2.—(1) The National Health Service (General Medical Services Contracts) (Prescription of Drugs Etc.) (Wales) Regulations 2004(**2**) are amended as follows.

(2) In Schedule 2 (drugs or medicines to be ordered only in certain circumstances)—

(a) in the entry for the drug Oseltamir (Tamiflu) for the entries in columns 2 and 3 respectively substitute—

"(1) A patient who is aged 1 year or over and who is at clinical risk or a patient who is pregnant or aged 65 years or over,	Treatment of influenza

(**1**) 2006 c. 42.

(**2**) S.I.2004/1022 (W.119); these Regulations have been amended by S.I. 2005/366 (W.32), S.I. 2009/1977 (W.176), S.I. 2009/1838 (W.166), S.I. 2011/1043, and S.I. 2012/1916.

or who is aged under 65 years and is at risk of developing medical complications for influenza, where—

(a) the Welsh Ministers have notified general medical practitioners that the influenza virus is circulating in the community;

(b) the patient has an influenza-like illness; and

(c) the patient can start therapy within 48 hours of the onset of symptoms.

(2) A patient who is aged 1 year or over and who is at clinical risk or a patient who is pregnant or aged 65 years or over, or who is aged under 65 years and is at risk of developing medical complications for influenza, where—

(a) it has been determined in accordance with a community based virological surveillance scheme that influenza A or influenza B is circulating in the locality in which the patient resides or is present or was present at the time that the virus was circulating;

(b) the patient has an influenza-like illness; and

(c) the patient can start therapy within 48 hours of the onset of symptoms.

(3) Any patient suffering from influenza during an outbreak of pandemic influenza (influenza caused by a new virus subtype that has an increased and sustained transmission during a global outbreak of influenza), where the drug is ordered under arrangements for the distribution of the drug free of charge which are approved by the Welsh Minsters.

(4) A patient who is aged 1 year or over and who is at clinical risk or a patient who is pregnant or aged 65 years or over, where—

Prophylaxis of influenza”

(a) the Welsh Ministers have notified general medical practitioners that the influenza virus is circulating in the community;

(b) the patient has been exposed to an influenza-like illness through being in close contact with someone with whom he lives who is or has been

suffering from an influenza-like illness;

(c) the patient is not effectively protected by vaccination against influenza because—

(i) he has not been vaccinated because vaccination is contraindicated;

(ii) he has not been vaccinated since the previous influenza season;

(iii) he has been vaccinated but it has yet to take effect; or

(iv) he has been vaccinated but the vaccine is not well matched to the strain of influenza circulating in the locality in which the patient resides or is or has been present;

(d) the patient lives in a residential care establishment and another resident or member of staff of the establishment has an influenza-like illness; and

(e) the patient can start prophylaxis within 48 hours of exposure to an influenza-like illness.

(5) A patient who is aged 1 year or over and who is at clinical risk or a patient who is pregnant or aged 65 years or over, where—

(a) it has been determined in accordance with a community based virological surveillance scheme that influenza A or influenza B is circulating in the locality in which the patient resides or is present or was present at the time that the virus was circulating;

(b) the patient has been exposed to an influenza-like illness through being in close contact with someone with whom he lives who is or has been suffering from an influenza-like illness;

(c) the patient is not effectively protected by vaccination against influenza because—