WELSH STATUTORY INSTRUMENTS

2010 No. 1647 (W.155)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Miscellaneous Amendments Relating to Independent Prescribing) (Wales) Regulations 2010

Made - - - -	*21 June 2010*
Laid before the National Assembly for Wales - -	*23 June 2010*
Coming into force - -	*19 July 2010*

The Welsh Ministers, in exercise of the powers conferred by sections 47, 80, 83, 86, 121 and 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 (Miscellaneous Amendments Relating to Independent Prescribing) (Wales) Regulations 2010 and they come into force on 19 July 2010.

(2) These Regulations apply in relation to Wales.

Amendment of the National Health Service (Pharmaceutical Services) Regulations 1992

2.—(1) The National Health Service (Pharmaceutical Services) Regulations 1992(**2**) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation) —

(a) for the definition of "independent nurse prescriber" substitute —

> ""independent nurse prescriber" means a person —
>
> (a) who is registered in the Nursing and Midwifery Register, and
>
> (b) against whose name in that register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as a community practitioner nurse prescriber;";

(b) for the definition of "nurse independent prescriber" substitute —

> ""nurse independent prescriber" means a person —

(**1**) 2006 c. 42.
(**2**) S.I.1992/662. Relevant amending instruments are S.I.2003/2624 (W.252), S.I. 2007/205 (W.19) and S.I. 2007/289.

(a) who is registered in the Nursing and Midwifery Register, and

(b) against whose name in that register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as:

(i) a nurse independent prescriber, or

(ii) a nurse independent/ supplementary prescriber, and

(c) who, in respect of a person practising in Wales on or after 19 July 2010, has passed an accredited course to practise as a nurse independent prescriber;"; and

(c) for the definition of "supplementary prescriber" substitute —

""supplementary prescriber" means a person —

(a) whose name is registered in —

(i) the Nursing and Midwifery Register,

(ii) Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007(**3**),

(iii) the register maintained in pursuance of articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(**4**),

(iv) the part of the register maintained by the Health Professions Council in pursuance of article 5 of the Health Professions Order 2001(**5**) relating to—

(aa) chiropodists and podiatrists;

(bb) physiotherapists; or

(cc) radiographers: diagnostic or therapeutic, or

(v) the register of optometrists maintained by the General Optical Council in pursuance of section 7 of the Opticians Act 1989(**6**); and

(b) against whose name in the relevant register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as a supplementary prescriber save, in the case of the Nursing and Midwifery Register, where the annotation or entry signifies qualification as a nurse independent/supplementary prescriber;".

(3) After regulation 2(1C), insert the following paragraph —

(1D) Where the term "community practitioner nurse prescriber" appears in the POM Order or the Nursing and Midwifery Register it is to be construed for the purposes of these Regulations as a reference to an "independent nurse prescriber.".

Amendment of the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004

3.—(1) The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(**7**) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation) —

(**3**) S.I. 2007/289.
(**4**) S.I. 1976/1213 (N.I. 22).
(**5**) S.I. 2002/254.
(**6**) 1989 c 44.
(**7**) S.I. 2004/478 (W.48). Relevant amending instruments are S.I. 2006/358 (W. 46) , S.I. 2007/205 (W.19) and S.I. 2007/289.

(a) for the definition of "independent nurse prescriber" substitute —

""independent nurse prescriber" means a person —

(a) who is either engaged or employed by the contractor or is a party to the contract,

(b) who is registered in the Nursing and Midwifery Register, and

(c) against whose name in that register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as a community practitioner nurse prescriber;";

(b) for the definition of "nurse independent prescriber" substitute —

""nurse independent prescriber" means a person —

(a) who is either engaged or employed by the contractor or is a party to the contract,

(b) whose name is registered in the Nursing and Midwifery Register, and

(c) against whose name in that register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as—

(i) a nurse independent prescriber, or

(ii) a nurse independent/ supplementary prescriber, and

(d) who, in respect of a person practising in Wales on or after 19 July 2010, has passed an accredited course to practise as a nurse independent prescriber;"; and

(c) in the definition of "supplementary prescriber", in paragraph (c), after the words "as a supplementary prescriber" add ", save in the case of the Nursing and Midwifery Register, where the annotation signifies qualification as a nurse independent/supplementary prescriber".

(3) After regulation 2(2) add the following paragraph—

"(3) Where the term "community practitioner nurse prescriber" appears in the POM Order or the Nursing and Midwifery Register it is to be construed for the purposes of these Regulations as a reference to an "independent nurse prescriber".".

(4) In paragraph 49(3) of Schedule 6 omit the words "whose name is registered" to the end.

(5) In paragraph 49(4) of Schedule 6 omit the words from "whose name is registered" to "as a supplementary prescriber" in both places where they appear.

Amendment of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007

4.—(1) The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007(**8**) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation) —

(a) for the definition of "independent nurse prescriber" ("*nyrs sy'n rhagnodi'n annibynnol*"), substitute —

""independent nurse prescriber" ("*nyrs sy'n rhagnodi'n annibynnol*") means a person —

(**8**) S.I. 2007/121 (W.11).