WELSH STATUTORY INSTRUMENTS

2005 No. 366 (W.32)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (General Medical Services Contracts) (Prescription of Drugs Etc.) (Wales) (Amendment) Regulations 2005

Made - - - -	*22 February 2005*
Coming into force - -	*4 April 2005*

The National Assembly for Wales, in exercise of the powers conferred by sections 28U and 126(4) of the National Health Service Act 1977(**1**) hereby makes the following Regulations:

Citation, commencement, and application

1.—(1) These Regulations are called the National Health Service (General Medical Services Contracts) (Prescription of Drugs Etc.) (Wales) (Amendment) Regulations 2005 and come into force on 4 April 2005.

(2) These Regulations apply in relation to Wales only.

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 appropriate place in the alphabetical order having regard to the name of the drug, insert in columns 1, 2 and 3 respectively—

"Oseltamivir (Tamiflu)	(1) At-risk adult and child patients where —	Treatment of influenza

(**1**) 1977 c. 49; section 28U was inserted by section 175(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); date in force 28/2/04 *see*S.I 2004/480, article 3(1)(a).
Section 126(4) was amended by the National Health Service and Community Care Act 1990 (c. 19), section 65(2) and the Health Act 1999 (c. 8), Schedule 4, paragraph 37(6).
The functions of the Secretary of State under sections 28U and 126(4) of the National Health Service Act 1977 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672, article 2 and Schedule 1, as amended by the 1999 Act, section 66(5).

(**2**) S.I.2004/1022 (W.119).

(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.

(2) At-risk patients who are aged 13 years and older where —

Prophylaxis of infinfluenza"; and

(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;

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

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

(i) has not been vaccinated because vaccination is contra-indicated;

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

(iii) has been vaccinated but the vaccination has yet to take effect; or

(iv) the patient 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