OFFERYNNAU STATUDOL CYMRU

2004 Rhif 1018 (Cy.115)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol etc) (Presgripsiynau Amlroddadwy) (Diwygio) (Cymru) 2004

Wedi'u gwneud	- -	*31 Mawrth 2004*
Yn dod i rym	- -	*1 Ebrill 2004*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 29, 41, 42, 43, 77, 83A a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(**1**) drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn, effaith a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol etc) (Presgripsiynau Amlroddadwy) (Diwygio) (Cymru) 2004.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2004.

(**1**) 1979 p.49. Estynnwyd adran 29 gan Ddeddf Iechyd a Meddyginiaethau 1988 (p.49), adran 17; a'i diwygio gan Ddeddf Gwasanaethau Iechyd 1980 (p.53), adrannau 1 a 7 ac Atodlen 2, paragraff 16(a); gan O.S.1985/39, erthygl 7(3); gan Ddeddf Awdurdodau Iechyd 1995 (p.17), Atodlen 1, paragraff 18 a chan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p.46), Atodlen 2, paragraff 8.
Amnewidiwyd adran 41 gan Ddeddf Iechyd a Gofal Cymdeithasol 2001 (p.15), adran 42(1).
Amnewidiwyd adran 42 gan Ddeddf y Gwasanaeth Iechyd Gwladol (Diwygio) 1986 (p.66), adran 3(1); fe'i hestynnwyd gan Ddeddf 1988, adran 17 a'i diwygio gan O.S. 1987/2202, erthygl 4; gan Ddeddf 1990, adran 12(3) a chan Ddeddf 1995, Atodlen 1, paragraff 30.
Diwygiwyd adran 43 gan Ddeddf 1980, Atodlen 9, paragraff 18(2); gan Ddeddf 1995, Atodlen 1, paragraff 31; a chan Ddeddf 1997, adran 29(1) ac Atodlen 2, paragraff 14.
Mewnosodwyd adran 83A gan Ddeddf Nawdd Cymdeithasol 1988 (p.7), adran 14(1); fe'i diwygiwyd gan Ddeddf Iechyd a Meddyginiaethau 1988 (p.49), Atodlen 2, paragraff 6; gan Ddeddf 1990, Atodlen 9, paragraff 18(5); gan Ddeddf 1995, Atodlen 1, paragraff 40 a chan erthygl 2 o O.S. 1998/2385.
Gweler adran 128(1) fel y'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) ("Deddf 1990"), adran 26(2)(g) ac (i), a chan Ddeddf 1999 (p.8) ("Deddf 1999"), Atodlen 4, paragraff 38(2)(b), i gael y diffiniadau o "prescribed" a "regulations".
Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2) a Deddf 1999, Atodlen 4, paragraff 37(6).
Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 29, 41, 42, 43, 77, 83A a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol Act 1977 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S. 1999/672, erthygl 2 ac Atodlen 1, fel y'i diwygiwyd gan Ddeddf 1999, adran 66(4), Deddf Iechyd a Gofal Cymdeithasol 2001 (p.15), adran 68(1), Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 (p.17), adran 40(1) a Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43), adran 197(1).

(3) Diwygir Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992(**2**) yn unol â Rhan 1 o'r Rheoliadau hyn.

(4) Diwygir Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Chyfarpar) 2001(**3**) yn unol â Rhan 2 o'r Rheoliadau hyn.

(5) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

RHAN 1

DIWYGIO RHEOLIADAU'R GWASANAETH IECHYD GWLADOL (GWASANAETHAU FFERYLLOL) 1992

Diwygio rheoliad 2

2. Yn rheoliad 2 (dehongli), ym mharagraff (1) —

(a) yn lle'r diffiniad o "appropriate non-proprietary name" rhowch y diffiniad canlynol—

> ""appropriate non-proprietary name" means a non-proprietary name which is not mentioned in Schedule 1 to the National Health Service (General Medical Services Contract) (Prescription of Drugs etc.) (Wales) Regulations 2004(**4**), or except where the conditions in regulation 3 of those Regulations are satisfied, in Schedule 2 to those Regulations;";

(b) ar ôl y diffiniad o "preliminary consent", mewnosodwch y diffiniad canlynol—

> ""prescriber" means—
>
> (a) a doctor,
>
> (b) an independent nurse prescriber, and
>
> (c) a supplementary prescriber;";

(c) yn y diffiniad o "prescription form", ar y diwedd mewnosodwch "and does not include a repeatable prescription;"; ac

(ch) ar ôl y diffiniad o "Remission of Charges Regulations", mewnosodwch y diffiniadau canlynol—

> ""repeat dispensing chemist" is to be construed in accordance with regulation 16B(1);
>
> "repeat dispensing services" means pharmaceutical services which involve the provision of drugs or appliances by a chemist in accordance with a repeatable prescription;
>
> "repeatable prescription" means a prescription contained in a form provided by a Local Health Board and issued by a prescriber to enable a person to obtain pharmaceutical services which is in the format specified in Part I of Schedule 1 to the NHS (General Medical Services Contracts) (Wales) Regulations 2004(**5**), and which —
>
> (a) is generated by a computer but signed by a prescriber; and

(**2**) O.S.1992/662; O.S.1999/696, 2001/1396, 2002/3189, 2003/139, 783 a 3236 yw'r offerynnau diwygio perthnasol.
(**3**) O.S.2001/1358; O.S.2001/2359 yw'r offeryn diwygio perthnasol.
(**4**) O.S. 2004/1022 (Cy. 119).
(**5**) O.S.2004/478 (Cy.48).

(b) indicates that the drugs or appliances ordered on that form may be provided more than once, and specifies the number of occasions on which they may be provided;" ; a

(d) yn lle'r diffiniad o "Scheduled drug", rhowch y diffiniad canlynol—

""Scheduled drug" means a drug or other substance specified in Schedule 1 to the National Health Service (General Medical Services Contracts)(Prescription of Drugs etc.) (Wales) Regulations 2004, or except where the conditions in regulation 3 of those Regulations are satisfied, in Schedule 2 to those Regulations;".

Diwygio rheoliad 4

3. Yn rheoliad 4 (rhestrau fferyllol)—

(a) ym mharagraff (1), yn lle "supplemental services under regulation 16" rhowch "additional professional services under regulation 16A or repeat dispensing services under regulation 16B"; a

(b) ym mharagraff (2)(b)(iii), ar ôl "pharmaceutical services" mewnosodwch "(other than repeat dispensing services)".

Mewnosod rheoliad 16B

4.—(1) Ar ôl rheoliad 16A mewnosodwch y rheoliad canlynol—

"**Repeat dispensing services**

16B.—(1) A chemist may provide repeat dispensing services if—

(a) he or she satisfies the condition in paragraph (2); and

(b) he or she has undertaken, in accordance with paragraphs (3) and (4), to provide repeat dispensing services,

and a chemist who satisfies the requirements of sub-paragraphs (a) and (b) is referred to in these Regulations as a repeat dispensing chemist

(2) The condition referred to in paragraph (1)(a) is that the chemist is not a supplier of appliances only.

(3) A chemist who wishes to provide repeat dispensing services must notify the Local Health Board in whose pharmaceutical list he or she is included, in writing, undertaking to provide those services and specifying the date upon which he or she will begin to provide them.

(4) The date specified by a chemist pursuant to paragraph (3) must be—

(a) the first day of any specified month; and

(b) at least one week after the date on which the notification specified in paragraph (3) is given to the Local Health Board.

(5) A chemist may not provide repeat dispensing services unless he or she is a repeat dispensing chemist.".

Diwygio rheoliad 18

5. Yn rheoliad 18 (safonau cyffuriau a chyfarpar, a thaliadau amdanynt), ym mharagraff (1)(g), ar ôl "supply of drugs and appliances", mewnosodwch ", repeat dispensing services".

Diwygio Atodlen 2

6.—(1) Diwygir Atodlen 2 fel a ganlyn—

(2) Ym mharagraff 1 (dehongli) —

(a) ailrifir darpariaethau paragraff 1 i fod yn is-baragraff (1); a

(b) ar ôl is-baragraff (1) ychwanegwch —

"(2) In this Schedule —

"associated batch issue" means, in relation to a repeatable prescription, one of the batch issues relating to that prescription and containing the same date as that prescription;

"batch issue" means a form provided by a Local Health Board and issued by a prescriber at the same time as a repeatable prescription to enable a chemist to receive payment for the provision of repeat dispensing services, which is in the format specified in Part I of Schedule 1 to the National Health Service (General Medical Services Contracts)(Wales) Regulations 2004, and which—

(a) is generated by a computer and not signed by a prescriber;

(b) relates to a particular repeatable prescription and contains the same date as that prescription;

(c) forms part of a sequence of batch issues, the number of batch issues being equal to the number of occasions on which the drugs or appliances ordered on the repeatable prescription may be provided; and

(d) specifies a number denoting its place in the sequence referred to paragraph (c).

(3) In this Schedule, drugs or appliances will be taken to be requested or provided in accordance with a repeatable prescription even if the person who wishes to obtain pharmaceutical services does not present that prescription, as long as—

(a) the chemist has that prescription in his or her possession; and

(b) that person presents, or the chemist has in his or her possession, an associated batch issue.".

(3) Ym mharagraff 3 (darparu gwasanaethau fferyllol) —

(a) yn is-baragraff (1)(b), yn lle "Schedule 11 to the Medical Regulations" rhowch "Schedule 2 to the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc) (Wales) Regulations 2004";

(b) yn is-baragraff (1)(bb), ar ôl "doctor" mewnosodwch "or a supplementary prescriber";

(c) ar ôl is-baragraff (1) mewnosodwch —

"(1ZA) Subject to sub-paragraph (1B) and paragraph 3A(4), (7), (8) and (9), where any person—

(a) presents a repeatable prescription which contains —

(i) an order for drugs, not being Scheduled drugs or controlled drugs within the meaning of the Misuse of Drugs Act 1971, other than a drug which is for the time being specified in Schedule 4 or 5 of the Misuse of Drugs Regulations 2001, signed by a prescriber,

(ii) an order for a drug specified in Schedule 2 to the National Health Service (General Medical Services Contracts)(Prescription of Drugs etc) (Wales) Regulations 2004, not being a controlled drug within the meaning of the Misuse of Drugs Act 1971, other than a drug which is

for the time being specified in Schedules 4 or 5 of the Misuse of Drugs Regulations 2001, signed by, and endorsed on its face with the reference "SLS", by a prescriber,

(iii) an order for appliances, not being restricted availability appliances, signed by a prescriber, or

(iv) an order for a restricted availability appliance, signed by, and endorsed on its face with the reference "SLS" by, a prescriber,

and also presents an associated batch issue; or

(b) requests the provision of drugs or appliances in accordance with a repeatable prescription of a kind specified in paragraph (a),

a repeat dispensing chemist must, with reasonable promptness, provide the drugs so ordered and such of the appliances so ordered as he or she supplies in the normal course or his or her business, in accordance with the directions contained in that repeatable prescription.";

(ch) yn is-baragraff (1A), ar ôl "prescription form" mewnosodwch "or repeatable prescription, or requesting the provision of drugs or appliances in accordance with a repeatable prescription,";

(d) yn is-baragraff (1B)—

(i) ar ôl "prescription form" mewnosodwch "or repeatable prescription", ac

(ii) ar ôl "paragraph 3(1)" mewnosodwch "or paragraph 3(1ZA)";

(dd) yn lle is-baragraff (1C) rhowch—

"(1C) Before providing any drugs or appliances in accordance with a prescription form or a repeatable prescription—

(a) the chemist must ask any person who makes a declaration that the person named on the prescription form or the repeatable prescription does not have to pay the charges specified in regulation 3(1) or (1A) of the Charges Regulations by virtue of either—

(i) entitlement to exemption under regulation 8(1) of the Charges Regulations, or

(ii) entitlement to remission of such charges under regulation 3 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(1) of the Charges Regulations or in respect of entitlement to remission by virtue of regulation 4(2)(e), (j) or (k) of the Remission of Charges Regulations, and at the time of the declaration, the chemist already has such evidence available to him or her; and

(b) if no satisfactory evidence is produced to the chemist (and, where it is relevant, none is readily available to him or her as mentioned in paragraph (a)) the chemist must endorse the form on which the declaration is made to that effect.";

(e) yn is-baragraff (3), yn lle "prescription form, signed as a specified in sub-paragraph (1)" rhowch "prescription form or a repeatable prescription, signed as specified in sub-paragraph (1) or (1ZA)";

(f) yn is-baragraff (4), ar ôl "prescription form" mewnosodwch "or repeatable prescription";

(ff) yn is-baragraff (6), ar ôl "prescription form" mewnosodwch "or repeatable prescription";