OFFERYNNAU STATUDOL CYMRU

2003 Rhif 2624 (Cy.252)

GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Diwygiadau ynghylch Rhagnodi gan Nyrsys Atodol ac Annibynnol) (Cymru) 2003

Wedi'u gwneud - -	*8 Hydref 2003*
Yn dod i rym - -	*10 Hydref 2003*

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

Enwi, cychwyn, dehongli a chymhwyso

1.—(1) Enw'r rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Diwygiadau ynghylch Rhagnodi gan Nyrsys Atodol ac Annibynnol) (Cymru) 2003.

(2) Mae'r Rheoliadau hyn yn dod i rym ar 10 Hydref 2003.

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

(**1**) 1977 p.49; *gweler* adran 128(1) fel y'i diwygiwyd gan Ddeddf Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) ("Deddf 1990"), adran 26(2)(g) ac (i), a chan Ddeddf Iechyd 1999 (p.8) ("Deddf 1999"), Atodlen 4, paragraff 38(2)(b), i gael y diffiniad o "prescribed" a "regulations".
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 yr 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.
Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2) a Deddf 1999, Atodlen 4, paragraff 37(6).
Diwygiwyd adran 41 gan Ddeddf 1980, adrannau 1 a 20(1) ac Atodlen 1, paragraff 53 ac Atodlen 7; gan O.S. 1985/39, erthygl 7(13); gan Ddeddf 1990, Atodlen 9, paragraff 18(1) ac Atodlen 10; gan Ddeddf Cynhyrchion Meddyginiaethol: Rhagnodi gan Nyrsys etc.1992 (p.28), adran 2; gan Ddeddf 1995, Atodlen 1, paragraff 29 a chan Ddeddf 1997, Atodlen 2, paragraff 13.
Amnewidiwyd adran 42 gan Ddeddf y Gwasanaeth Iechyd Gwladol (Diwygio) 1986 (p.66), adran 3(1); ei hestyn gan Ddeddf 1988, adran 17 a'i diwygio gan OS 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.
Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 29 a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 i Gynulliad Cenedlaethol Cymru drwy 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(5).

Diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992

2.—(1) Diwygir Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992(**2**) yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 2(1) (dehongli) —

(a) rhowch bob un o'r diffiniadau canlynol yn y lle priodol yn nhrefn yr wyddor —

""independent nurse prescriber" means—

(a) a person whose name is registered—

(i) in Part 1 or 12 of the nurses and midwives' professional register and has a district nurse qualification additionally recorded in the nurses and midwives' professional register pursuant to rule 11 of the Nurses, Midwives and Health Visitors Rules 1983(**3**) or

(ii) in Part 11 of the nurses and midwives' professional register as a health visitor,

and against whose name is recorded in the nurses and midwives' professional register an annotation signifying that he or she is qualified to order drugs, medicines and appliances from the Nurse Prescribers' Formulary for District Nurses and Health Visitors in Part XVII B(i) of the Drug Tariff; or

(b) a person—

(i) whose name is registered in Parts 1, 3, 5, 8, 10, 11, 12, 13, 14, or 15 of the nurses and midwives' professional register, and

(ii) against whose name is recorded in the nurses and midwives' professional register an annotation signifying that he or she is qualified to order drugs, medicines and appliances from the Nurse Prescribers' Extended Formulary in Part XVIIB (ii) of the Drug Tariff;";

""nurses and midwives' professional register" means the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001(**4**);" and

""supplementary prescriber" means a person whose name is registered in —

(a) Parts 1, 3, 5, 8, 10, 11, 12, 13, 14 or 15 of the nurses and midwives' professional register;

(b) the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954(**5**); or

(c) the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(**6**),

and against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a supplementary prescriber;";

(b) yn y diffiniad o "prescription form", yn lle "dentist or nurse prescriber" rhodder "dentist, supplementary prescriber or independent nurse prescriber"; ac

(**2**) O.S. 1992/662; yr offerynnau diwygio perthnasol yw O.S.1996/698, 1998/681, 1999/696, 2001/1396 (Cy.91) a 2002/3189 (Cy.305).
(**3**) Cymeradwywyd gan O.S.1983/873 a nodir hi yn yr Atodlen iddo; nid oes offerynnau diwygio perthnasol.
(**4**) O.S.2001/253.
(**5**) 1954 p.61.
(**6**) O.S.1976/1213.

(c) hepgorir y diffiniad o "nurse prescriber".

(3) Yn Atodlen 2 (telerau gwasanaeth)—

(a) ym mharagraff 3—

(i) yn is-baragraff (1)(a) a (b), ar ôl "doctor", yn y ddau le y mae'n digwydd, rhodder "or a supplementary prescriber";

(ii) yn is-baragraff (1)(d) ac (e), yn lle "a nurse prescriber" yn y ddau le y mae'n digwydd, rhodder "an independent nurse prescriber";

(iii) yn is-baragraff (4), yn lle "dentist or nurse prescriber" rhodder "dentist, a supplementary prescriber or an independent nurse prescriber",

(iv) yn is-baragraffau (6) a (7), yn lle "dentist or nurse prescriber" rhodder "dentist, supplementary prescriber or independent nurse prescriber", and

(v) yn is-baragraff (9), yn lle "doctor or nurse prescriber" rhodder "doctor, supplementary prescriber or independent nurse prescriber";

(b) ym mharagraff 7(2), yn lle "Regulations or by a nurse prescriber", rhodder "Regulations, or by a supplementary prescriber or an independent nurse prescriber,"; ac

(c) ym mharagraffau 11A a 11B, o flaen "a nurse prescriber" ym mhob lle y mae'n digwydd, rhodder "an independent nurse prescriber or".

Diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) 1992

3.—(1) Diwygir Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) 1992(**7**) yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 2(1) (dehongli) hepgorir y diffiniad o "nurse prescriber".

(3) Yn Atodlen 2 (telerau gwasanaeth)—

(a) ym mharagraff 1, rhowch bob un o'r diffiniadau canlynol yn y lle priodol yn nhrefn yr wyddor —

""independent nurse prescriber" means—

(a) a person whose name is registered—

(i) in Part 1 or 12 of the professional register and has a district nurse qualification additionally recorded in the professional register pursuant to rule 11 of the Nurses, Midwives and Health Visitors Rules 1983, or

(ii) in Part 11 of the professional register as a health visitor,

and against whose name is recorded in the professional register an annotation signifying that he or she is qualified to order drugs, medicines and appliances from the Nurse Prescribers' Formulary for District Nurses and Health Visitors in Part XVII B(i) of the Drug Tariff; or

(b) a person—

(i) whose name is registered in Parts 1,3, 5, 8, 10, 11, 12, 13, 14, or 15 of the professional register, and

(ii) against whose name is recorded in the professional register an annotation signifying that he or she is qualified to order drugs,

(**7**) O.S. 1992/635; yr offerynnau diwygio perthnasol yw O.S. 1992/2412, 1993/2421, 1994/2620, 1995/3093, 1998/682 a 2838, 1999/326, 2001/833 (Cy.35), 2002/916 (Cy.104) a 1896 (Cy.197) a 2003/784 (Cy.95).

medicines and appliances from the Nurse Prescribers' Extended Formulary in Part XVIIB (ii) of the Drug Tariff;";

""licensing authority" shall be construed in accordance with section 6(3) of the Medicines Act 1968(**8**);";

""the POM Order" means the Prescription Only Medicines (Human Use) Order 1997(**9**);";

""prescription only medicine" means a medicine referred to in article 3 of the POM Order (medicinal products on prescription only);"; and

""supplementary prescriber" means a person whose name is registered in —

(a) Parts 1, 3, 5, 8, 10, 11, 12, 13, 14 or 15 of the professional register;

(b) the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954; or

(c) the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976,

and against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a supplementary prescriber;";

(b) ym mharagraff 28A(1) a (2), yn lle "a nurse prescriber", ym mhob lle y mae'n digwydd, rhodder "a nurse who is a supplementary prescriber or an independent nurse prescriber"; ac

(c) ar ôl paragraff 28A, rhodder y paragraff canlynol —

"**28B.**—(1) Where a doctor employs a supplementary prescriber and that person's functions include prescribing, the doctor shall have arrangements in place to ensure that that person will only—

(a) give a prescription for a prescription only medicine;

(b) administer a prescription only medicine for parenteral administration; or

(c) give directions for the administration of a prescription only medicine for parenteral administration,

as a supplementary prescriber under the conditions set out in sub-paragraph (2).

(2) The conditions referred to in sub-paragraph (1) are that —

(a) the person satisfies the applicable conditions set out in article 3B(3) of the POM Order (prescribing and administration by supplementary prescribers), unless those conditions do not apply by virtue of any of the exemptions set out in the subsequent provisions of that Order;

(b) the medicine is not a controlled drug within the meaning of the Misuse of Drugs Act 1971(**10**);

(c) the medicine is not specified in Schedule 10 (drugs and other substances not to be prescribed for supply under pharmaceutical services);

(d) the medicine is not specified in an entry in column 1 of Schedule 11(drugs to be prescribed under pharmaceutical services only in certain circumstances), unless—

(i) the patient is a person of a description mentioned in column 2 of that entry,

(**8**) 1968 p. 67.
(**9**) O.S. 1997/1830; yr offerynnau diwygio perthnasol yw O.S. 2000/549 a 2003/696.
(**10**) 1971 p. 38.