STATUTORY RULES OF NORTHERN IRELAND

2009 No. 394

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Prescribing and Charging Amendments Relating to Pandemic Influenza) Regulations (Northern Ireland) 2009

Made - - - - 27th November 2009

Coming into operation 1st January 2010

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred by Articles 57D, 98 and 106(b) of, and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**2**) and with the approval of the Department of Finance and Personnel insofar as they relate to Charges for Drugs and Appliances.

Citation and commencement

1. These Regulations may be cited as the Health and Personal Social Services (Prescribing and Charging Amendments Relating to Pandemic Influenza) Regulations (Northern Ireland) 2009 and shall come into operation on 1st January 2010.

Amendment of the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997

2. After regulation 7 of the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997(**3**) insert the following regulation—

"**Exemption from charges in respect of listed medicines**

7A.—(1) No patient shall be liable to pay a charge under these Regulations in respect of the following medicines—

(a) oseltamivir (marketed as Tamiflu);

(b) zanamivir (marketed as Relenza);

in the circumstances set out in paragraph (2).

(**1**) *See*S.I. 1999/283 (N.I. 1) Article 3(6)

(**2**) S.I. 1972/1265 (N.I. 14) relevant amending instruments are S.I. 1986/2229 (N.I. 24); S.I. 1988/2249 (N.I. 24) Article 7; S.I. 1991/194 (N.I. 1) Part II of Schedule 5; 2001 c.3 (N.I.) section 48; S.I. 2004/311 (N.I. 2) Article 4; 2008 c. 2 (N.I.) section 14 and 2009 c.1 (N.I.) section 32 and Schedule 6

(**3**) S.R. 1997 No. 382 to which there are amendments not relevant to these regulations

(2) Those circumstances are that—

(a) the Department has made arrangements for supplying the medicine to patients free of charge; or

(b) the Regional Board that is responsible for the arrangements under which the medicine is supplied has made arrangements, with the approval of the Department for supplying the medicine to patients free of charge,

and the patient is supplied with the medicine under those arrangements.".

Amendment of the Health and Personal Social Services (General Medical Services Contracts) (Prescription of Drugs Etc.) Regulations (Northern Ireland) 2004

3. In Schedule 2 to the Health and Personal Social Services (General Medical Services Contracts) (Prescription of Drugs Etc.) Regulations (Northern Ireland) 2004(**4**) (drugs, medicines and other substances to be ordered only in certain circumstances)—

(a) In the appropriate alphabetical place in the table having regard to the name of the drug, insert respectively in columns 1, 2 and 3—

"Oseltamivir (Tamiflu)	(1) At-risk adult and child patients 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.	Treatment of influenza
	(2) 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 Department or are part the Regional Board's antivirals distribution service.	
	(3) At-risk patients aged 13 years and older 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; (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;	Prophylaxis of influenza"

(**4**) S.R. 2004 No.142