STATUTORY RULES OF NORTHERN IRELAND

2009 No. 191

HEALTH AND PERSONAL SOCIAL SERVICES

Pharmaceutical Services and Charges for Drugs and Appliances (Amendment) Regulations (Northern Ireland) 2009

Made - - - -	*13th May 2009*
Coming into operation	*6th June 2009*

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred by Articles 63(1), (2), 63AA, 64, 98, 106(b) and 107(6) of, and Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(**2**), and in conjunction with the Department of Finance and Personnel insofar as they relate to Pharmaceutical Services, and with the approval of the Department of Finance and Personnel insofar as they relate to Charges for Drugs and Appliances, and after consultation with such organisations as appear to the Department of Health, Social Services and Public Safety to be representative of the pharmaceutical profession as required by Article 63(3) of the Health and Personal Social Services (Northern Ireland) Order 1972.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pharmaceutical Services and Charges for Drugs and Appliances (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 6th June 2009.

(2) In these Regulations—

(a) "the Pharmaceutical Regulations" means the Pharmaceutical Services Regulations (Northern Ireland) 1997(**3**).

(b) "the Charges for Drugs and Appliances Regulations" means the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997(**4**).

(**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. 1978/1907 (N.I. 26) Article 14; S.I. 1986/2023 (N.I. 20) Articles 5(1) and (2); S.I. 1986/2229 (N.I. 24); S.I. 1988/2249 (N.I. 24) Article 7; S.I 1991/194 (N.I. 1) Articles 31(1) and (2), 34 and Part II of Schedule 5; S.I. 1992/2671 (N.I. 18) Article 3; S.I. 1997/1177 (N.I. 7) Article 29; 2001 c. 3 (N.I.) section 48 and 2008 c. 2 (N.I.) section 10.

(**3**) S.R. 1997 No. 381 relevant amending instruments are S.R. 1998 No. 95; S.R. 1999 Nos. 100 and 254; S.R. 2001 No. 222; S.R. 2002 Nos. 92 and 397; S.R. 2003 No. 447 and S.R. 2005 No. 231.

(**4**) S.R. 1997 No. 382 relevant amending instruments are S.R. 1998 Nos. 94 and 135; S.R. 1999 Nos. 100 and 166; S.R. 2000 No. 57; S.R. 2002 No. 397; S.R. 2003 No. 447; S.R. 2004 No. 156 and S.R. 2005 No. 231.

Amendment of the Pharmaceutical Services Regulations (Northern Ireland) 1997

2.—(1) The Pharmaceutical Regulations are amended as follows.

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

(a) in the definition of "independent nurse prescriber"(**5**), for sub-paragraph (b) substitute the following sub-paragraph—

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

(b) omit the definition of "nurses and midwives' professional register"(**6**);

(c) for the definition of "Nursing and Midwifery Register"(**7**) substitute the following definition—

""Nursing and Midwifery Register" means the register maintained by the Nursing and Midwifery Council under Article 5 of the Nursing and Midwifery Order 2001(**8**);";

(d) after the definition of "obstetric list" insert the following definition—

""optometrist independent prescriber" means a person—

(a) who is registered in the register maintained by the General Optical Council in pursuance of section 7 of the Opticians Act 1989(**9**); and

(b) against whose name in that register is recorded an annotation that he is qualified to order drugs, medicines and appliances as an optometrist independent prescriber;";

(e) after the definition of "pharmacist" insert the following definition—

""pharmacist independent prescriber" means a person—

(a) who is registered in the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(**10**) or in Part 1 of the register maintained under Article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007(**11**); and

(b) against whose name in that register is recorded an annotation signifying that he is qualified to order drugs, medicines and appliances as a pharmacist independent prescriber;";

(f) for the definition of "prescriber"(**12**) substitute—

""prescriber" means a doctor, dentist, an independent nurse prescriber, an optometrist independent prescriber, a pharmacist independent prescriber or a supplementary prescriber;";

(g) for the definition of "prescription form"(**13**), substitute—

""prescription form" means a form provided by the RBSO and issued by a prescriber to enable a person to obtain pharmaceutical services and—

(**5**) This definition was inserted by S.R. 2003 No. 447 and substituted by S.R. 2005 No. 231.
(**6**) This definition was inserted by S.R. 2003 No. 447.
(**7**) This definition was inserted by S.R. 2005 No. 231.
(**8**) S.I. 2002/253, to which there are no relevant amending instruments.
(**9**) 1989 c. 44.
(**10**) S.I. 1976/1213 (N.I. 22).
(**11**) S.I. 2007/289.
(**12**) This definition was inserted by S.R. 2005 No. 231.
(**13**) This definition was substituted by S.R. 1999 No. 254 and amended by S.R. 2003 No. 447 and S.R. 2005 No. 231.

(a) includes a prescription form provided and issued under equivalent arrangements having effect in England, Scotland or Wales; and

(b) does not include a repeatable prescription;";

(h) in the definition of "relevant register"(**14**), for sub-paragraph (b) substitute the following sub-paragraph—

"(b) in relation to a pharmacist, the register maintained under Article 10(1) (the Register of Pharmacists) of the Pharmacists and Pharmacy Technicians Order 2007 or the register maintained in pursuance of Articles 6 (the registers) and 9 (the registrar) of the Pharmacy (Northern Ireland) Order 1976;";

(i) in the definition of "repeatable prescriber"(**15**), insert the following sub-paragraph—

"(c) employed or engaged by the Regional Board or HSC trust to provide repeatable prescribing services.";

(j) for the definition of "supplementary prescriber"(**16**) substitute the following definition—

""supplementary prescriber" means a person—

(a) whose name is registered in—

(i) the Nursing and Midwifery Register,

(ii) Part 1 of the Register of Pharmacists maintained under Article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007,

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

(iv) the part of the register maintained by the Health Professions Council in pursuance of Article 5 of the Health Professions Order 2001(**17**) relating to—

(aa) chiropodists and podiatrists;

(bb) physiotherapists; or

(cc) diagnostic or therapeutic radiographers; or

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

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

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

3.—(1) The Charges for Drugs and Appliances Regulations are amended as follows.

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

(a) omit the definition of "Agency";

(b) for the definition of "independent nurse prescriber"(**18**) substitute the following definition —

""independent nurse prescriber" means a person—

(**14**) This definition was inserted by S.R. 2005 No. 231.
(**15**) This definition was inserted by S.R. 2005 No. 231.
(**16**) This definition was inserted by S.R. 2003 No. 447 and substituted by S.R. 2005 No. 231.
(**17**) S.I. 2002/254 to which there are no relevant amending instruments.
(**18**) This definition was inserted by S.R. 2003 No. 447.