STATUTORY RULES OF NORTHERN IRELAND

2002 No. 397

HEALTH AND PERSONAL SOCIAL SERVICES

Pharmaceutical Services and Charges for Drugs and Appliances (Amendment) Regulations (Northern Ireland) 2002

Made - - - -	*18th December 2002*
Coming into operation	*1st February 2003*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred on it by Articles 63(1), (2), (2A) to (2D), 64, 98, 106, 106(b) 107(6) and Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(**2**) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel 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 that Order, hereby makes the following Regulations:

Citation, commencelment and interpretation

1.—(1) These Regulations may be cited as the Pharmaceutical Services and Charges for Drugs and Appliances (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 1st February 2003.

(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**).

Amendment of regulation 2 of the Pharmaceutical Regulations

2.—(1) Regulation 2 of the Pharmaceutical Regulations (interpretation) is amended as follows.

(2) In paragraph (1)–

(**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. 1991/194 (N.I. 1) Articles 31(1) and (2); S.I. 1992/2671 (N.I. 18) Article 3 and S.I. 1997/1177(N.I. 7) Article 29 and 2001 c. 3 (N.I.) Section 48
(**3**) S.R. 1997 No. 381; relevant amending instruments are S.R. 1999 No. 254; S.R. 2001 No. 222 and S.R. 2002 No. 92
(**4**) S.R. 1997 No. 382; relevant amending instruments are S.R 1999 No. 166

(a) omit the definition of "listed drugs",

(b) in the definition of "nurse prescriber", for "nurse or health visitor" there is substituted "nurse, midwife or health visitor".

(3) For paragraph (2) there shall be substituted–

"(2) The specified description of a nurse, midwife or health visitor mentioned in the definition of "nurse prescriber" in paragraph (1) is–

(a) a person who–

(i) is registered in Part 1 or 12 of the register maintained by the Nursing and Midwifery Council(**5**) pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001(**6**) (referred to in this definition as the "professional register"), and has a district nursing qualification additionally recorded in the professional register under rule 11 of the Nurses, Midwives and Health Visitors Rules 1983(**7**), or

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

and against whose name (in each case) is recorded in the professional register an annotation signifying that that person is qualified to order drugs, medicines and appliances for patients; or

(b) is registered in Parts 1, 3, 5, 8, 10, 11, 12, 13, 14 or 15 of the professional register and against whose name is recorded in the professional register an annotation signifying that that person is qualified to order drugs, medicines and appliances from the Nurse Prescribers' Extended Formulary Appendix in the British National Formulary.".

Amendment of Schedule 2 to the Pharmaceutical Regulations

3. In Schedule 2 to the Pharmaceutical Regulations (terms of service)–

(a) in paragraph 2 (provision of pharmaceutical services) for sub-paragraph 1(d), substitute–

"(d) an order for drugs or medicines, or listed appliances, not being restricted availability appliances, signed by a nurse prescriber";

(b) in paragraph 14–

(i) for sub-paragraph (2), substitute–

"(2) Where a patient presents an order on a prescription form for drugs or medicines or listed appliances signed by a nurse prescriber, or an order for a restricted availability appliance signed by and endorsed on its face with the reference "S11" by a nurse prescriber, to a doctor who is authorised or required by regulation 12 to provide drugs or appliances to that patient, the doctor may provide to the patient such of the drugs, medicines or appliances so ordered as he supplies in the normal course of his practice."; and

(ii) in sub-paragraph (3), omit the word "listed" the first time it occurs;

(c) in paragraph 14A, omit the word "listed" the second time it occurs.

Amendment of regulation 2 of the Charges for Drugs and Appliances Regulations

4.—(1) Regulation 2 of the Charges for Drugs and Appliances Regulations (interpretation) is amended as follows–

(**5**) *See* Article 3 of the Nursing and Midwifery Order 2001, S.I. 2002/253
(**6**) S.I. 2002/253
(**7**) Approved by S.I. 1983/873, to which there are amendments not relevant to these Regulations