STATUTORY RULES OF NORTHERN IRELAND

2001 No. 222

HEALTH AND PERSONAL SOCIAL SERVICES

Pharmaceutical Services (Amendment) Regulations (Northern Ireland) 2001

Made - - - -	*24th May 2001*
Coming into operation	*2nd July 2001*

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, 106(*b*) and 107(6) of 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Pharmaceutical Services (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 2nd July 2001.

(2) In these Regulations "the principal Regulations" means the Pharmaceutical Services Regulations (Northern Ireland) 1997(**3**).

Amendment of regulation 2 of the principal Regulations

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

(2) In paragraph (1)

(a) in the appropriate alphabetical position insert—

""dispensing doctor list" shall be construed in accordance with regulation 12B;

"directed services" means additional pharmaceutical services;

"doctor's list" means a list of a doctor's patients kept by the Agency—

(**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) Article 5(1) and (2); S.I. 1991/194 (N.I. 1) Article 31(1) and (2); S.I. 1992/2671 (N.I. 18) Article 3 and S.I. 1997/1177 (N.I. 17) Article 29

(**3**) S.R. 1997 No. 381; relevant amending regulations are S.R. 1997 No. 547, S.R. 1998 No. 1995 and S.R. 1999 Nos. 100 and 254

(i) in respect of a doctor providing general medical services, in accordance with regulation 18 of the Medical Regulations, or

(ii) in respect of a doctor performing personal medical services in connection with a pilot scheme, in accordance with paragraph 3 of the Directions to Health and Social Services Boards and the Central Services Agency Concerning Patient Lists (Personal Medical Services) made under Articles 8(1) and 31(5) of the 1997 Order;

"pilot scheme provider" means a person, other than a Board who is a party to a pilot scheme;"; and

(b) in the definition of "patient", at the end, insert "except in relation to a doctor who performs personal medical services under a pilot scheme and whose name is not included in the medical list, in which case it has the meaning assigned to it in the directions made by the Department in exercise of powers conferred on it by Articles 17 and 27 of the Order and Articles 8(1) and 31(5) of the 1997 Order.".

(3) After paragraph (1A), insert a new paragraph—

"(1B) In these Regulations—

(a) the term "pharmaceutical services", in relation to a doctor whose name is not included in a medical list but who performs personal medical services under a pilot scheme, means those services referred to in regulation 12; and

(b) the term "dispensing services", in relation to such a doctor, means any corresponding service performed, not as pharmaceutical services, but under a pilot scheme by virtue of Article 3(3) of the 1997 Order.".

(4) In paragraph (2) (which specifies a description of nurse prescribers who may issue prescription forms) in each of the sub-paragraphs (*a*)(iii) and (*b*)(ii), after the words "medical list" insert the words "or by a pilot scheme provider in connection with the provision of personal medical services under a pilot scheme.".

Amendment of regulation 3 of the principal Regulations

3. For regulation 3 of the principal Regulations (pharmaceutical services) there shall be substituted—

"**Pharmaceutical services**

3.—(1) The arrangements for the provision of pharmaceutical services by chemists shall include arrangements for the supply of contraceptive substances and appliances.

(2) The arrangements referred to in paragraph (1) shall incorporate the terms of service for chemists set out in Part II of Schedule 2.

(3) A chemist may at any time give notice in writing to the Board that he wishes to be included in or excluded from any arrangements for the supply of contraceptive substances and appliances.".

Amendment of regulation 6 of the principal Regulations

4. In regulation 6 of the principal Regulations (pharmaceutical list)—

(a) in paragraph (2)(*b*)(ii) after the word "relocate" there shall be inserted ", either permanently or temporarily,";

(b) in paragraph (2) after the word "appropriate" on the last line there shall be inserted "or in the case of an application under paragraph (4A) on whichever version of Form A (TR) set out in Part I or Part II of that Schedule is appropriate"; and

(c) after paragraph (4) there shall be inserted—

"(4A) Where an application is made and—

(a) the applicant intends to relocate for a temporary period to new premises and to provide from those new premises the same pharmaceutical services which he is listed as providing from his existing premises; and

(b) the Board is fully satisfied that, because of exceptional circumstances, relocation on a temporary basis is necessary,

the Board shall grant the application and notify the applicant accordingly.

(4B) An application under paragraph (4A) shall be granted for such period as the Board may determine but that period shall not exceed twelve months.

(4C) The period determined under paragraph (4B) may be extended for a further period not exceeding six months where the Board is satisfied that the applicant has demonstrated good cause for such an extension.

(4D) Where the application is granted under paragraph (4A) the Board shall make the relevant entries in the pharmaceutical list in respect of the premises named in the application.";

(d) in paragraph (13) after the word "granted" there shall be inserted "other than under paragraph (4A),".

Amendment of regulation 7 of the principal Regulations

5. In regulation 7 of the principal Regulations (removal from the pharmaceutical list) after paragraph (4) insert—

"(5) On the expiry of the period determined under regulation 6(4B) the applicant's name shall be removed from the pharmaceutical list in respect of the premises named in the application.".

Amendment of regulation 9 of the principal Regulations

6. In regulation 9 of the principal Regulations (standards of, and payments for, drugs and appliances), in paragraph (1)(*g*) the words "and of the provision of supplemental services" shall be omitted.

Amendment of regulation 11 of the principal Regulations

7. In regulation 11 of the principal Regulations (provision of pharmaceutical services for immediate treatment or personal administration) for the words "A doctor" there shall be substituted the words "A doctor whose name is included in the medical list".

Amendment of regulation 12 of the principal Regulations

8. In regulation 12 of the principal Regulations (arrangements for provision of pharmaceutical services by doctors)—

(a) in paragraph (1) after the word "included" insert ", or a doctor falling within paragraph (1A),";

(b) after paragraph (1), insert—

"(1A) A doctor falls within this paragraph if—

(a) he performs personal medical services under a pilot scheme to which the Board is a party;

(b) his name was included in the medical list of the Board immediately before he started to perform personal medical services (whether under that pilot scheme or under another pilot scheme to which the Board was also a party);

(c) the pilot scheme provides for him to have a doctor's list, and the patient is included in that list; and

(d) by virtue of the pilot scheme, any services of the kind referred to in this regulation provided to persons who receive personal medical services under the scheme are to be carried out under these Regulations as pharmaceutical services rather than as dispensing services under the pilot scheme.".

9. After regulation 12 of the principal Regulations insert the following regulations—

"**Doctors who previously performed personal medical services**

12A.—(1) This regulation applies to a doctor—

(a) whose name is included in the medical list;

(b) who immediately before the inclusion of his name in that list satisfied the requirements of sub-paragraphs (*a*) and (*b*) of regulation 12(1A);

(c) who, when his name was included in the medical list as mentioned in regulation 12(1A)(*b*), was required under regulation 12 to provide pharmaceutical services to any patient; and

(d) who then provided dispensing services under a pilot scheme to any person who received personal medical services under that pilot scheme.

(2) A doctor to whom this regulation applies shall be treated as being required under regulation 12 to provide pharmaceutical services to any patient to whom immediately before his rejoining the medical list he provided dispensing services under the pilot scheme and who wishes him to continue to provide such services.

Dispensing doctor lists

12B.—(1) Subject to paragraph (2), a Board shall prepare and publish a list, to be called the dispensing doctor list, of the names of those doctors required by the Board under regulation 12 to provide pharmaceutical services to their patients and who are actually doing so (below referred to as "dispensing doctors").

(2) The dispensing doctor list shall be divided into two parts as follows—

(a) Part 1 shall contain the names of those dispensing doctors whose names are included in the Board's medical list; and

(b) Part 2 shall contain the names of those dispensing doctors whose names are not included in the Board's medical list but who perform personal medical services in the Board's area.

(3) The dispensing doctor list shall indicate—

(a) in respect of any doctor whose name is included in Part 1, the address of his practice premises; and

(b) in respect of any doctor whose name is included in Part 2, the address of the place specified in the pilot scheme as the place at which the doctor will normally be available during normal hours to perform personal medical services.

(4) For the purposes of paragraph (3)—

(a) "practice premises" has the same meaning as in regulation 2 of the Medical Regulations; and

(b) "normal hours" means those days and times specified in a pilot scheme as the days on which and times at which a doctor will normally be available to perform personal medical services.

12C. A Board shall remove the name of a doctor from its dispensing doctor list when—

(a) the doctor has died; or

(b) the doctor is no longer providing general medical services or (as the case may be) performing personal medical services; or

(c) more than 12 months have elapsed since the doctor last provided pharmaceutical services pursuant to the requirement to provide such services made by the Board under regulation 12.".

Amendment of regulation 14 of the principal Regulations

10. Regulation 14 of the principal Regulations (publication of particulars) shall be amended as follows—

(a) in paragraph (1), omit the word "and" at the end of sub-paragraph (*c*) and at the end of sub-paragraph (*d*) insert—

"and

(e) its dispensing doctor list."; and

(b) in paragraph (3)—

(i) after the words "pharmaceutical list" where first mentioned insert the words "and of its dispensing doctor list", and

(ii) for the words "in the pharmaceutical list", substitute the words "in either of those lists,".

Amendment of Schedule 2 to the principal Regulations

11.—(1) Part II of Schedule 2 to the principal Regulations (terms of service for chemists) shall be amended as follows.

(2) Before paragraph 2 there shall be inserted—

"**Directed services**

1A. A chemist with whom a Board makes an arrangement for the provision of any directed service shall comply with the terms and conditions of the arrangement.".

(3) In paragraph 4 (Premises and hours), for sub-paragraph (23) there shall be substituted the following sub-paragraphs—

"(23) If the Board has been directed under Article 63A(1)(*a*) or (*b*) of the Order that it must, or may, make arrangements for a pharmacist to be available to any person in the Board's area for consultation outside the hours referred to in sub-paragraph (22) no direction shall be given under sub-paragraph (22), unless the requirements of sub-paragraph (23A) have been complied with.