1991 No. 97

HEALTH AND PERSONAL SOCIAL SERVICES

General Medical and Pharmaceutical Services (Amendment) Regulations (Northern Ireland) 1991

Made	*20th March 1991*
Coming into operation . .	*1st April 1991*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 56(2), 63, 106 and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) and of all other powers enabling it in that behalf and in conjunction with the Department of Finance and Personnel(**b**) and after consultation with such organisations as appear to the Department to be representative of the Medical and Pharmaceutical professions, as required by Articles 56(5) and 63(3) of that Order, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the General Medical and Pharmaceutical Services (Amendment) Regulations (Northern Ireland) 1991, and shall come into operation on 1st April 1991.

(2) In these regulations "the principal regulations" means the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(**c**).

Substitution of regulation 36 of the principal regulations

2. For regulation 36 of the principal regulations (Terms of service for chemists) there shall be substituted the following regulation:—

"*Terms of Service*

36.—(1) The arrangements for the supply of drugs and appliances to persons receiving general medical services and of drugs to persons receiving general dental services shall include arrangements for—

(*a*) the supply of contraceptive substances and appliances;

(*b*) the provision of oxygen concentrator services in accordance with regulation 37B;

(*c*) the provision of supplemental services:

(**a**) S.I. 1972/1265 (N.I. 14) as amended by S.I. 1978/1907 (N.I. 26). S.I. 1981/432, S.I. 1986/2023 (N.I. 20), S.I. 1986/2229 (N.I. 24), S.R. 1987 No. 457 and S.I. 1988/2249 (N.I. 24)

(**b**) Formerly Department of Finance; *see* S.I. 1982/338 (N.I. 6) Art. 3

(**c**) S.R. & O. (N.I.) 1973 No. 421. The relevant amending regulations are S.R. 1975 No. 180, S.R. 1985 No. 69, S.R. 1985 No. 131, S.R. 1987 No. 247 and S.R. 1988 No. 395

(2) The arrangements referred to in paragraph (1) shall incorporate as appropriate the terms of service for chemists contained or referred to in Schedule 4.

(3) In these regulations "supplemental services" means—

(*a*) where a chemist regularly supplies drugs and medicines to be taken by persons resident in a home, the giving of advice by him or, where he is not the pharmacist, by a pharmacist employed by him, following a visit to that home in connection with procedures there for the safe keeping and correct administration of those drugs and medicines;

(*b*) the keeping of records of such visits as are referred to in sub-paragraph (*a*);

(*c*) the keeping of records in connection with drugs and medicines supplied to or to be taken by any person —

(i) who claims exemption under regulation 15(1)(*b*) of the Health and Personal Social Services (Charges for Drugs and Appliances) Regulations (Northern Ireland) 1973(**a**), or

(ii) who, in the opinion of the pharmacist dispensing the drug or medicine, is likely to have difficulty understanding the nature and dosage of the drug or medicine dispensed and the times at which it is to be taken,

in circumstances where the nature of the drug or medicine is such that, in the opinion of the pharmacist who dispenses it, the same or a similar drug or medicine is likely to be prescribed for that person regularly on future occasions.

(4) In paragraph (3)—

(*a*) "home" means any one of—

(i) a nursing home registered under the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971(**b**), or

(ii) a residental home provided under Article 15 of the Order, or

(iii) a residential home registered under Article 35 of the Order;

(*b*) "records" shall include —

(i) in the case of those kept pursuant to paragraph (3)(*b*), a record of the name and address of the home, of the date of each visit and of the nature of any advice given in the course of or following each such visit and to whom it was given, and

(ii) in the case of those kept pursuant to paragraph (3)(*c*), a record of the name and address of the person to or for whom the drug or medicine is supplied, of the name, quantity, and dosage of the drug or medicine supplied and of the date on which the supply was made and any advice given in relation to the use of the drugs and medicines supplied.

(**a**) S.R. & O. (N.I.) 1973 No. 419. As amended by S.R. 1974 No. 58
(**b**) 1971 c. 32 (N.I.)

(5) A chemist may at any time give notice in writing to the Board that he wishes to be—

(*a*) included in or excluded from any arrangements for the supply of contraceptive services and appliances, or

(b) included in any arrangements for the provision of supplemental services.

(6) Where:—

(*a*) the Department is satisfied that an institution is wholly or mainly concerned with the care of terminally ill patients; and

(*b*) that institution has made a special arrangement with the Department,

a chemist may supply drugs for its patients on presentation by that institution of a composite order form signed by a doctor.".

Amendment of regulation 40 of the principal regulations

3. In regulation 40 of the principal regulations (Prices and standards of drugs and appliances)—

(*a*) in paragraph (1) after sub-paragraph (*d*) there shall be inserted the following sub-paragraph:—

"(*dd*) arrangements for claiming fees, allowances and remuneration in connection with the making and implementation of arrangements for the provision of pharmaceutical services."

(*b*) the following paragraph shall be substituted for paragraph (2):—

"(2) Sub-paragraphs (*a*), (*d*), (*dd*) and (*f*) of paragraph (1) shall not apply to the provision of services to which regulation 37B applies, and such prices, fees, arrangements and claims as are there mentioned shall be in accordance with such terms as may be specified by the Department in accordance with regulation 37B(1)(*b*).".

Amendment of Schedule 1 to the principal regulations

4. In Schedule 1 to the principal regulations (Terms of service for doctors) in head (ii) of paragraph 11(2)(*b*) after "patient" there shall be added "except where a special arrangement has been made in accordance with regulation 36(6).''.

Amendment of Schedule 3A to the principal regulations

5. In Schedule 3A to the principal regulations (drugs and other substances not to be prescribed for supply under pharmaceutical services)(**a**)—

(*a*) the following entries shall be omitted—

Adexolin Vitamin Drops
Normacol Antispasmodic;

(**a**) Schedule 3A was inserted by S.R. 1985 No. 69 and amended by S.R. 1985 Nos. 131 and 318, S.R. 1986 Nos. 65, 170 and 289, S.R. 1987 Nos. 1 and 323, S.R. 1988 No. 246, S.R. 1989 Nos. 11 and 454 and S.R. 1990 Nos. 157 and 428