

NATIONAL HEALTH SERVICE (PRIMARY CARE) ACT 1997

NATIONAL HEALTH SERVICE ACT 1977

THE STRATEGIC HEALTH AUTHORITIES AND PRIMARY CARE TRUSTS IMPLEMENTATION OF PILOT SCHEMES (PERSONAL MEDICAL SERVICES) (AMENDMENT) (No. 2) DIRECTIONS 2003

The Secretary of State, in exercise of powers conferred on him by sections 17 and 126(3) to (5) of the National Health Service Act 1977(a), and sections 6(1), 8(1) and 39(6) of the National Health Service (Primary Care) Act 1997(b), and all other powers enabling him in that behalf, hereby gives the following Directions:-

Citation, commencement and interpretation

1.—(1) These Directions may be cited as the Strategic Health Authorities and Primary Care Trusts Implementation of Pilot Schemes (Personal Medical Services) (Amendment) (No. 2) Directions 2003, and shall come into force on 5 June 2003.

(2) In these Directions, “the principal Directions” means the Health Authorities and Primary Care Trusts Implementation of Pilot Schemes (Personal Medical Services) Directions 2002(c).

Application

2.—(1) Part I of these Directions are given to all Strategic Health Authorities(d) and Primary Care Trusts in England, in respect of all pilot schemes(e).

(2) Part II of these Directions are given to -

- (a) those Primary Care Trusts in England which are specified in the Schedule to these Directions; and
- (b) all Strategic Health Authorities in England.

Variation of pilot schemes

3.—(1) Any pilot scheme implemented before the coming into force of these Directions shall be varied to take account of Part I of these Directions.

(2) Where a pilot scheme does not include the provision of repeatable prescribing services but a pilot scheme provider wishes to commence the provision of repeatable prescribing services, that pilot scheme shall be varied to take account of Part II of these Directions, but only if the pilot scheme provider -

- (a) is a Primary Care Trust specified in the Schedule to these Directions; or
- (b) is a party to a pilot scheme agreement with a Primary Care Trust specified in the Schedule.

(3) In this direction, “pilot scheme agreement”, “pilot scheme provider” and “repeatable prescribing services”(f) have the same meaning as in the principal Directions.

(a) 1977 c.49 (“the 1977 Act”). Section 17 was substituted by the Health Act 1999 (c.8), section 12, and amended by the Health and Social Care Act 2001 (c.15) (“the 2001 Act”), Schedule 5, paragraph 5(3), and the National Health Service Reform and Health Care Professions Act 2002 (c.17) (“the 2002 Act”), Schedule 1, paragraph 7. Section 126(4) was amended by, and section 126(5) was inserted by, the National Health Service and Community Care Act 1990 (c.19), section 65(2); further amendments were made by the Health Act 1999 (c.8), Schedule 4, paragraph 37(6), and the 2001 Act, Schedule 5, paragraph 5(13). The 1977 Act has effect in relation to services provided in accordance with Part I of the National Health Service (Primary Care) Act 1997 (“the 1997 Act”) by virtue of section 9 of that Act.

(b) 1997 c.46.

(c) These Directions came into force on 9th April 2002. They have been amended by the Health Authority (Construction of References – various exceptions for Primary Care Trusts) Directions 2002 (1st October 2002) and the Strategic Health Authorities and Primary Care Trusts Implementation of Pilot Schemes (Personal Medical Services) (Amendment) Directions 2003 (1st February 2003). A copy is available on the Department of Health’s website at www.doh.gov.uk/pricare.pca.htm.

(d) Health Authorities were renamed as Strategic Health Authorities by section 1 of the 2002 Act.

(e) See section 1(1) of the 1997 Act for definition of “pilot scheme”.

(f) The definition of “repeatable prescribing services” is inserted by direction 4 of these Directions.

PART I
AMENDMENTS IN CONNECTION WITH NURSES
AND SUPPLEMENTARY PRESCRIBERS

Insertion of directions 17A and 17B into the principal Directions

4. After direction 17 (persons employed or engaged by a pilot scheme provider), insert –

“17A. – (1) A Primary Care Trust or a Strategic Health Authority which is implementing proposals for a pilot scheme must ensure that a pilot scheme agreement contains terms with the same effect as paragraphs (2) to (6).

(2) Where –

- (a) a pilot scheme provider employs or engages a supplementary prescriber or an independent nurse prescriber whose functions will include prescribing under the pilot scheme;
- (b) the functions of a pilot scheme provider who is a supplementary prescriber or an independent nurse prescriber are extended to include prescribing under the pilot scheme; or
- (c) the functions of a supplementary prescriber or an independent nurse prescriber who is already employed or engaged by the pilot scheme provider are extended to include prescribing under the pilot scheme,

the pilot scheme provider shall notify the Primary Care Trust or Strategic Health Authority (as the case may be) within the period of seven days beginning with the date on which the event occurred.

(3) Where –

- (a) the pilot scheme provider ceases to employ or engage a supplementary prescriber or an independent nurse prescriber whose functions included prescribing under the pilot scheme;
- (b) the functions of a pilot scheme provider who is a supplementary prescriber or an independent nurse prescriber are changed so that they no longer include prescribing under the pilot scheme;
- (c) the functions of a supplementary prescriber or an independent nurse prescriber who is employed or engaged by the pilot scheme provider are changed so that they no longer include prescribing under the pilot scheme; or
- (d) the pilot scheme provider becomes aware that a supplementary prescriber or an independent nurse prescriber whom he employs or engages has been removed or suspended from the professional register,

the pilot scheme provider shall notify the Primary Care Trust or Strategic Health Authority (as the case may be) by the end of the second day after the day when the event occurred.

(4) A pilot scheme provider shall provide the following information when he notifies the Primary Care Trust or Strategic Health Authority in accordance with paragraph (2) –

- (a) the supplementary prescriber or independent nurse prescriber’s full name;
- (b) his professional qualifications;
- (c) his identifying number which appears in the professional register;
- (d) the date on which his entry in the professional register was annotated to the effect that he was qualified to order drugs, medicines and appliances for patients; and
- (e) the date –
 - (i) on which he was employed or engaged, if his functions include prescribing under the pilot scheme, or
 - (ii) on which one of his functions became to prescribe under the pilot scheme.

(5) A pilot scheme provider shall provide the following information when he notifies the Primary Care Trust or Strategic Health Authority in accordance with paragraph (3) –

- (a) the supplementary prescriber or independent nurse prescriber’s full name;

- (b) his professional qualifications;
- (c) his identifying number which appears in the professional register; and
- (d) the date –
 - (i) he ceased to be employed or engaged,
 - (ii) his functions changed so as no longer to include prescribing under the pilot scheme, or
 - (iii) on which he was removed or suspended from the professional register.

(6) In this direction, “professional register” means –

- (a) in relation to a nurse, the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001(a); and
- (b) in relation to a pharmacist, the Register of Pharmaceutical Chemists maintained pursuant to section 2(1) of the Pharmacy Act 1954(b) or the register maintained pursuant to Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(c).

17B. – (1) A Primary Care Trust or a Strategic Health Authority which is implementing proposals for a pilot scheme must ensure that a pilot scheme agreement contains terms with the same effect as paragraphs (2), (3) and (4).

(2) Where a pilot scheme provider is a supplementary prescriber whose functions include prescribing under the pilot scheme, that person shall only -

- (a) give a prescription for a prescription only medicine;
- (b) administer a prescription only medicine for parenteral administration; or
- (c) give directions for the administration of a prescription only medicine for parenteral administration,

as a supplementary prescriber under the conditions set out in paragraph 28B(2) of Schedule 2 to the GMS Regulations(d).

(3) Where a pilot scheme provider is a supplementary prescriber whose functions include prescribing under the pilot scheme, that person will only give a prescription for -

- (a) an appliance; or
- (b) a medicine which is not a prescription only medicine,

as a supplementary prescriber under the conditions set out in paragraph 28B(4) of Schedule 2 to the GMS Regulations(e).

(4) Where a pilot scheme provider employs or engages a supplementary prescriber and that person’s functions include prescribing under the pilot scheme, the pilot scheme provider shall have arrangements in place to secure that that person complies with the requirements of paragraphs (2) and (3).”.

(a) S.I. 2002/253.

(b) 1954 c.61.

(c) S.I. 1976/1213 (N.I. 22).

(d) Paragraph 28B of Schedule 2 to the GMS Regulations was inserted by regulation 3 of S.I. 2003/699.

(e) See note (d) above.

PART II
AMENDMENTS IN CONNECTION WITH REPEATABLE PRESCRIBING

Amendment of direction 1 of the principal Directions

- 5.—(1) Direction 1 (application, citation, commencement and interpretation) is amended as follows.
- (2) In paragraph (2), after ““prescription form”” insert “, “repeatable prescribing services””.
- (3) In paragraph (3) –
- (a) in the definition of “prescription form”, after “pharmaceutical services” add “or local pharmaceutical services, and does not include a repeatable prescription;”; and
- (b) after the definition of “relevant body”, insert –
- ““repeatable prescribing services” means personal medical services which involve the prescribing of drugs or appliances on a repeatable prescription;”.

Amendment of direction 3 of the principal Directions

6. In direction 3 (provision of personal medical services and other services), in paragraph (2), after “minor surgery services” insert “, repeatable prescribing services”.

Insertion of direction 12A into the principal Directions

7. After direction 12 (temporary residents) insert -

“Repeatable prescribing services

12A. – (1) A Primary Care Trust or a Strategic Health Authority which is implementing proposals for a pilot scheme which includes the provision of repeatable prescribing services, or which is to be varied to include the provision of repeatable prescribing services, must ensure that the pilot scheme agreement contains terms with the same effect as paragraphs (2) and (3).

(2) The pilot scheme provider must give notification in writing to the Primary Care Trust or Strategic Health Authority (as the case may be), in accordance with paragraph (3), naming any doctor performing personal medical services under the pilot scheme who has a doctor’s list and who wishes to perform repeatable prescribing services.

- (3) The notification must affirm that –

(a) a named doctor wishes to perform repeatable prescribing services, and intends to begin to perform those services from a specified date (which must be at least one week after the date on which the Primary Care Trust or Strategic Health Authority receives the notification);

- (b) that doctor satisfies the following conditions –

(i) he has access to computer systems and software which enable him to issue repeatable prescriptions and batch issues, and

(ii) he is not participating in a pilot scheme on the use of electronic prescribing as described in direction 1(4) and (5); and

(c) that doctor’s normal place is located in a Primary Care Trust’s area in which there is also located the premises of at least one chemist who has undertaken to provide, or has entered into an arrangement to provide, repeat dispensing services.

(4) Where repeatable prescribing services are provided under a pilot scheme, a Primary Care Trust which is a party to that scheme (whether or not as the pilot scheme provider) shall prepare and keep up to date a list of those doctors named in a notification in accordance with paragraph (3).”.

Amendment of direction 19 of the principal Directions

8. In direction 19 (pilot leaflet), in paragraph (1)(b), after paragraph (iv) insert –

“(iva) if repeatable prescribing services are provided, the arrangements for providing such services.”.

Amendment of Schedule 1 to the principal Directions

9.—(1) Schedule 1 (terms relating to the performance of personal medical services under a pilot scheme) is amended as follows.

- (2) In paragraph 17 (responsibility for performance of personal medical services) –
 - (a) in sub-paragraph (1), for “sub-paragraphs (2) and (3)” substitute “sub-paragraphs (2), (3) and (3A)”;
 - (b) after sub-paragraph (3) insert –

“(3A) Repeatable prescribing services may be performed only by a doctor –

 - (a) named in a notification in accordance with direction 12A(3); or
 - (b) acting on behalf of such a named doctor.”; and
 - (c) in sub-paragraph (4), at the beginning insert “Subject to sub-paragraphs (2), (3) and (3A),”.
- (3) In paragraph 21 (prescribing) –
 - (a) after “any pilot patient,” insert “regulation 33A(7) and”; and
 - (b) before sub-paragraph (a), insert –

“(aa) in paragraph 43A(4)(a), for “that doctor’s list of patients” substitute “that doctor’s list or the pooled list”.
- (4) After paragraph 21 insert –

“21A. A doctor may not provide repeatable prescribing services to any pilot patient to whom he is authorised or required by the Primary Care Trust to provide –

 - (a) pharmaceutical services under regulation 20 of the National Health Service (Pharmaceutical Services) Regulations 1992**(b)**; or
 - (b) dispensing services (as defined in Schedule 4) under equivalent terms of the pilot scheme agreement.”.
- (5) In paragraph 22, after “prescription” insert “or repeatable prescription”.

Signed by authority of the Secretary of State for Health

[Kevin Guinness] 05 June 2003

Department of Health
A Member of the Senior Civil Service

(a) Paragraph 43A(4) of Schedule 2 was inserted by S.I. 2003/1084.
(b) S.I. 1992/662; relevant amendments are made by S.I. 1998/681, 1999/696 and 2001/2888.

SCHEDULE

Direction 2(2)

**PRIMARY CARE TRUSTS SPECIFIED
FOR THE PURPOSES OF REPEATABLE PRESCRIBING**

Amber Valley Primary Care Trust
Bebington and West Wirral Primary Care Trust
Birkenhead and Wallasey Primary Care Trust
Blackburn with Darwen Primary Care Trust
Bristol North Primary Care Trust
Bristol South and West Primary Care Trust
Bromley Primary Care Trust
Burnley Pendle and Rossendale Primary Care Trust
Central Cornwall Primary Care Trust
Charnwood and North West Leicestershire Primary Care Trust
Cheltenham and Tewkesbury Primary Care Trust
Coventry Primary Care Trust
Durham and Chester-le-Street Primary Care Trust
Durham Dales Primary Care Trust
East Elmbridge and Mid Surrey Primary Care Trust
East Leeds Primary Care Trust
Eastern Birmingham Primary Care Trust
Erewash Primary Care Trust
Gateshead Primary Care Trust
Great Yarmouth Primary Care Trust
Newbury and Community Primary Care Trust
Newham Primary Care Trust
North Birmingham Primary Care Trust
North Hertfordshire and Stevenage Primary Care Trust
Northumberland Primary Care Trust
Portsmouth City Primary Care Trust
Preston Primary Care Trust
Sheffield West Primary Care Trust
South East Sheffield Primary Care Trust
Suffolk Coastal Primary Care Trust
Taunton Deane Primary Care Trust
Western Sussex Primary Care Trust.