
STATUTORY INSTRUMENTS

1999 No. 1620 (S. 108)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (General Medical Services)
(Scotland) Amendment (No.3) Regulations 1999**

<i>Made</i>	- - - -	<i>8th June 1999</i>
<i>Laid before Parliament</i>		<i>10th June 1999</i>
<i>Coming into force</i>	- -	<i>1st July 1999</i>

The Secretary of State, in exercise of the powers conferred on him by sections 19, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the National Health Service (General Medical Services) (Scotland) Amendment (No.3) Regulations 1999 and shall come into force on 1st July 1999.

(2) In these Regulations, “the principal Regulations” means the National Health Service (General Medical Services) (Scotland) Regulations 1995(2).

Amendment to Schedule 1 to the principal Regulations

2. In Schedule 1 to the principal Regulations (terms of service for doctors), after paragraph 29A there is inserted—

“**29B.**—(1) Before supplying the drugs or appliances recorded on a prescription form in accordance with paragraph 29(2)(a) or providing the listed drugs or medicines or listed appliances ordered on a prescription form signed by a nurse prescriber in accordance with paragraph 29A(2) a doctor who is required by the Board under regulation 34 to provide drugs or appliances to a patient

(1) 1978 c. 29; section 19 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) (“the 1983 Act”), Schedule 7, paragraph 2, by the Medical Act 1983 (c. 54), Schedule 5, paragraph 17(a), by the National Health Service and Community Care Act 1990 (c. 19), section 37 and by the Medical (Professional Performance) Act 1995 (c. 51), Schedule, paragraph 29(a) and is to be read with the Health and Medicines Act 1988 (c. 49), section 17; section 105(7) was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7 and by the 1983 Act, Schedule 9, paragraph 24; see section 108(1) for the definitions of “prescribed” and “regulations”.

(2) S.I. 1995/416, relevant amending instruments are S.I. 1995/3199, 1996/842, 1996/1504, 1997/943 and 1473, 1998/4, 1998/660, 1998/1667, 1999/749 and 1999/1057.

shall request any person who makes a declaration on the prescription form claiming either charge exemption under regulation 7 of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989(3) (“the 1989 Regulations”) or charge remission under the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988(4).

(2) Sub-paragraph (1) shall not apply in respect of claims for exemption under regulation 7(1) (a) to (f) of the 1989 Regulations where the dispensing doctor has information in his possession at the time of supplying the item which confirms that the patient is entitled to the exemption claimed.

(3) Where the person presenting the prescription form does not show valid evidence of entitlement and the dispensing doctor, in respect of a claim for exemption made under regulation 7(1)(a) to (f) of the 1989 Regulations does not have evidence in his possession to confirm that the patient is entitled to make that claim, the dispensing doctor shall mark the patient’s prescription form accordingly before supplying the prescribed item.”.

Amendment to Schedule 11 to the principal Regulations

3. In Schedule 11 to the principal Regulations (drugs to be supplied by general medical practitioners or prescribed for supply under pharmaceutical services only in certain circumstances) after the entry relating to Nizoral Cream there is inserted in columns 1, 2 and 3 respectively the following—

“The following drugs for the treatment of erectile dysfunction—	(a)	A man with erectile dysfunction who on 14th September 1998 was receiving treatment under the Act for this condition with any of the following drugs—	Treatment of erectile dysfunction”
Alprostadil (Caverject), (MUSE), (Viridal)		Alprostadil (Caverject), (MUSE), (Viridal)	
Moxisylyte Hydrochloride (Erecnos)		Moxisylyte Hydrochloride (Erecnos)	
Thymoxamine Hydrochloride (Erecnos)		Thymoxamine Hydrochloride (Erecnos)	
Sildenafil (Viagra)		Sildenafil (Viagra); or	
	(b)	a man who is suffering from any of the following—	

(3) S.I. 1989/326, relevant amending instruments are S.I. 1990/468 and 787, 1991/574, 1992/394, 1994/697, 1995/699 and 2739, 1996/740 and 1504, 1997/697 and 1998/609.

(4) S.I. 1988/546, amended by 1989/393 and 616, 1990/551, 917 and 1665, 1991/575, 1992/754, 1993/642 and 2049, 1995/700 and 2381, 1996/429 and 2391, 1997/1012 and 2455 and 1998/2772.

diabetes
multiple
sclerosis
Parkinson's
disease
poliomyelitis
prostate
cancer
severe pelvic
injury
single gene
neurological
disease
spina bifida
spinal cord
injury; or

(c) a man who is
receiving treatment
for renal failure by
dialysis; or

(d) a man who has
had the following
surgery—
prostatectomy
radical pelvic
surgery
renal failure
treated by
transplant

St Andrew's House,
Edinburgh
8th June 1999

Sewel
Parliamentary Under Secretary of State, Scottish
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Medical) Services (Scotland) Regulations 1995 (S.I. 1995/416) (“the 1995 Regulations”) which regulate the terms on which doctors provide general medical services under the National Health Service (Scotland) Act 1978.

Schedule 1 to the 1995 Regulations sets out the terms of service for doctors. Regulation 2 of these Regulations adds a new provision to the terms of service for doctors which requires doctors in certain circumstances to request evidence of a patient’s entitlement to remission of or exemption from prescription charges before supplying the prescribed item.

Schedule 11 to the 1995 Regulations lists drugs to be supplied by general medical practitioners or prescribed for supply under pharmaceutical services only in certain circumstances. Regulation 3 of these Regulations amends the list in Schedule 11, so as to include certain drugs used for the treatment of erectile dysfunction.

These Regulations impose no cost on business.