
STATUTORY INSTRUMENTS

2018 No. 1114

The National Health Service (Pharmaceutical Services,
Charges and Prescribing) (Amendment) Regulations 2018

PART 2

Amendments to the PLPS Regulations

Amendment of regulation 2 of the PLPS Regulations

- 2.—(1) Regulation 2(1) of the PLPS Regulations⁽¹⁾ (interpretation) is amended as follows.
- (2) At the appropriate place in the alphabetical order insert—
- ““EPS token” means a form (which may be an electronic form), approved by the Secretary of State, which—
- (a) is issued by a prescriber at the same time as an electronic prescription is created; and
- (b) has a barcode that enables the prescription to be dispensed by a provider of pharmaceutical services that is able to use the Electronic Prescription Service for the purposes of dispensing prescriptions, in circumstances where the provider is not dispensing the prescription as a nominated dispensing contractor;”.
- (3) At the appropriate place in the alphabetical order insert—
- ““paramedic independent prescriber” means a person—
- (a) who is registered in Part 8 of the register maintained under article 5 of the Health and Social Work Professions Order 2001⁽²⁾; and
- (b) against whose name in that register is recorded an annotation signifying that that person is qualified to order drugs, medicines or appliances as a paramedic independent prescriber;”.
- (4) In sub-paragraph (c) of the definition of “electronic prescription form”, after “nominated dispensing contractor” insert “or via an information hub”.
- (5) In sub-paragraph (b) of the definition of “electronic repeatable prescription”, after “nominated dispensing contractor” insert “or via an information hub”.
- (6) In the definition of “prescriber”, after “optometrist independent prescriber” insert “, a paramedic independent prescriber”.

Amendment of regulation 69 of the PLPS Regulations

- 3.—(1) Regulation 69 of the PLPS Regulations (local dispute resolution before serving remedial notices or breach notices) is amended as follows.

(1) Regulation 2 has been amended by S.I. 2015/137, 570, 1862 and 1879, and 2016/696 and 1077.

(2) S.I. 2002/254; amended by S.I. 2009/1182. The Health and Social Work Professions Order 2001 is to be renamed the Health Professions Order 2001 by virtue of the Children and Social Work Act 2017 (c. 16), Schedule 5, paragraph 45, on a date to be appointed.

(2) In paragraph (3)(b)(i), after “good cause” insert “, the NHSCB having made reasonable efforts to communicate with C with a view to establishing what the cause was”.

Amendment of regulation 70 of the PLPS Regulations

4.—(1) Regulation 70 of the PLPS Regulations (breaches of terms of service: remedial notices) is amended as follows.

(2) After paragraph (7), insert the following paragraph—

“(8) The NHSCB may rescind a remedial notice at any time.”.

Amendment of regulation 71 of the PLPS Regulations

5.—(1) Regulation 71 of the PLPS Regulations (breaches of terms of service: breach notices) is amended as follows.

(2) After paragraph (4), insert the following paragraph—

“(5) The NHSCB may rescind a breach notice at any time.”.

Amendment of Schedule 3 to the PLPS Regulations

6.—(1) Schedule 3 to the PLPS Regulations(3) (appeals to the Secretary of State) is amended as follows.

(2) In paragraph 8 (oral hearings), in sub-paragraph (2)(a), omit from “, which—” to “at the oral hearing”.

Amendment of Schedule 4 to the PLPS Regulations

7.—(1) Schedule 4 to the PLPS Regulations (terms of service of NHS pharmacists) is amended as follows.

(2) In paragraph 5(4) (dispensing of drugs and appliances)—

(a) in sub-paragraph (2)—

(i) omit “or” at the end of paragraph (a),

(ii) in paragraph (b), after “P receives” insert “as a nominated dispensing contractor”,

(iii) insert “; or” at the end of paragraph (b), and

(iv) after paragraph (b), insert the following paragraph—

“(c) any person—

(i) presents P with an EPS token that relates to an order of a kind specified in paragraph (a)(i) to (iii), and

(ii) requests the provision of drugs or appliances in accordance with the related electronic prescription form,”; and

(b) in sub-paragraph (3)—

(i) omit “or” at the end of paragraph (a),

(ii) in paragraph (b), after “P receives” insert “as a nominated dispensing contractor”,

(iii) insert “; or” at the end of paragraph (b), and

(iv) after paragraph (b), insert the following paragraph—

(3) There are no relevant amendments to Schedule 3.

(4) Paragraph 5 has been amended by [S.I. 2015/915](#).

- “(c) any person—
 - (i) presents P with an EPS token that relates to an order of a kind specified in paragraph (a)(i) to (iv), and
 - (ii) requests the provision of drugs or appliances in accordance with the related electronic repeatable prescription.”
- (3) In paragraph 7(5) (preliminary matters before providing ordered drugs or appliances)—
 - (a) in sub-paragraph (3), for “a declaration” substitute “or duly completes a declaration as or on behalf of the person named on the prescription form or repeatable prescription”;
 - (b) after sub-paragraph (3), insert the following sub-paragraph—

“(3ZA) For the purposes of sub-paragraph (3), satisfactory evidence includes evidence derived from a check, known as a real time exemption check, of electronic records that are managed by the NHS BSA for the purposes (amongst other purposes) of providing advice, assistance and support to patients or their representatives in respect of whether a charge is payable under the Charges Regulations.”; and
 - (c) in sub-paragraph (5), for “transmit to the Electronic Prescription Service” substitute “ensure that the following information is duly entered into the records managed by the Information Centre that are accessible as part of the Electronic Prescription Service (if either it is not already recorded in those records or a check, known as a real time exemption check, has not produced satisfactory evidence as mentioned in sub-paragraph (3))”.
- (4) In paragraph 9 (refusal to provide drugs or appliances ordered), after sub-paragraph (2) insert the following sub-paragraph—

“(2A) P may refuse to provide a drug or appliance ordered on an electronic prescription if the access that P has to the Electronic Prescription Service is not such as to enable P to dispense that prescription promptly (or at all).”.
- (5) In paragraph 11 (additional requirements in relation to electronic prescribing)—
 - (a) in sub-paragraph (2)(a), for “the dispensing contractor chosen by that person” substitute “a nominated dispensing contractor”; and
 - (b) after sub-paragraph (5), insert the following sub-paragraph—

“(6) If P dispenses an electronic prescription or makes an urgent supply without a prescription, P must send the form duly completed by or on behalf of the patient, if one is required under regulation 3(3)(b) or (c), (5C) or (5E) of the Charges Regulations in respect of that prescription (which may be the associated EPS token), to the NHS BSA.”.

Amendment of Schedule 5 to the PLPS Regulations

8.—(1) Schedule 5 to the PLPS Regulations (terms of service of NHS appliance contractors) is amended as follows.

- (2) In paragraph 4 (dispensing of appliances)—
 - (a) in sub-paragraph (2)—
 - (i) omit “or” at the end of paragraph (a),
 - (ii) in paragraph (b), after “C receives” insert “as a nominated dispensing contractor”,
 - (iii) insert “; or” at the end of paragraph (b), and
 - (iv) after paragraph (b), insert the following paragraph—

“(c) any person—

- (i) presents C with an EPS token that relates to an order of a kind specified in paragraph (a)(i) or (ii), and
 - (ii) requests the provision of an appliance in accordance with the related electronic prescription form,”; and
 - (b) in sub-paragraph (3)—
 - (i) omit “or” at the end of paragraph (a),
 - (ii) in paragraph (b), after “C receives” insert “as a nominated dispensing contractor”,
 - (iii) insert “; or” at the end of paragraph (b), and
 - (iv) after paragraph (b), insert the following paragraph—
 - “(c) any person—
 - (i) presents C with an EPS token that relates to an order of a kind specified in paragraph (a)(i) or (ii), and
 - (ii) requests the provision of appliances in accordance with the related electronic repeatable prescription.”.
- (3) In paragraph 6(6) (preliminary matters before providing appliances)—
 - (a) in sub-paragraph (3)(a), for “a declaration” substitute “or duly completes a declaration as or on behalf of the person named on the prescription form or repeatable prescription”;
 - (b) in sub-paragraph (3)(c), for “transmit to the Electronic Prescription Service” substitute “ensure that the following information is duly entered into the records managed by the Information Centre that are accessible as part of the Electronic Prescription Service (if either it is not already recorded in those records or a check, known as real time exemption check, has not produced satisfactory evidence as mentioned in sub-paragraph (a))”;
 - (c) after sub-paragraph (3), insert the following sub-paragraph—
 - “(3A) For the purposes of sub-paragraph (3), satisfactory evidence includes evidence derived from a check, known as a real time exemption check, of electronic records that are managed by the NHS BSA for the purposes (amongst other purposes) of providing advice, assistance and support to patients or their representatives in respect of whether a charge is payable under the Charges Regulations.”.
- (4) In paragraph 8 (refusal to provide appliances ordered), after sub-paragraph (1) insert the following sub-paragraph—
 - “(1A) C may refuse to provide an appliance ordered on an electronic prescription if the access that C has to the Electronic Prescription Service is not such as to enable C to dispense that prescription promptly (or at all).”.
- (5) In paragraph 10 (additional requirements in relation to electronic prescribing)—
 - (a) in sub-paragraph (2)(a), for “the dispensing contractor chosen by that person” substitute “a nominated dispensing contractor”; and
 - (b) after sub-paragraph (5), insert the following sub-paragraph—
 - “(6) If C dispenses an electronic prescription or makes an urgent supply without a prescription, C must send the form duly completed by or on behalf of the patient, if one is required under regulation 3(3)(b), (5C) or (5E) of the Charges Regulations in respect of that prescription (which may be the associated EPS token), to the NHS BSA.”.

Amendment of Schedule 6 to the PLPS Regulations

9.—(1) Schedule 6 to the PLPS Regulations (terms of service of dispensing doctors) is amended as follows.

(2) In paragraph 2(7) (dispensing of drugs and appliances ordered by another prescriber)—

(a) in sub-paragraph (2)—

- (i) omit “or” at the end of paragraph (a),
- (ii) in paragraph (b), after “D receives” insert “as a nominated dispensing contractor”,
- (iii) insert “; or” at the end of paragraph (b), and
- (iv) after paragraph (b), insert the following paragraph—

“(c) any person—

- (i) presents D with an EPS token that relates to an order of a kind specified in paragraph (a)(i) to (iii), and
- (ii) requests the provision of drugs or appliances in accordance with the related electronic prescription form,”; and

(b) in sub-paragraph (3)—

- (i) omit “or” at the end of paragraph (a),
- (ii) in paragraph (b), after “D receives” insert “as a nominated dispensing contractor”,
- (iii) insert “; or” at the end of paragraph (b), and
- (iv) after paragraph (b), insert the following paragraph—

“(c) any person—

- (i) presents D with an EPS token that relates to an order of a kind specified in paragraph (a)(i) to (iv), and
- (ii) requests the provision of drugs or appliances in accordance with the related electronic repeatable prescription,”.

(3) In paragraph 4(8) (preliminary matters before providing ordered drugs or appliances)—

- (a) in sub-paragraph (a), for “a declaration” substitute “or duly completes a declaration as or on behalf of the person named on the prescription form or repeatable prescription”; and
- (b) in sub-paragraph (c), for “transmit to the Electronic Prescription Service” substitute “ensure that the following information is duly entered into the records managed by the Information Centre that are accessible as part of the Electronic Prescription Service (if either it is not already recorded in those records or a check, known as a real time exemption check, has not produced satisfactory evidence as mentioned in sub-paragraph (a))”.

(4) After paragraph 4, insert the following paragraph—

“Charge exemption and remission of charges: declarations and checks

4A.—(1) For the purposes of paragraph 4, satisfactory evidence includes evidence derived from a check, known as a real time exemption check, of electronic records that are managed by the NHS BSA for the purposes (amongst other purposes) of providing advice, assistance and support to patients or their representatives in respect of whether a charge is payable under the Charges Regulations.

(7) Paragraph 2 has been amended by [S.I. 2015/915](#).

(8) Paragraph 4 has been amended by [S.I. 2015/570](#).

(2) If D dispenses an electronic prescription, D must send the form duly completed by or on behalf of the patient, if one is required under regulation 4(2)(b) or (3A) of the Charges Regulations in respect of that electronic prescription (which may be the associated EPS token), to the NHS BSA.”.

(5) In paragraph 6 (refusal to provide drugs or appliances ordered), after sub-paragraph (1) insert the following sub-paragraph—

“(1A) D may refuse to provide a drug or appliance ordered on an electronic prescription if the access that D has to the Electronic Prescription Service is not such as to enable D to dispense that prescription promptly (or at all).”.

Amendment of Schedule 7 to the PLPS Regulations

10.—(1) Schedule 7 to the PLPS Regulations (mandatory terms for LPS schemes) is amended as follows.

(2) In paragraph 3(9) (dispensing)—

(a) in sub-paragraph (1)—

- (i) omit “or” at the end of paragraph (a),
- (ii) in paragraph (b), after “C receives” insert “as a nominated dispensing contractor”,
- (iii) in paragraph (b)(i), after “a drug” insert “or appliance”,
- (iv) insert “; or” at the end of paragraph (b), and
- (v) after paragraph (b), insert the following paragraph—
 - “(c) any person—

- (i) presents C with an EPS token that relates to an order of a kind specified in paragraph (a)(i) to (iii), and
- (ii) requests the provision of a drug or appliance in accordance with the related electronic prescription form,”; and

(b) in sub-paragraph (2)—

- (i) omit “or” at the end of paragraph (a),
 - (ii) in paragraph (b), after “C receives” insert “as a nominated dispensing contractor”,
 - (iii) insert “; or” at the end of paragraph (b), and
 - (iv) after paragraph (b), insert the following paragraph—
 - “(c) any person—
- (i) presents C with an EPS token that relates to an order of a kind specified in paragraph (a)(i) to (iv), and
 - (ii) requests the provision of a drug or appliance in accordance with the related electronic repeatable prescription,”.

(3) In paragraph 5(10) (preliminary matters before providing ordered drugs or appliances)—

- (a) in sub-paragraph (3), for “a declaration” substitute “or duly completes a declaration as or on behalf of the person named on the prescription form or repeatable prescription”;
- (b) after sub-paragraph (3), insert the following sub-paragraph—

“(3ZA) For the purposes of sub-paragraph (3), satisfactory evidence includes evidence derived from a check, known as a real time exemption check, of electronic records that

(9) Paragraph 3 has been amended by [S.I. 2015/915](#).

(10) Paragraph 5 has been amended by [S.I. 2015/570](#) and [2016/296](#).

are managed by the NHS BSA for the purposes (amongst other purposes) of providing advice, assistance and support to patients or their representatives in respect of whether a charge is payable under the Charges Regulations.”; and

- (c) in sub-paragraph (5), for “transmit to the Electronic Prescription Service” substitute “ensure that the following information is duly entered into the records managed by the Information Centre that are accessible as part of the Electronic Prescription Service (if either it is not already recorded in those records or a check, known as a real time exemption check, has not produced satisfactory evidence as mentioned in sub-paragraph (3))”.

(4) In paragraph 7 (refusal to provide drugs or appliances ordered), after sub-paragraph (2) insert the following sub-paragraph—

“(2A) C may refuse to provide a drug or appliance ordered on an electronic prescription if the access that C has to the Electronic Prescription Service is not such as to enable C to dispense that prescription promptly (or at all).”.

(5) In paragraph 9 (additional requirements in relation to electronic prescribing)—

- (a) in sub-paragraph (2)(a), for “the dispensing contractor chosen by that person” substitute “a nominated dispensing contractor”; and

(b) after sub-paragraph (4), insert the following sub-paragraph—

“(5) If C dispenses an electronic prescription or makes an urgent supply without a prescription, C must send the form duly completed by or on behalf of the patient, if one is required under regulation 3(3)(b) or (c), (5C) or (5E) of the Charges Regulations in respect of that prescription (which may be the associated EPS token), to the NHS BSA.”.