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WELSH STATUTORY INSTRUMENTS

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**2007 No. 205 (W.19)**

**NATIONAL HEALTH SERVICE, WALES**

The National Health Service (Miscellaneous Amendments Concerning Independent Nurse Prescribers, Supplementary Prescribers, Nurse Independent Prescribers and Pharmacist Independent Prescribers) (Wales) Regulations 2007

*Made* - - - - 30 January 2007

*Coming into force* - - 1 February 2007

The National Assembly for Wales in exercise of the powers conferred by sections 28V, 41, 42, 43, 77 and 126(4) of the National Health Service Act 1977(1) hereby makes the following Regulations:

**Title, commencement, application and interpretation**

1.—(1) These Regulations are called the National Health Service (Miscellaneous Amendments Concerning Independent Nurse Prescribers, Supplementary Prescribers, Nurse Independent Prescribers and Pharmacist Independent Prescribers) (Wales) Regulations 2007.

(2) These Regulations come into force on 1 February 2007.

(3) These Regulations apply to Wales.

(4) In these Regulations—

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(1) 1977 c. 49; section 28V was inserted by section 175(1) of the Health and Social Care (Community Health and Standards) Act 2003(c. 43) (“the 2003 Act”); section 41 was substituted by the Health and Social Care Act 2001 (c. 15) (“the 2001 Act”) and amended by Schedule 11, paragraphs 7, 18(1), (2) and (3) of the 2003 Act, by S.I. 2003/1590 and S.I. 2005/2011; section 42 was substituted by the National Health Service (Amendment) Act 1986 (c. 66), section 3(1); extended by the Health and Medicines Act 1988 (c. 49), section 17; and amended by S.I.1987/2202, article 4; by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 12(3); by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 30; by the 2001 Act, sections 20(6), 43(2), (3) and (4) and by Schedule 6 Part 1; and by the National Health Service Reform and Health Care Professions Act 2002, Schedule 2, paragraph 17; section 43 was amended by the 1995 Act, Schedule 1, paragraph 31; by the Health Services Act 1980 (c. 53), section 21(2); by the National Health Service (Primary Care) Act 1997, section 29(1) and Schedule 2, paragraphs 3 and 14; by the 1990 Act, Schedule 9, paragraph 18(2) and by the 2001 Act, sections 20(1) and (7), 42(2) and 43(5); section 77 was amended by the 2003 Act, Schedule 11, paragraphs 7 and 28; section 126(4) was amended by the 1990 Act, section 65(2) and the Health Act 1999 (c. 8), Schedule 4, paragraph 37(6). The functions of the Secretary of State under section 126(4) of the National Health Service Act 1977 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672.

“Charges for Drugs and Appliances Regulations” (“*Rheoliadau Ffioedd am Gyffuriau a Chyfarpar*”) means the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001(2);

“GMS Contracts Wales Regulations” (“*Rheoliadau Contractau GMS Cymru*”) means the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(3); and

“Pharmaceutical Services Regulations 1992” (“*Rheoliadau Gwasanaethau Fferyllol 1992*”) means the National Health Service (Pharmaceutical Services) Regulations 1992(4).

### **Amendment of the Charges for Drugs and Appliances Regulations**

2.—(1) Regulation 2(1) of the Charges for Drugs and Appliances Regulations are amended in accordance with the following provisions of this regulation.

(2) For the definition of “independent nurse prescriber” substitute—

““Independent nurse prescriber” (“*nyrs sy'n rhagnodi'n annibynnol*”) means a person—

- (a) who is registered in the Nursing and Midwifery Register, and
- (b) in respect of whom an annotation signifying that he or she is qualified to order drugs, medicines and appliances from—
  - (i) the Nurse Prescribers' Formulary for District Nurses and Health Visitors in Part XVIIB(i) of the Drug Tariff, or
  - (ii) the Nurse Prescribers' Formulary for Community Practitioners in Part XVIIB(i) of the Drug Tariff

is also recorded in that register. For the purposes of the POM Order an independent nurse prescriber is a community practitioner nurse prescriber.”

(3) For the definition of “nurses and midwives' professional register” substitute—

““Nursing and Midwifery Register” (“*Cofrestr Nyrsio a Bydwreigiaeth*”) means the register maintained by the Nursing and Midwifery Council under the Nursing and Midwifery Order 2001(5);” .

(4) For the definition of “supplementary prescriber” substitute—

““supplementary prescriber” (“*rhagnodydd atodol*”) means a person—

- (a) whose name is registered in—
  - (i) the Nursing and Midwifery Register,
  - (ii) the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954(6),
  - (iii) the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(7),
  - (iv) the part of the register maintained by the Health Professions Council in pursuance of Article 5 of the Health Professions Order 2001 relating to—
    - (aa) chiropodists and podiatrists;

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(2) S.I. 2001/1358 (W.86); the relevant amending instruments are S.I. 2003/2624 (W.252), 2004/1018 (W.115), 2004/1771, 2005/1915 (W.158).

(3) S.I.2004/478 (W.48); the relevant amending instrument is S.I. 2006/358 (W.46).

(4) S.I. 1992/662; the relevant amending instruments are S.I.1996/698, 1998/681, 1999/696, 2001/1396 (W.91), 2002/3189 (W.305), 2003/2624 (W.252) and 2005/1013 (W.67).

(5) S.I. 2001/253.

(6) 1954 c. 61.

(7) S.I. 1976/1213.

- (bb) physiotherapists; or
  - (cc) radiographers: diagnostic or therapeutic, or
  - (v) the register of optometrists maintained by the General Optical Council in pursuance of section 7 of the Opticians Act 1989, and
  - (b) against whose name is recorded in the relevant register an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as a supplementary prescriber;”.
- (5) In the appropriate places in the alphabetical order, insert the following definitions—
- “accredited course” (“*cwrs a achredwyd*”) means a course accredited by the Nursing and Midwifery Council;”;
- “nurse independent prescriber” (“*nyrs-ragnodydd annibynnol*”) means a person—
- (a) whose name is registered in the Nursing and Midwifery Register, and
  - (b) who, in respect of a person practising in Wales on or after 1 February 2007, has passed an accredited course to practise as a nurse independent prescriber;” ;
- “pharmacist independent prescriber” (“*fferyllydd-ragnodydd annibynnol*”) means a person—
- (a) who is a pharmacist, and
  - (b) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a pharmacist independent prescriber;” ;
- “POM Order” (“*Gorchymyn POM*”) means the Prescription Only Medicines (Human Use) Order 1997(8);” ;
- “relevant register” (“*cofrestr berthnasol*”) means—
- (a) in relation to a nurse or a midwife, the Nursing and Midwifery Register;
  - (b) in relation to a pharmacist, the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954 or the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order;
  - (c) in relation to a person whose name is registered in the part of the register maintained by the Health Professions Council in pursuance of Article 5 of the Health Professions Order 2001 relating to—
    - (i) chiropodists and podiatrists;
    - (ii) physiotherapists; or
    - (iii) radiographers: diagnostic or therapeutic;that register; and
  - (d) in relation to a registered optometrist, the register of optometrists maintained under section 7(a) of the Opticians Act 1989;”.
- (6) In the definition of “prescriber” (“*rhagnodydd*”), omit the word “and” following the words “independent nurse prescriber” and following the words “a supplementary prescriber;” insert—
- “(d) nurse independent prescriber; and
  - (e) pharmacist independent prescriber;”.

### **Amendment of the Pharmaceutical Services Regulations 1992**

3.—(1) Regulation 2(1) of the Pharmaceutical Services Regulations 1992 are amended in accordance with the provisions of this regulation.

(2) For the definitions of “independent nurse prescriber” substitute—

““independent nurse prescriber” means a person—

- (a) who is registered in the Nursing and Midwifery Register, and
- (b) in respect of whom an annotation signifying that he or she is qualified to order drugs, medicines and appliances from—
  - (i) the Nurse Prescribers' Formulary for District Nurses and Health Visitors in Part XVIIB(i) of the Drug Tariff, or
  - (ii) the Nurse Prescribers' Formulary for Community Practitioners under Part XVIIB(i) of the Drug Tariff

is also recorded in that register. For the purposes of the POM Order, an independent nurse prescriber is a community practitioner nurse prescriber ;”.

(3) For the definition of “nurses and midwives' professional register” substitute—

““Nursing and Midwifery Register” means the register maintained by the Nursing and Midwifery Council under the Nursing and Midwifery Order 2001;” .

(4) For the definition of “supplementary prescriber” substitute —

““supplementary prescriber” means a person—

- (a) whose name is registered in—
  - (i) the Nursing and Midwifery Register,
  - (ii) the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954,
  - (iii) the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976,
  - (iv) the part of the register maintained by the Health Professions Council in pursuance of Article 5 of the Health Professions Order 2001 relating to—
    - (aa) chiropodists and podiatrists;
    - (bb) physiotherapists; or
    - (cc) radiographers: diagnostic or therapeutic, or
  - (v) the register of optometrists maintained by the General Optical Council in pursuance of section 7 of the Opticians Act 1989, and
- (b) against whose name is recorded in the relevant register an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as a supplementary prescriber;”.

(5) In the appropriate places in the alphabetical order, insert the following definitions—

““accredited course” means a course accredited by the Nursing and Midwifery Council;” ;

““nurse independent prescriber” means a person—

- (a) whose name is registered in the Nursing and Midwifery Register, and
- (b) who, in respect of a person practising in Wales on or after 1 February 2007, has passed an accredited course to practise as a nurse independent prescriber;” ;

““pharmacist independent prescriber” means a person—

- (a) who is a pharmacist, and

- (b) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a pharmacist independent prescriber;” ;

“POM Order” means the Prescription Only Medicines (Human Use) Order 1997;” ;

“relevant register” means—

- (a) in relation to a nurse or a midwife, the Nursing and Midwifery Register;
- (b) in relation to a pharmacist, the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954 or the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order;
- (c) in relation to a person whose name is registered in the part of the register maintained by the Health Professions Council in pursuance of article 5 of the Health Professions Order 2001 relating to—
  - (i) chiropodists and podiatrists;
  - (ii) physiotherapists; or
  - (iii) radiographers: diagnostic or therapeutic;that register; and
- (d) in relation to a registered optometrist, the register of optometrists maintained under section 7(a) of the Opticians Act 1989;”.

(6) In the definition of “prescriber” following the words “an independent nurse prescriber” insert the following “, a nurse independent prescriber, a pharmacist independent prescriber”.

#### **Amendment of regulation 2(1) of the GMS Contracts Wales Regulations**

4.—(1) Regulation 2(1) of the GMS Contracts Wales Regulations is amended in accordance with the following provisions of this regulation.

(2) For the definition of “independent nurse prescriber” substitute—

““independent nurse prescriber” means a person—

- (a) who is either engaged or employed by the contractor or is a party to the contract,
- (b) who is registered in the Nursing and Midwifery Register, and
- (c) in respect of whom an annotation signifying that he or she is qualified to order drugs, medicines and appliances from—
  - (i) the Nurse Prescribers' Formulary for District Nurses and Health Visitors in Part XVIIB(i) of the Drug Tariff, or
  - (ii) the Nurse Prescribers' Formulary for Community Practitioners under Part XVIIB(i) of the Drug Tariff

is also recorded in that register. For the purposes of the POM Order, an independent nurse prescriber is a community practitioner nurse prescriber ;”.

(3) In the appropriate places in the alphabetical order, insert the following definitions—

““accredited course” means a course accredited by the Nursing and Midwifery Council;” ;

“nurse independent prescriber” means a person—

- (a) who is either engaged or employed by the contractor or is a party to the contract,
- (b) whose name is registered in the Nursing and Midwifery Register, and
- (c) who, in respect of a person practising in Wales on or after 1 February 2007, has passed an accredited course to practise as a nurse independent prescriber;” ;

“pharmacist independent prescriber” means a person—

- (a) who is either engaged or employed by the contractor or is a party to the contract,
- (b) who is a pharmacist, and
- (c) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a pharmacist independent prescriber;”.

(4) In the definition of “relevant register” following the words “the Pharmacy (Northern Ireland) Order 1976;” insert the following—

“(c) in relation to a person whose name is registered in the part of the register maintained by the Health Professions Council in pursuance of Article 5 of the Health Professions Order 2001 relating to—

- (i) chiropodists and podiatrists;
- (ii) physiotherapists; or
- (iii) radiographers: diagnostic or therapeutic; that register; and

(d) in relation to a registered optometrist, the register of optometrists maintained under section 7(a) of the Opticians Act 1989;”.

(5) In the definition of “prescriber”, in paragraph (b) remove the word “and”, following paragraph “(c) supplementary prescriber,” insert—

- “(d) a nurse independent prescriber, and
- (e) a pharmacist independent prescriber,” .

#### **Amendment of Schedule 6 to the GMS Contracts Wales Regulations**

**5.—**(1) Schedule 6 (other contractual terms) of the GMS Contracts Wales Regulations is amended in accordance with the following provisions of this regulation.

(2) In paragraph 49(3) and (4) (terms relating to the provision of dispensing services) after “independent nurse prescriber” at each place where it occurs insert “, nurse independent prescriber, a pharmacist independent prescriber or a supplementary prescriber whose name is registered in the Nursing and Midwifery Register and against whose name is recorded in that register an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as a supplementary prescriber”.

(3) In paragraph 64(1) and (2) (which relate to independent nurse prescribers and supplementary prescribers), after independent nurse prescriber, at each place where it occurs insert “, a nurse independent prescriber, a pharmacist independent prescriber”.

(4) In the heading for paragraph 64, after “independent nurse prescribers” insert “, nurse independent prescribers, pharmacist independent prescribers”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(9)</sup>.

30 January 2007

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to the following sets of Regulations:

1. The National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001 (“the Charges for Drugs and Appliances Regulations”);
2. The National Health Service (Pharmaceutical Services Regulations 1992 (“the Pharmaceutical Services Regulations”); and
3. The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 (“the GMS Contracts Wales Regulations”).

The changes are required as a result of the addition of two new categories of prescriber to the Prescription Only Medicines (Human Use) Order 1997 (“the POM Order”).

The two new categories are: nurse independent prescribers and pharmacist independent prescribers.

Nurse independent prescribers may prescribe in accordance with Article 3A of the POM Order. Pharmacist independent prescribers may prescribe in accordance with Article 3B(2)(c) of the POM Order.

These Regulations provide that a nurse in Wales who is registered in the Nursing and Midwifery Register will be able to prescribe as a nurse independent prescriber once he or she has passed an accredited course. A pharmacist will be able to prescribe as a pharmacist independent prescriber provided the relevant pharmaceutical register shows that he or she is qualified to order drugs, medicines and appliances as a pharmacist independent prescriber.

These Regulations also update the definition of “supplementary prescriber” in the Pharmaceutical Services Regulations and the Charges for Drugs and Appliances Regulations to include optometrists. Optometrists are already included in the definition of supplementary prescriber in the GMS Contracts Wales Regulations.

These Regulations also update the definition of “independent nurse prescriber”.