

1988 No. 395

HEALTH AND PERSONAL SOCIAL SERVICES**General Medical and Pharmaceutical Services
(Amendment No. 2) Regulations (Northern Ireland) 1988**

Made 8th November 1988

Coming into operation 1st January 1989

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 63, 64, 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 appeared to the Department to be representative of the Pharmaceutical profession as required by Article 63(3) of the said 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 No. 2) Regulations (Northern Ireland) 1988, and shall come into operation on 1st January 1989.

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

Amendments to the principal regulations

2.—(1) The principal regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) Regulation 36 (Terms of service for chemists) shall be deleted and the following inserted:—

“36. 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—

- (a) include provision for the supply of contraceptive substances and appliances;
- (b) include provision for the supply of oxygen concentrator services in accordance with regulation 37B; and
- (c) incorporate the terms of service contained or referred to in Schedule 4.”

(a) S.I. 1972/1265 (N.I. 14). As amended by S.I. 1978/1907 (N.I. 26) and S.I. 1986/2023 (N.I. 20)
 (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. 1987 No. 247 and S.R. 1988 No. 246

(3) In regulation 37 (Pharmaceutical list)—

- (a) in paragraph (1), after the words “provide pharmaceutical services” there shall be inserted the words “or the provision of oxygen concentrator services in accordance with regulation 37B,”;
- (b) in paragraph (2), after the word ““applicant”” there shall be inserted the words “, other than a medical practitioner, dental practitioner or person wishing to be included in the pharmaceutical list for the provision of oxygen concentrator services—”;
- (c) in paragraph (2)(a) after the words “pharmaceutical services” there shall be inserted the words “, other than oxygen concentrator services;”.

(4) After regulation 37A (Removal from pharmaceutical list) there shall be inserted the following regulation:—

“*Provision of oxygen concentrator services*

37B.—(1) Boards shall make arrangements for the provision of oxygen concentrator services with such person as the Department shall approve, and those arrangements shall—

- (a) incorporate the terms of service; and
- (b) incorporate such terms as the Department shall specify.

(2) In this regulation “oxygen concentrator” means an electrically driven machine which separates nitrogen and other components from the air and delivers oxygen-enriched gases to the patient; and “oxygen concentrator services” means such services, including the supply, installation and maintenance of such a machine, as may be specified under paragraph (1)(b).”.

(5) In regulation 38 (Schemes for securing proper pharmaceutical services), there shall be added after paragraph (4) the following paragraph:—

“(5) This regulation shall not apply to the provision of services to which regulation 37B applies.”.

- (6) (a) The existing regulation 40 (Prices and standards of drugs and appliances) shall be renumbered as regulation 40(1).
- (b) After regulation 40(1), there shall be inserted the following paragraph:—

“(2) Sub-paragraphs (a), (d) 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).”.

(7) In Schedule 4 (Terms of service for chemists)—

- (a) paragraph 8(4) (Method of payment) shall be deleted and a new sub-paragraph inserted as follows:—

“(4) (a) Payment shall be made for drugs and appliances mentioned in the Drug Tariff at the prices specified therein and for drugs and appliances not mentioned in the Drug Tariff in the manner set forth therein subject however in either case to

any deduction required to be made by Regulations under Schedule 15 to the Order.

- (b) The payment to be made in respect of containers and the hire of oxygen equipment by chemists for the use of patients and by way of dispensing fees shall be calculated in the manner set forth in the Drug Tariff.
- (c) The payment to be made in respect of the provision of oxygen concentrator services to such person as the Department may approve shall be calculated in the manner set forth in the Drug Tariff.”.

(b) After paragraph 10 there shall be inserted the following paragraph:—

“Application to persons who provide oxygen concentrator services

11. Paragraphs 4 and 9 shall not apply to any person with whom Boards enter into arrangements for the provision of oxygen concentrator services in accordance with regulation 37B.”.

Sealed with the Official Seal of the Department of Health and Social Services on 8th November 1988.

(L.S.)

J. Scott

Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel on 8th November 1988.

(L.S.)

Joan A. Mills

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973, which regulate the terms on which doctors and chemists provide such services, so as to introduce arrangements for the provision of oxygen concentrator services under general pharmaceutical services. Those oxygen concentrator services, which include provision and maintenance of the machines, are to be provided only by the person with whom Health and Social Services Boards has entered into an arrangement for that purpose. The terms under which other pharmaceutical services are provided are modified in respect of the provision of this particular type of service.