

## **EXECUTIVE NOTE**

### **The National Health Service (Primary Medical Services Section 17C Agreements)(Scotland) Amendment Regulations 2006 SSI/2006/248**

The above instrument was made in exercise of the powers conferred by sections 17E, 28(1), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978 (“ the 1978 Act”). The instrument is subject to negative resolution procedure.

#### **Background**

The National Health Service (Primary Medical Services Section 17C Agreements)(Scotland) Regulations 2004 (“the Principal Regulations”) set out the requirements for the provision of primary medical services under agreements in accordance with Section 17C of the 1978 Act between health boards and providers falling within Section 17 D(1)(b), (d) or (e) of that Act.

The Principal Regulations make clear the requirements which are placed on Section 17C providers or practices in respect of independent nurse prescribers and supplementary prescribers who are engaged or employed by such providers or practices or who are partners in a contracting partnership. They are required to inform the health board when an independent nurse prescriber or a supplementary prescriber is employed or engaged or when such a prescriber joins the partnership. A Section 17C provider or practice is also required to have arrangements in place so that a supplementary prescriber will prescribe or administer only under certain conditions and in accordance with a clinical management plan for the patient. In addition, a Section 17C provider or practice which is required to provide dispensing services because its patients will have serious difficulty in obtaining medicines otherwise because of distance or other circumstances, is not required to dispense medicines prescribed by independent nurse prescribers or supplementary prescribers but may substitute a medicine which it supplies in the normal course of its practice.

#### **Policy Objectives**

The instrument amends the definitions in the Principal Regulations of independent nurse prescriber and supplementary prescriber. The amendments are required as a consequence of amendments to the reserved legislation on medicines- The Prescription Only Medicines (Human Use) Order 1977, The Medicines (Sale and Supply)(Miscellaneous Provisions) Regulations 1980 and The Nurses and Midwives (Parts of and Entries in the Register) Amendment Order in Council 2006. The Committee on Safety of Medicines recommended that suitably trained and qualified nurses should be able to prescribe any licensed medicine for any medical condition within their competence and this was accepted by the Scottish Ministers. The present definitions in the Principal Regulations are based on the previous position whereby the prescribers in question are able to prescribe a limited range of medicines and for a limited range of conditions. The instrument substitutes new definitions which take account of the new status of the prescribers under the reserved legislation.

#### **Consultation**

The amendments to be made by the instrument are purely consequential to other changes which were the subject of consultation.

**Financial Effects**

The instrument will have no financial effects.

JONATHAN PRYCE  
Scottish Executive Health Department  
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