

## **EXECUTIVE NOTE**

### **The National Health Service (General Medical Services Contracts) (Scotland) Amendment (No.2) Regulations 2007 SSI/2007/392**

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

#### **Background**

2. The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004 (“the 2004 Regulations”) set out the framework for the provision of services under contracts between health boards and general practitioners.

#### **Policy Objectives**

3. The instrument amends the 2004 Regulations as follows.

4. Regulation 2 of the 2004 Regulations contains a definition of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2007 (“the 2007 Regulations”). Some patients may have difficulty in obtaining the drugs, medicines or appliances which have been prescribed for their treatment because of, for instance, the distance between their home and a pharmacy. In such circumstances the health board may, in terms of paragraph 44 of Schedule 5 to the 2004 Regulations, require the patient’s general practitioner to supply the drugs, medicines or appliances and, in effect, act as a pharmacist. In doing so the general practitioner must act in accordance with the 2007 Regulations as far as any claim for exemption from prescription charges is concerned. As the 2007 Regulations are being revoked, the instrument replaces the definition of them with a definition of the National Health Service (Charges for Drugs and Appliances)(Scotland) (No.2) Regulations 2007 which will come into effect on 1 October 2007. The definition will remain as “the 2007 Regulations”.

5. Reference is made to the 2007 Regulations in paragraph 44 of Schedule 5 to the 2004 Regulations. The instrument amends sub-paragraphs 44(10) and (11) by substituting references to paragraphs 7(1)(a) to (f) of the Regulations which are to be revoked with references to paragraphs 7(1)(a) to (g) of the new 2007 Regulations. The additional sub-paragraph reflects the introduction of provisions in the new 2007 Regulations dealing with medicines for the treatment of tuberculosis.

#### **Consultation**

6. The Regulations do not require separate consultation but the Scottish General Practitioners Committee has been informed.

**Financial Effects**

7. The amendments will have no appreciable financial effects.

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