STATUTORY INSTRUMENTS

2013 No. 373

The Controlled Drugs (Supervision of Management and Use) Regulations 2013

PART 3

Responsible bodies

Co-operation between responsible bodies

15.—(1) Each responsible body that is a member of a local intelligence network must co-operate with other members of that network in connection with—

(a) the identification of cases in which action may need to be taken in respect of matters arising in relation to the management or use of controlled drugs by individuals who are relevant persons as regards any member of the network;

(b) the consideration of issues relating to the taking of action in respect of such matters; and

(c) the taking of action in respect of such matters.

(2) In so co-operating, a responsible body may disclose to any other member of that network information that it reasonably believes it should disclose to that member, but if that information—

(a) contains confidential information that relates to and can identify a patient; and

(b) disclosure of that confidential information is not required for the purposes of consideration as mentioned in paragraph (1)(b) or taking action as mentioned in paragraph (1)(c),

the responsible body must, in so far as it is practicable to do so, remove from the information that it discloses the confidential information that relates to and can identify a patient.

(3) Where—

(a) it is determined under the arrangements mentioned in regulation 13(2)(b) that an incident, complaint or other concern requires investigation; or

(b) it is determined under the arrangements mentioned in regulation 13(2)(d) that appropriate action needs to be taken with regard to well founded concerns,

the accountable officer (P) of the responsible body that is responsible for those arrangements must notify the persons listed in paragraph (4) with appropriate details of that investigation or, as the case may be, action.

(4) Those persons are—

(a) the local lead CDAO of any local intelligence network of which P is a member in relevant circumstances (unless P is that lead CDAO), if the matter under investigation relates to the area of that local intelligence network; and

(b) any other responsible body that P considers it appropriate to notify (in circumstances where that disclosure is not covered by the arrangements mentioned in regulation 13(2)(c) or (d)).

(5) If a responsible body (RB1) has in its possession information relating to the management or use of controlled drugs that it considers to be of serious concern, it may request in writing additional

information in relation to the matter from any other responsible body (RB2) which it considers may have relevant information (which need not be in the same local intelligence network as RB1).

(6) RB2—

(a) must co-operate with RB1 in relation to the serious concern (determining within a reasonable period whether or not to comply with the request for information); and

(b) in so co-operating, may disclose to RB1 information that it reasonably believes it should disclose,

but if that information contains confidential information that relates to and can identify a patient, RB2 must, in so far as it is practicable to do so, remove from the information that it discloses the confidential information that relates to and can identify a patient.

(7) In a case where, but for it not being practicable to do so, a responsible body would remove from information that it believes it should disclose under paragraph (2) or (6)(b) confidential information that relates to and can identify a patient, before disclosing that confidential information it must—

(a) determine that it is necessary to do so; and

(b) where practicable, obtain the consent of the patient (or, where appropriate, a person able to give consent on their behalf) to the disclosure.

Changes to legislation:
There are currently no known outstanding effects for the The Controlled Drugs (Supervision of Management and Use) Regulations 2013, Section 15.