

2008 No. 11

NATIONAL HEALTH SERVICE (WALES) ACT 2006

The Pharmaceutical Services (Advanced and Enhanced Services) (Wales) (Amendment) Directions 2008

Made - - - - 3rd March 2008

Coming into force - - 3rd March 2008

The Welsh Ministers, in exercise of the powers conferred by sections 12(3), 81 and 203(9) and (10) of the National Health Service (Wales) Act 2006 (1) hereby give the following Directions.

Title, commencement, application and interpretation

1.—(1) The title of these Directions is the Pharmaceutical Services (Advanced and Enhanced Services) (Wales) (Amendment) Directions 2008.

(2) These Directions come into force on 3rd March 2008.

(3) These Directions are given to Local Health Boards and apply in relation to Wales.

(4) In these Directions “the principal Directions” means the Pharmaceutical Services (Advanced and Enhanced Services) (Wales) Directions 2005(2).

Amendment of direction 2 of the principal Directions

2. In direction 2 (interpretation) insert the following definition in the appropriate place in the alphabetical order—

““financial year” means the period of twelve months ending on the 31st March in any year;”.

(1) The National Health Service (Wales) Act 2006 (c.42) (“the 2006 Act”) is a consolidation Act which repeals and re-enacts in its entirety the National Health Service Act 1977 (c.49) (“the 1977 Act”) and incorporates some of the provisions from the National Health Service and Community Care Act 1990 (c.19), the Health Act 1999 (c.8), the Health and Social Care Act 2001 (c.15), the National Health Service Reform and Health Care Professions Act 2002 (c.17), the Health and Social Care (Community Health and Standards) Act 2003 (c.43) and the Health Act 2006 (c.8).

Sections 12(3), 81 and 203(9) and (10) of the 2006 Act are respectively equivalent to sections 16BB(4), 41A and 126(4) of the 1977 Act.

The functions of the “Welsh Ministers” in the 2006 Act were transferred to the Welsh Ministers after the end of the “initial period” (as defined by section 161(5) of the Government of Wales Act 2006) in accordance with section 5 of and paragraph 10 of Schedule 3 to the National Health Service (Consequential Provisions) Act 2006 (c.43) and section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(2) Signed on 4th May 2005. These Directions were amended by the Pharmaceutical Services (Advanced and Enhanced Services)(Wales) Amendment Directions 2006, signed on 15th December 2006.

Amendment of direction 3 of the principal Directions

3.—(1) In direction 3 (Advanced Services: Medicines Use Review and Prescription Intervention Service) for sub-paragraph (i) of paragraph 6 substitute the following—

“(i) the pharmacist must provide a copy of the record prepared pursuant to sub-paragraph (h) to the patient;

(i)(a) the pharmacist must provide to a person with whom the patient is registered for the provision of GMS contract essential services or their equivalent—

(i) a copy of the record prepared pursuant to sub-paragraph (h);

(ii) a copy of part of that record; or

(iii) a notification that the patient has received MUR service,

such copy or notification to be provided in the circumstances and in accordance with the time limits set out in Schedule A to these Directions;”.

Insertion of Schedule A into the principal Directions

4. Schedule A which is set out in the Schedule to these Directions is inserted into the principal Directions.

Transitional Provision

5. Direction 3 does not apply in the case where the record prepared pursuant to direction 3(6)(h) is on the form which was approved by the National Assembly for Wales on 4th May 2005 and that form is provided to the patient before 1st October 2008.

Signed by Peter Lawler, Acting Director of Community Care and Health Services Policy Directorate, under the authority of the Minister for Health and Social Services, one of the Welsh Ministers

Date: 2008

“SCHEDULE A

Requirements for the provision of MUR service consultation records

1. Where as a result of the MUR¹ service consultation, a recommendation is to be made to a person with whom the patient is registered for the provision of GMS contract essential services (or their equivalent), the pharmacist must provide to that person within seven days of the MUR consultation a copy of the overview page² of the MUR form or, if in the opinion of the pharmacist it is more appropriate to do so, a copy of the whole MUR form.
2. Where as a result of the MUR service consultation, no recommendation is to be made to a person with whom the patient is registered for the provision of GMS contract essential services (or their equivalent), the pharmacist must notify that person within one month of the date of the MUR consultation that the patient has received an MUR consultation. There is no need to send to that person a copy of the overview page or the whole MUR form unless the pharmacist considers that it is appropriate to do so.
3. Where following the MUR service consultation, a person with whom the patient is registered for the provision of GMS contract essential services (or their equivalent) requests a copy of the overview page or complete MUR form, the pharmacist must supply a copy to that person within a reasonable time. This requirement applies even where a recommendation has not been made.

¹ “MUR form” is the form that was approved by the National Assembly for Wales on 4th May 2005 and which can be used until 30th September 2008.

² “overview page” is the page of the MUR form marked ‘overview page’.