

WG 2024 No. 25

THE NATIONAL HEALTH SERVICE (WALES) ACT 2006

**The Primary Medical Services (Antivirals for Prophylaxis of
Seasonal Influenza in Care Home Outbreaks) (Directed
Supplementary Service) (Wales) Directions 2024**

Made

12 June 2024

Coming into force

13 June 2024

The Welsh Ministers give the following directions in exercise of the powers conferred by sections 12(3), 45, 203(9) and (10) of the National Health Service (Wales) Act 2006⁽¹⁾ and after consulting in accordance with section 45(4) of that Act with the bodies appearing to them to be representative of persons to whose remuneration these Directions relate, give the following Directions.

Title, commencement and application

1.—(1) The title of these Directions is the Primary Medical Services (Antivirals for Prophylaxis of Seasonal Influenza in Care Home Outbreaks) (Directed Supplementary Service) (Wales) Directions 2024.

(2) These Directions come into force on 13 June 2024.

(3) These Directions are given to Local Health Boards⁽²⁾.

Interpretation

2. In these Directions—

“the Act” (“y Ddeddf”) means the National Health Service (Wales) Act 2006;

“care home” (“*cartref gofal*”) means a place in Wales at which accommodation, together with nursing or care, is provided to persons because of their vulnerability or need but excludes a place mentioned in paragraph 1(2) of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016⁽³⁾;

“cluster” (“*clwstwr*”) means a group of local service providers involved in health and care who have agreed to collaboratively work together to deliver primary medical services across a specified geographical area;

“directed supplementary service” (“*gwasanaeth atodol dan gyfarwyddyd*”) means a supplementary service that a Local Health Board has been directed to provide by the Welsh Ministers (formerly known as “directed enhanced service”);

“financial year” (“*blwyddyn ariannol*”) means the period from 1 April to 31 March;

(1) 2006 c.42.

(2) Local Health Boards established pursuant to section 11 of the National Health Service (Wales) Act 2006.

(3) 2016 anaw 2. Paragraph 1(2) of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 prescribes places which do not constitute care home services, those places are excluded from the definition of care homes for the purposes of these Regulations.

“GMS contract” (“*contract GMC*”) means a general medical services contract under section 42 of the Act (general medical services contracts: introductory);

“GMS contractor” (“*contractwr GMS*”) means a person with whom a Local Health Board is entering or has entered into a general medical services contract;

“health care professional” (“*gweithiwr gofal iechyd proffesiynol*”) means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(1);

“NHS dispute resolution procedure” (“*gweithdrefn datrys anghydfodau’r GIG*”) means the procedure for resolution of disputes specified in paragraphs 106 and 107 of Schedule 3 of the National Health Service (General Medical Services Contracts) (Wales) Regulations 2023(2);

“registered patient” (“*claf cofrestredig*”) has the same meaning as in the National Health Service (General Medical Services Contracts) (Wales) Regulations 2023(3);

“the Specification” means the Service Specification as detailed in the document titled Antivirals for Prophylaxis of Seasonal Influenza in Care Home Outbreaks found at Schedule 1 of that document; and

“Statement of Financial Entitlement” (“*Datganiad ar Hawlogaeth Ariannol*”) means any directions given by the Welsh Ministers under section 45 of the Act;

“supplementary services” (“*gwasanaethau atodol*”) are—

(a) services other than unified services or out of hours services, or

(b) unified services or an element of such a service that a contractor agrees under the contract to provide in accordance with specifications set out in a plan, which requires of the contractor an enhanced level of service provision compared to that which it must generally provide in relation to that unified service or element of service.

The Specification

3. In the Specification references to a Directed Enhanced Service or Services are to be read as if they are a reference to a Directed Supplementary Service or Services, as the case may be.

Establishment of Directed Supplementary Service for Antivirals for Prophylaxis of Seasonal Influenza in Care Homes

4. Each Local Health Board must, to the extent that it considers necessary to meet all reasonable requirements, exercise its functions under section 41 of the Act (primary medical services) of providing primary medical services within its area or securing the provision of such services in its area. As part of its discharge of those functions each Local Health Board must establish (if it has not already done so), operate and, as appropriate, revise, a scheme ensuring the provision of antiviral prophylaxis for seasonal influenza to patients in care homes, through GMS contractors, in accordance with the requirements in the Specification.

Directed Supplementary Service for Antivirals for Prophylaxis of Seasonal Influenza in Care Homes

5. (1) In order to ensure the provision of antiviral prophylaxis for seasonal influenza in care homes within its area, each Local Health Board must offer to enter into arrangements with each GMS contractor.

(2) The arrangements between the Local Health Board and a GMS contractor, must, in respect of each financial year (or part of a year), include—

(a) a requirement that the GMS contractor—

(1) 2002 c.17

(2) S.I. 2023/953 (W. 155)

(3) S.I. 2023/953

- (i) reads and takes account of these Directions alongside the Specification which provides the detailed requirements for the Directed Supplementary Service;
 - (ii) provides the services outlined in paragraphs 5 and 6 of the Specification and complies with the requirements outlined in that Specification;
 - (iii) ensures that each health care professional undertaking this Directed Supplementary Service has the necessary medical experience, skills, training and competence in order to provide the services;
 - (iv) provides data to other GMS contractors within their cluster, as well as Local Health Boards and Welsh Government, if required to do so;
 - (v) supplies its Local Health Board with such information as it may reasonably request for the purposes of monitoring the GMS contractor's performance of its obligations; and
 - (vi) provides three months' notice in writing should the GMS contractor wish to cease providing this Directed Supplementary Service.
- (b) payment arrangements for the GMS contractor which must provide that—
- (i) GMS contractors may claim payment of £35.00 in respect of each registered patient who meets the eligibility criteria as set out in the Specification and has been provided with antiviral prophylaxis during the influenza season, up to a maximum payment per GMS contractor per care home of £1,000;
 - (ii) payments may only be claimed in respect of antiviral prophylaxis provided in the period between the Chief Medical Officer's notification to commence prescribing antivirals for prophylaxis and the Chief Medical Officer's notification to cease prescribing antivirals for prophylaxis;
 - (iii) the GMS contractor must submit only one claim for payment in respect of all antiviral prophylaxes provided under the Specification in an influenza season. This claim for payment is to be submitted after notification from the Chief Medical Officer to cease prescribing antivirals for prophylaxis. This will be payable in arrears and payment will be made on the first date after payment is authorised and on which the GMS contractor's Global Sum monthly payment is due, in accordance with the Statement of Financial Entitlements; and
 - (iv) GMS contractors will only be eligible for payment of this service in circumstances where all of the following requirements have also been met –
 - (aa) the claim for payment must be accompanied by a list of the patients prescribed antivirals for prophylaxis of influenza to which the claim relates;
 - (bb) the GMS contractor has prescribed the antivirals to all patients in respect of whom payment is being claimed;
 - (cc) all patients in respect of whom payments are being claimed were registered patients at the time the antiviral prophylaxis was prescribed; and
 - (dd) the GMS contractor has not, and will not, receive any payment from any other source in respect of prescribing the antivirals for prophylaxis for these patients.

(3) The Local Health Board must, where necessary, vary the GMS contractor's GMS contract so that the arrangements comprise part of the GMS contractor's contract and the requirements of the Specification are conditions of the contract.

(4) Any disputes arising will be dealt with as follows: Local Health Boards and GMS contractors should make every effort to resolve disputes locally before formally submitting it through the NHS dispute resolution procedure.

Revocation and transitional

6. The Primary Medical Services (Antivirals for Prophylaxis of Seasonal Influenza in Care Home Outbreaks) (Directed Enhanced Service) (Wales) Directions 2018 are revoked.

7. Any act or omission concerning a directed enhanced service to which the 2018 direction applied immediately before the commencement date of this direction is to be treated as an act or omission concerning a directed supplementary service to which these directions apply.

Signed by Paul Casey, Deputy Director of Primary Care under the authority of the Minister for Health and Social Services, one of the Welsh Ministers



A handwritten signature in black ink, reading "Paul Casey", is enclosed in a thin black rectangular border. Below the signature, there is a horizontal line.

Date: 12 June 2024