

2014 No. 2291 (W. 226)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Physiotherapist, Podiatrist or
Chiropodist Independent
Prescribers) (Miscellaneous
Amendments) (Wales) Regulations
2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 (“the 2004 Regulations”), the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007 (“the 2007 Regulations”) and the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013 (“the 2013 Regulations”) by extending the definition of prescriber through the insertion of two categories of independent prescriber: physiotherapist independent prescriber; and podiatrist or chiropodist independent prescriber.

These Regulations also amend the Single Use Carrier Bags Charge (Wales) Regulations 2010 (“the 2010 Regulations”) by extending the exemption from the requirement to charge for single use carrier bags.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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The National Health Service
(Physiotherapist, Podiatrist or
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2014

Made 27 August 2014

Laid before the National Assembly for Wales
29 August 2014

Coming into force 24 September 2014

The Welsh Ministers, in exercise of the powers conferred by sections 47, 80, 83, 86 and 203(9) and (10) of the National Health Service (Wales) Act 2006(1), and sections 77 and 90 of, and paragraph 3 of Schedule 6 to, the Climate Change Act 2008(2) make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the National Health Service (Physiotherapist, Podiatrist or Chiropodist Independent Prescribers) (Miscellaneous Amendments) (Wales) Regulations 2014 and they come into force on 24 September 2014.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

“the 2004 Regulations” (“*Rheoliadau 2004*”) means the National Health Service (General

(1) 2006 c. 42.
(2) 2008 c. 27.

Medical Services Contracts) (Wales) Regulations 2004(1);

“the 2007 Regulations” (“*Rheoliadau 2007*”) means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007(2);

“the 2010 Regulations” (“*Rheoliadau 2010*”) means the Single Use Carrier Bags Charge (Wales) Regulations 2010(3); and

“the 2013 Regulations” (“*Rheoliadau 2013*”) means the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013(4).

Amendment of the 2004 Regulations

3.—(1) The 2004 Regulations are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1), in the appropriate places in the alphabetical order insert the following definitions—

- (a) ““physiotherapist independent prescriber” means a person—
 - (a) who is either engaged or employed by the contractor or is a party to the contract,
 - (b) who is a physiotherapist, and
 - (c) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a physiotherapist independent prescriber;”;
- (b) ““podiatrist or chiropodist independent prescriber” means a person—
 - (a) who is either engaged or employed by the contractor or is a party to the contract,
 - (b) who is a podiatrist or chiropodist, and
 - (c) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a podiatrist or

(1) S.I. 2004/478 (W. 48). Relevant amending instrument is S.I. 2007/205 (W. 19).
(2) S.I. 2007/121 (W. 11).
(3) S.I. 2010/2880 (W. 238).
(4) S.I. 2013/898 (W. 102).

chiropracist independent
prescriber;”.

(3) In regulation 2(1), in the definition of “prescriber”—

(i) after sub-paragraph (d), omit “and”;

(ii) after sub-paragraph (e) insert—

“(f) a physiotherapist independent prescriber, and

(g) a podiatrist or chiropracist independent prescriber;”.

(4) In paragraph 49(3) and (4) of Schedule 6 (terms relating to the provision of dispensing services) after “pharmacist independent prescriber” at each place where it occurs insert “, a physiotherapist independent prescriber, a podiatrist or chiropracist independent prescriber”.

(5) In paragraph 64(1) and (2) of Schedule 6 (which relate to independent nurse prescribers, nurse independent prescribers, pharmacist independent prescribers and supplementary prescribers) after “pharmacist independent prescriber” at each place where it occurs insert “, a physiotherapist independent prescriber, a podiatrist or chiropracist independent prescriber”.

(6) In the heading for paragraph 64 of Schedule 6, after “pharmacist independent prescriber” insert “, physiotherapist independent prescriber, podiatrist or chiropracist independent prescriber”.

Amendment of the 2007 Regulations

4.—(1) The 2007 Regulations are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1), in the appropriate places in the alphabetical order insert the following definitions—

(a) ““physiotherapist independent prescriber” (*“ffisiotherapydd-ragnodydd annibynnol”*) means a person—

(a) who is a physiotherapist, and

(b) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a physiotherapist independent prescriber;”;

(b) ““podiatrist or chiropracist independent prescriber” (*“podiatrydd-ragnodydd neu giropodydd-ragnodydd annibynnol”*) means a person—

(a) who is a podiatrist or chiropracist, and

(b) against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a podiatrist or chiropodist independent prescriber;”.

(3) In regulation 2(1), in the definition of “prescriber”—

(i) after sub-paragraph (d), omit “and”;

(ii) after sub-paragraph (e), for “.” substitute “,” and insert—

“(f) a physiotherapist independent prescriber, and

(g) a podiatrist or chiropodist independent prescriber.”

Amendment of the 2010 Regulations

5.—(1) The 2010 Regulations are amended in accordance with the following provisions of this regulation.

(2) For paragraph 1(2)(a) of Schedule 1 (exemptions) substitute—

“(a) medicinal products or listed appliances sold in accordance with a prescription issued by a registered medical practitioner, a dentist, a supplementary prescriber, a nurse independent prescriber, an independent nurse prescriber, an optometrist independent prescriber, a pharmacist independent prescriber, a physiotherapist independent prescriber, a podiatrist or a chiropodist independent prescriber or an EEA health professional;”.

(3) In paragraph 1(3) of Schedule 1 in the appropriate places in the alphabetical order insert the following definitions—

““physiotherapist independent prescriber” (*“ffisiotherapydd-ragnodydd annibynnol”*) has the meaning given in regulation 2(1) of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013;”;

““podiatrist or chiropodist independent prescriber” (*“podiatrydd-ragnodydd neu giropodydd-ragnodydd annibynnol”*) has the meaning given in regulation 2(1) of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013;”.

Amendment of the 2013 Regulations

6.—(1) The 2013 Regulations are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1), in the appropriate place in the alphabetical order insert the following definitions—

““physiotherapist independent prescriber” (“*ffisiotherapydd-ragnodydd annibynnol*”) means a person—

- (a) who is a physiotherapist, and
- (b) against whose name in Part 9 of the register maintained under article 5 of the Health and Social Work Professions Order 2011 is recorded an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a physiotherapist independent prescriber;”;

““podiatrist or chiropodist independent prescriber” (“*podiatrydd-ragnodydd neu giropodydd-ragnodydd annibynnol*”) means a person—

- (a) who is a podiatrist or a chiropodist, and
- (b) against whose name in Part 2 of the register maintained under article 5 of the Health and Social Work Professions Order 2011 is recorded an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a podiatrist or chiropodist independent prescriber;”.

(3) In regulation 2(1), for the definition of “prescriber” substitute—

““prescriber” (“*rhagnodydd*”) means a doctor, dentist, independent nurse prescriber, nurse independent prescriber, optometrist independent prescriber, pharmacist independent prescriber, physiotherapist independent prescriber, podiatrist or chiropodist independent prescriber or a supplementary prescriber;”.

Mark Drakeford

Minister for Health and Social Services, one of the Welsh Ministers

27 August 2014