

GUERNSEY STATUTORY INSTRUMENT

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1983 - No. 2

The Health Service (Pharmaceutical)(Payment of Approved Suppliers) (Guernsey) Regulations, 1983.

Made 17th January, 1983
Laid before the States
Deemed to have come into operation 1st June, 1982.

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section nine and section twelve of the Health Service (Pharmaceutical)(Guernsey) Law, 1972^(a), as amended^(b), and of all other powers enabling it in that behalf, hereby orders:-

Interpretation

1. (1) In these regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

"bank holiday" means a day appointed as a bank holiday by Ordinance -

- (a) in relation to Guernsey, Herm and Jethou, of the States of Guernsey;
- (b) in relation to Alderney, of the States of Alderney;

"basic price"^f, in relation to the ingredients of any item of pharmaceutical benefit, means the price which is, at the date on which that item is supplied under the Law, the basic price thereof applicable in relation to chemists and calculated

(a) Ordres en Conseil Vol. XXIII, p.428
(b) Ordres en Conseil Vol. XXVI, p. 472

in accordance with the appropriate provisions of the British Drug Tariff;

"the British Drug Tariff" means the statement, for the time being in force, relating to the prices and standards of drugs and prepared in pursuance of the provisions of the National Health Service (General Medical and Pharmaceutical Services) Regulations, 1974, made under the National Health Service Act 1946 and having effect by virtue of the National Health Service Act, 1977;

"the Fund" means the Guernsey Health Service Fund established under the provisions of section thirteen of the Law;

"the Law" means the Health Service (Pharmaceutical) (Guernsey) Law, 1972^(c);

"medical prescription" has the meaning assigned to it by paragraph (1) of regulation two of the Health Service (Pharmaceutical)(General)(Guernsey) Regulations, 1972^(d), and includes a copy of a medical prescription issued in pursuance of those regulations;

"specified amount" or "specified percentage" means, in relation to any provision of these regulations which is referred to in the first column of the First Schedule thereto, such amount or such percentage as is shown in relation to that provision in the second column of the said schedule;

and any other expressions have the same meanings as in the Law, so, however, that the expressions "medical practitioner", "dentist" and "pharmacist" shall

(c) Ordres en Conseil Vol. XXIII, p.428

(d) S.I. 1972 No. 51

be construed respectively as including a person who is practising in Alderney as a medical practitioner, dentist or pharmacist and who is approved by the Authority under the Law.

(2) Except where the context otherwise requires, any reference in these regulations to any enactment or regulations shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced, revoked, extended or applied, by or under any other enactment or by any other regulations.

(3) The Interpretation (Guernsey) Law, 1948^(e), shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment.

Payment of approved suppliers in respect of each item of pharmaceutical benefit.

2. (1) Subject to the provisions of the next following paragraph, an approved supplier shall be paid out of the Fund in respect of each item of pharmaceutical benefit supplied by him under the Law on or after the first day of June, nineteen hundred and eighty-two, the sum of the following amounts, that is to say:-

- (a) an amount equal to the amount of the basic price of the ingredients;
- (b) the specified percentage of that amount;
- (c) the specified amount for the container;
- (d) a dispensing fee in accordance with Part I of the Second Schedule to these regulations;
- (e) an additional dispensing fee in accordance with Part II of the Second Schedule to these regulations.

(2) The amount payable to an approved supplier under paragraph (1) of this regulation in respect of any item of pharmaceutical benefit shall be reduced by an amount equal to the amount of any prescription charge

(e) Ordres en Conseil Vol. XIII p 355.

received or recoverable by him in respect of that item.

(3) Where a medical practitioner or dentist who is not an approved supplier has supplied pharmaceutical benefit under and in accordance with the provisions of regulation four of the Health Service (Pharmaceutical) (General)(Guernsey) Regulations, 1972^(f), he shall -

- (a) comply with the provisions of sub-paragraph (1) of paragraph 5 of Part II of the Schedule to the Health Service (Pharmaceutical)(Approved Suppliers)(Guernsey) Regulations, 1972^(g), in relation to the pharmaceutical benefit so supplied by him in all respects as if he were an approved supplier;
- (b) be paid out of the Fund in respect of each item of pharmaceutical benefit so supplied an amount equal to the amount which would have been payable to him under paragraph (1) of this regulation if he were an approved supplier, reduced by an amount equal to the amount of any charge received or recoverable by him in respect of that item by virtue of paragraph (2) of the said regulation four.

Additional payments to approved suppliers who are pharmacists in respect of prescriptions dispensed urgently.

3. (1) Subject to the provisions of the next following paragraph, an approved supplier who is a pharmacist shall be paid out of the Fund in respect of any medical prescription on which he has supplied pharmaceutical benefit on or after the first day of June, nineteen hundred and eighty-two (irrespective of the number of items of pharmaceutical benefit supplied by him on that medical prescription), in addition to the sum payable to him in respect of that pharmaceutical benefit under the last foregoing regulation -

(f) S.I. 1972 No. 51

(g) S.I. 1972 No. 49

- (a) where that medical prescription is endorsed with the word "URGENT" by the medical practitioner or dentist who has issued the same, and that medical prescription has been endorsed by that approved supplier with the date and time on and at which that pharmaceutical benefit was supplied by him;
or
- (b) where that medical prescription is not so endorsed with the word "URGENT" and -
 - (i) that pharmaceutical benefit was supplied by that approved supplier on the day on which that medical prescription was issued and after he had closed his premises for the supply of pharmaceutical benefit or between midnight ending that day and nine o'clock in the forenoon or such earlier time at which the said premises were opened the next following day for the supply of pharmaceutical benefit, and
 - (ii) that medical prescription has been endorsed by that approved supplier with the words "DISPENSED URGENTLY" and with the date and time on and at which that pharmaceutical benefit was supplied, and has been signed by the approved supplier and by the person in respect of whom that pharmaceutical benefit was required or by his parent, guardian or other representative;

and that pharmaceutical benefit has been supplied at any of the times specified in the first column of the Third Schedule to these regulations, not being a time when that approved supplier is required to keep his said

premises open outside his normal hours of business in accordance with a scheme for the time being in force and prepared by the Authority in pursuance of the provisions of subsection (3) of section seven of the Law or with any other scheme approved by the Authority, an additional dispensing fee in the sum specified in the second column of that Schedule in relation to that time.

(2) The provisions of paragraph (1) of this regulation shall not apply other than in the Island of Alderney in respect of any pharmaceutical benefit supplied by an approved supplier at a time when the premises for the supply of pharmaceutical benefit of any other approved supplier, being a pharmacist, are open for business.

Reimbursement in respect of out-of-pocket expenses incurred by approved suppliers who are pharmacists.

4. Where the Authority is satisfied that out-of-pocket expenses have been incurred by an approved supplier who is a pharmacist in procuring any pharmaceutical benefit required to be supplied on a medical prescription by reason of the fact that such pharmaceutical benefit is very exceptionally so required to be supplied, the Authority may reimburse that approved supplier in respect of the whole of such expenses or in respect of such part thereof as the Authority thinks fit.

Provision of information by approved suppliers who are pharmacists and surveys of their places of business.

5. (1) For the purpose of enabling the Authority to determine from time to time the adequacy or otherwise of any of the amounts payable to approved suppliers under paragraph (1) of regulation two of these regulations, other than sub-paragraph (a) thereof, an approved supplier who is a pharmacist -

- (a) shall furnish on demand to the Authority, or to such person as the Authority may direct, such information and such documents as the Authority may require for that purpose, and

(b) shall permit any person authorised in writing in that behalf by the Authority to enter at all reasonable times any place of business at which he supplies pharmaceutical benefit or from which he supplies such benefit and to make such inspection, examination and enquiry therein as may be required for the said purpose.

(2) Any information obtained by the Authority or any such person as aforesaid in pursuance of paragraph (1) of this regulation, and any information obtained by the Authority or any person before or after the coming into force of these regulations by virtue of regulation six of the Health Service (Pharmaceutical)(Payment of Approved Suppliers) (Guernsey) Regulations, 1976^(h), shall not be disclosed to any person otherwise than for the purpose of making a statistical analysis thereof:

Provided that any such information shall not be disclosed in any such analysis in such manner as to enable any approved supplier or any place of business of an approved supplier to be identified.

Repeals and savings

6. (1) The regulations specified in the Fourth Schedule to these regulations are hereby repealed.

(2) Notwithstanding the repeal by paragraph (1) of this regulation of the regulations specified in the Fourth Schedule to these regulations, regulations two and three of the Health Service (Pharmaceutical) (Payment of Approved Suppliers)(Guernsey) Regulations, 1976^(h), as amended⁽ⁱ⁾, shall continue to apply as respects pharmaceutical benefit supplied on prescriptions before the first day of June, nineteen hundred and eighty-two, in all respects as if these regulations had not been made.

(h) S.I. 1976 No. 15

(i) S.I. 1982 No. 7

Citation and commencement

7. (1) These regulations may be cited as the Health Service (Pharmaceutical) (Payment of Approved Suppliers)(Guernsey) Regulations, 1983.

(2) These regulations shall be deemed to have come into force on the first day of June, nineteen hundred and eighty-two.

Dated this seventeenth day of January nineteen hundred
and eighty-three.



President of the States Insurance Authority,
for and on behalf of the Authority

FIRST SCHEDULE

Regulations one and two

Specified percentage and specified amount payable in respect of pharmaceutical benefit.

(1)	(2)
Provisions of these Regulations	Specified percentage or amount
Regulation 2 (1) (b) (which relates to the specified percentage of the amount equal to the amount of the basic price of the ingredients)	22 per centum
Regulation 2(1)(c) (which relates to the specified amount for a container)	4.5p

SECOND SCHEDULE

Regulation two

PART I

Dispensing fees payable in respect of pharmaceutical benefit

(1)	(2)
Description of pharmaceutical benefit	Dispensing Fee
<p>Pharmaceutical benefit extemporaneously dispensed and supplied on a medical prescription which is endorsed with the words "extemporaneously dispensed" -</p> <p>(a) Cachets, capsules, pills, tablet - triturates, lozenges, pastilles, suppositories, creams, ointments, enteric coating of tablets.</p> <p>(b) liquids prepared with aseptic technique</p> <p>(c) individually wrapped powders</p>	<p>£ 1.50</p> <p>£ 1.50</p> <p>£ 2.10</p>
<p>Pharmaceutical benefit extemporaneously sterilised and supplied on a medical prescription endorsed with the words "extemporaneous sterilisation" -</p> <p>Liquids or solids prepared with the sterilisation process specified in the British Pharmaceutical Codex.</p>	<p>£ 3.00</p>
<p>Any other item of pharmaceutical benefit</p>	<p>23p</p>

PART II

Additional dispensing fees payable in respect of pharmaceutical benefit

(1)	(2)
Description of pharmaceutical benefit	Additional dispensing fee
<p>Where an item of pharmaceutical benefit is a controlled drug within the meaning of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 and it has been supplied on a prescription endorsed by the approved supplier with the initial letters "C.D."</p>	<p>37p</p>

THIRD SCHEDULE

Regulation three

Additional dispensing fees payable in respect of pharmaceutical benefit supplied on medical prescriptions endorsed "URGENT" or "DISPENSED URGENTLY" in accordance with regulation three.

(1) Time of supply	(2) Dispensing fee
On any day, other than a Sunday and a bank holiday, between the time the premises of the approved supplier are closed for the supply of pharmaceutical benefit and eleven o'clock in the afternoon.	£ 4.00
On a Sunday or a bank holiday, between nine o'clock in the forenoon and eleven o'clock in the afternoon	£ 8.00
On any day between eleven o'clock in the afternoon of the next previous day and nine o'clock in the forenoon or such earlier time at which the premises of the approved supplier are open for the supply of pharmaceutical benefit.	£ 8.00

FOURTH SCHEDULE

Regulation six

Regulations repealed

The Health Service (Pharmaceutical)(Payment of Approved Suppliers)
(Guernsey) Regulations, 1976^(a);

The Health Service (Pharmaceutical)(Payment of Approved Suppliers)
(Amendment) (Guernsey) Regulations, 1976^(b);

The Health Service (Pharmaceutical)(Payment of Approved Suppliers)
(Amendment)(Guernsey) Regulations, 1982^(c).

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- (a) S.I. 1976 No. 15
(b) S.I. 1976 No. 42
(c) S.I. 1982 No. 7

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport)

These Regulations repeal and replace the Health Service (Pharmaceutical)(Payment of Approved Suppliers)(Guernsey) Regulations, 1976, as amended, providing for the payment of approved suppliers in respect of drugs and medicines supplied by them under and in accordance with the provisions of the Health Service (Pharmaceutical) (Guernsey) Law, 1972; for the manner in which such payment is to be calculated; and for the provision of information by approved suppliers who are pharmacists and surveys of their places of business. They also provide for an increased amount to be paid in respect of controlled drugs supplied on medical prescriptions endorsed with the initial letters "C.D."; for increased additional dispensing fees in respect of medical prescriptions dispensed urgently by pharmacists; for the full or partial reimbursement of the out-of-pocket expenses of pharmacists in procuring drugs and medicines which are very exceptionally required to be supplied.