
GUERNSEY STATUTORY INSTRUMENT

1990 No. 36

The Health Service (Pharmaceutical Benefit) Regulations, 1990

Made 18th December, 1990

Laid before the States

Coming into Operation 1st January, 1991

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by sections 11, 13 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990(a), and of all other powers enabling it in that behalf, hereby orders:-

Interpretation

1. (1) In these regulations, "the Law" means the Health Service (Benefit) (Guernsey) Law, 1990.

(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shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced, revoked, extended or applied, by or under any other enactment or by any other regulations.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,(b), shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment.

Form of medical prescriptions

2.(1) Subject to the provisions of paragraph (4) of the next following regulation, a medical prescription issued by -

- (a) an approved medical practitioner shall be in the form set out in Part I of the First Schedule to these regulations and shall contain the particulars required therein; and

(a) Ordres en Conseil No. XLVIII of 1990.

(b) Ordres en Conseil Vol.XIII,p.355.

(b) an approved dentist shall be in the form set out in Part II of the First Schedule to these regulations and shall contain the particulars required therein.

(2) A medical prescription shall contain on its reverse side the form of declaration set out in Part III of the First Schedule to these regulations.

(3) A medical prescription as specified in Part I of the First Schedule to these Regulations may be used by an approved medical practitioner for ordering the supply of pharmaceutical benefit or Part I or Part II appliances as defined in the Health Service (Payment of Authorised Appliance Suppliers) Regulations, 1990 (c).

Provisions relating to the use of medical prescriptions

3.(1) A medical prescription shall be completed in writing or print in ink or other indelible substance and signed and dated by the approved medical practitioner or approved dentist issuing the same with his own hand.

(2) A medical prescription shall not be written in such manner as to necessitate reference on the part of an authorised supplier to a previous medical prescription.

(3) Subject to the provisions of the next following paragraph, a single medical prescription shall not be used for ordering the supply of pharmaceutical benefit under the Law for more than one person.

(4) The Authority may authorise an approved medical practitioner to issue a single medical prescription ordering pharmaceutical benefit under the Law for two or more persons who are normally resident in a school or institution and for whose treatment he is responsible; and, where a medical prescription is so issued, the approved medical practitioner shall enter thereon, instead of the names of the said persons, the name of the school or institution.

(5) Subject to the provisions of the next following paragraph, an approved medical practitioner or approved dentist shall not order the supply of any item of pharmaceutical benefit under the Law for any person in a quantity exceeding that which is requisite for that person's treatment and shall not, in any event, order the supply of any item of pharmaceutical benefit under the Law for any person in a quantity exceeding the quantity requisite for that person's treatment for a period of thirty days.

(6) Where pharmaceutical benefit is required for the treatment of a person for a period exceeding thirty days, an approved medical practitioner or approved dentist may attach to the medical prescription on which the

pharmaceutical benefit is ordered by him for that person under the Law not more than three copies thereof; and any such copy shall, on presentation to an authorised supplier, be sufficient authority for the supply of pharmaceutical benefit under the Law.

(7) For the purposes of these regulations, the expression "medical prescription" shall, except where the context otherwise requires, be deemed to include a copy of a medical prescription issued in pursuance of the provisions of the last foregoing paragraph.

(8) A copy of a medical prescription issued in pursuance of the provisions of paragraph (6) of this regulation shall be signed and dated by the approved medical practitioner or approved dentist issuing the same with his own hand and shall be so dated by him that the date thereof shall be not earlier than the twenty-eighth day and not later than the thirty-first day next following the date of the original medical prescription or of the first or second copy thereof, as the case may be.

(9) Except in any case to which the provisions of the next following regulation apply and subject to the provisions of the next following paragraph, upon the completion of a medical prescription by an approved medical practitioner or approved dentist, he or his servant shall issue the same in the following manner, that is to say -

- (a) by delivering it by hand to the person in respect of whom it is required or to his parent, guardian or other representative, or
- (b) by making it available for collection by that person or by his parent, guardian or other representative at the surgery of the approved medical practitioner or approved dentist, as the case may be, or
- (c) by sending it by post addressed to that person or to his parent, guardian or other representative, at his usual place of residence.

(10) In the case where a medical prescription is issued in pursuance of the provisions of paragraph (4) of this regulation for ordering the supply of pharmaceutical benefit for two or more persons resident in a school or institution, the provisions of the last foregoing paragraph shall have effect as if for the references therein to the person in respect of whom a medical prescription is required, his parent, guardian or other representative, there were substituted references to the person in charge of that school or institution or a person acting on his behalf, and for the reference in sub-paragraph (c) thereof to his usual place of residence there were substituted a reference to that school or institution, as the case may be.

Supply of pharmaceutical benefit otherwise than on medical prescriptions

4.(1) An approved medical practitioner or approved dentist, whether or not he is an authorised supplier, may supply pharmaceutical benefit under the Law otherwise than on a medical prescription to a person who is being treated by him (hereafter in this regulation referred to as "the patient") where the pharmaceutical benefit is required for immediate administration or application to the patient by that approved medical practitioner or approved dentist, as the case may be, under his direct supervision and in his presence; and, in that event, that approved medical practitioner or approved dentist shall, as soon as may be thereafter, complete a medical prescription in all respects as if the prescription were to be issued to the patient; and the pharmaceutical benefit so supplied shall, for the purposes of the Law and of any regulations made thereunder, be deemed to have been supplied on that medical prescription.

(2) Where pharmaceutical benefit is supplied under and in accordance with the provisions of paragraph (1) of this regulation by an approved medical practitioner or approved dentist who is not an authorised supplier, the patient shall be liable to pay to him a prescription charge as specified in the Health Service (Benefit) Ordinance, 1990 (d) in respect of each item of pharmaceutical benefit so supplied unless it is declared to him that the patient is a person in respect of whom a certificate of exception for the time being in force has been granted; and any charge payable under this paragraph to an approved medical practitioner or approved dentist may be recovered by him as a civil debt.

(3) An authorised supplier who is a pharmacist may supply pharmaceutical benefit under the Law to any person otherwise than on a medical prescription -

- (a) if that authorised supplier is reasonably satisfied that the person ordering the same is an approved medical practitioner or approved dentist who is, by reason of some emergency, unable to issue a medical prescription immediately; and
- (b) the person ordering the same undertakes to furnish that authorised supplier with a medical prescription within the twenty-four hours next following.

(4) Where an approved medical practitioner or approved dentist is required to complete or furnish a medical prescription under this regulation, he shall, if it is declared to him by or on behalf of the patient that the patient is a person in respect of whom a certificate of exception for the time being in force has been granted, complete the form of declaration to that effect on the reverse side of the medical prescription.

(d) Ordinance No. XLV of 1990.

(5) Nothing in this regulation contained shall be construed as affecting any restriction or prohibition imposed by or under the provisions of any other enactment.

Declaration of entitlement to exception from liability to pay prescription charges

5. Subject to the provisions of regulation 4 of these regulations, where exception from liability to pay prescription charges is claimed in respect of the supply of pharmaceutical benefit, the form of declaration on the reverse side of the medical prescription on which the pharmaceutical benefit is ordered shall be duly completed by or on behalf of the claimant before the medical prescription is presented to an authorised supplier.

Restriction of meaning of "medicinal purpose" in the Law

6. Notwithstanding the provisions of section 38(2) of the Law the expression "medicinal purpose" in the Law shall not include anaesthesia or contraception.

Chemical reagents to be included in the expressions "drug" and "medicine"

7. The expressions "drug" and "medicine" in the Law shall include any chemical reagent, diagnostic preparation or process specified in the Second Schedule to these regulations.

Water

8.(1) Where the expression "aqua" is used in a medical prescription without qualification, that expression shall be construed as meaning wholesome drinking water.

(2) The expression "drug" and the expression "medicine" in the Law shall not include -

- (a) wholesome drinking water;
- (b) purified water B.P., except in any case where it is specified in a medical prescription or where its use is necessary in conformity with standard dispensing practice.

Extent

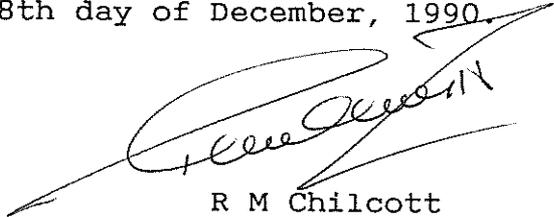
9. These regulations shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Citation and commencement

10.(1) These regulations may be cited as the Health Service (Pharmaceutical Benefit) Regulations, 1990.

(2) These regulations shall come into operation on the first day of January 1991.

Dated this 18th day of December, 1990.

A handwritten signature in black ink, appearing to read 'R M Chilcott', written over a horizontal line.

R M Chilcott
President of the States Insurance Authority
for and on behalf of the Authority

FIRST SCHEDULE

Regulation 2

FORMS OF MEDICAL PRESCRIPTION AND DECLARATION

PART I

Form of medical prescription for use by
an approved medical practitioner

STATES INSURANCE AUTHORITY, GUERNSEY

Supplier Stamp	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> Age if under 12 years yrs mths </div>		Name and Address
Supplier's pack endorsement	NP	Pricing Office use only	
Signature of Doctor		Date	
Items			
Charges			

IMPORTANT: Complete appropriate declaration overleaf,
if applicable.

PART II

Form of medical prescription for use by an approved dentist

STATES INSURANCE AUTHORITY, GUERNSEY

Supplier Stamp		Age if under 12 years yrs mths		Name and Address	
		Supplier's pack endorsement		NP	Pricing Office use only
		DENTAL ONLY			
Signature of Dentist			Date		
Items					
Charges					

IMPORTANT: Complete appropriate declaration overleaf, if applicable.

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PART III

Form of Declaration for use on the reverse side of a medical prescription

To be completed by or on behalf of the patient

I DECLARE that the patient named overleaf is covered by a valid States Insurance Authority Certificate of Exception

AND THAT I AM

the patient

Please tick one

the patient's parent or guardian

the patient's representative

I understand that enquiries may be made to check this Declaration and that a false statement may lead to prosecution.

Signed Date

NAME AND ADDRESS

(Block letters)

.....

If your full address appears overleaf, write "As overleaf".

SECOND SCHEDULE

Regulation 7

Chemical Reagents, diagnostic preparations and processes

Benedicts solution (Qualitative)

Blood glucose monitoring strips
(including Exactech strips)

Compounds required for oral administration for the
purpose of cholecystographic examination

Diagnostic nitroprusside tablets

Diagnostic solution - tablets of copper

Fehling's solution

Gerhardt's solution

Glycosuria detection strips

Glycosuria and proteinuria detection strips

Ketonuria detection strips

Litmus papers

Phenylketonuria detections strips

Proteinuria detection strips

Strong solution of ammonia

EXPLANATORY NOTE

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

These regulations deal with matters relating to -

- (1) the form of medical prescription to be used by approved medical practitioners and approved dentists ordering pharmaceutical benefit under the Law;
- (2) the form of declaration, on the reverse side of a medical prescription, to be completed by or on behalf of a patient who is excepted from liability to pay prescription charges;
- (3) the manner in which a medical prescription is to be completed and issued, and the maximum quantity of pharmaceutical benefit which may be ordered to be supplied on a medical prescription;
- (4) the supply, in exceptional cases, of pharmaceutical benefit under the Law otherwise than on a medical prescription;

and certain other related subjects.