

1977 - No. 36

The Health Service (Pharmaceutical) (Prescribed Appliances)  
(Guernsey) Regulations, 1977

Made ... ..  
Laid before the States ... ..  
Coming into operation ... .. 1st November, 1977

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by the Health Service (Pharmaceutical) (Guernsey) Law, 1972, as modified by the Health Service (Pharmaceutical) (Prescribed Appliances) (Guernsey) Ordinance, 1977, and of all other powers enabling it in that behalf, hereby orders:-

PART I

INTERPRETATION

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:-

"appliance charge" has the meaning assigned thereto by paragraph (1) of regulation seven of these regulations;

"approved supplier" means a medical practitioner or pharmacist approved by the Authority under subsection (2) of section seven of the Law;

"approved appliance supplier" has the meaning assigned thereto by paragraph (1) of regulation five of these regulations;

"authorisation card" has the meaning assigned thereto

regulations, as the case may be, as amended, repealed, replaced, revoked, extended or applied, by or under any other enactment or by or under any other regulations.

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

## PART II

### PRESCRIBED APPLIANCES

#### Appliances to be included within the meaning of "pharmaceutical benefit" in the Law

2. The meaning assigned to the expression "pharmaceutical benefit" by subsection (1) of section five of the Health Service (Pharmaceutical) (Guernsey) Law, 1972, shall be taken to include appliances of any of the descriptions specified in the First Schedule to these regulations (hereafter in these regulations referred to as "prescribed appliances"):

Provided that an appliance of any of the descriptions specified in Part II of the First Schedule to these regulations shall not be taken to be a prescribed appliance unless it is required for the treatment of diabetes.

## PART III

### SPECIAL PROVISIONS RELATING TO PRESCRIBED APPLIANCES SPECIFIED IN PART III OF THE FIRST SCHEDULE TO THESE REGULATIONS

#### Application of Part III

3. The provisions of this Part of these regulations shall apply in relation to prescribed appliances of any of the descriptions specified in Part III of the First Schedule to these regulations.

#### Supply of prescribed appliances to which this Part applies

4.(1) Subject to the provisions of these regulations, a person who is entitled to pharmaceutical benefit under the Law shall be

(4) The provisions set out in the Second Schedule to these regulations, other than sub-paragraph (3) of paragraph 1 and paragraph 4 thereof, shall have effect in relation to the supply of prescribed appliances to which this Part of these regulations apply by approved appliance suppliers who are approved suppliers in lieu of the terms and conditions relating to the supply of pharmaceutical benefit by approved suppliers contained in paragraph 1, paragraph 4 and paragraph 5 of Part II of the Schedule to the Health Service (Pharmaceutical) (Approved Suppliers) (Guernsey) Regulations, 1972.

(5) The Authority may at any time revoke its decision under paragraph (1) of this regulation approving any person to be a supplier of prescribed appliances to which this Part of these regulations applies if it is satisfied that -

- (a) that person has contravened or failed to comply with any of the provisions contained in the Second Schedule to these regulations; or
- (b) the conduct of that person has been such as to be prejudicial to the efficient administration of the Law and of these regulations;

and, in that event, that person shall cease to be an approved appliance supplier.

Authorisation cards

6.(1) A card authorising the supply of any prescribed appliance to which this Part of these regulations applies (hereafter in these regulations referred to as an "authorisation card") may be granted by the Authority to any person upon application being made therefor to the Authority by or on behalf of that person together with a certificate issued by a medical practitioner to the effect that that person is suffering from a disease which requires the use by that person of any prescribed appliance to which this Part of these regulations applies.

(3) These regulations shall have effect as if there were incorporated in this paragraph provisions in the terms of the provisions of section eleven of the Law (excluding subsection (9) thereof) with the substitution for the references in the provisions of that section to a prescription charge and to any item of pharmaceutical benefit of reference to an appliance charge and to any prescribed appliance to which this Part of these regulations apply.

PART IV  
PAYMENT OF SUPPLIERS OF PRESCRIBED  
APPLIANCES

8.(1) The provisions of regulation two of the Health Service (Pharmaceutical) (Payment of Approved Suppliers) (Guernsey) Regulations, 1976, shall not apply as respects the payment of an approved appliance supplier in respect of any prescribed appliance supplied by him under the Law.

(2) Subject to the provisions of the next following paragraph, an approved appliance supplier shall be paid out of the Fund in respect of any prescribed appliance supplied by him under the Law the sum of the following amounts -

- (a) an amount equal to the amount of the basic price of the appliance;
- (b) twenty-one per centum of that amount;
- (c) a dispensing fee of 25 pence;
- (d) where the appliance is an appliance of any of the descriptions specified in Part I or Part II of the First Schedule to these regulations, a container allowance of 3 pence.

(3) The amount payable to an approved appliance supplier under the last foregoing paragraph in respect of any prescribed appliance shall be reduced by an amount equal to the amount of any prescription charge or appliance charge received or recoverable by him in respect of that

PRESCRIBED APPLIANCES

PART I

Hand-operated atomizers

(a) Nebulizers:-

- (i) Inhalers, being glass, plastic or plastic and glass, rubber or plastic bulb, for use with any liquid intended for administration by inhalation and capable of producing an extremely fine mist.
- (ii) Pressurised inhalers, being plastic containers incorporating spring mechanism operated by intake of breath (reset by cocking device after each operation) for use with a replaceable pressurised aerosol cartridge with metering valve.

(b) Insufflators (for the inhalation of fine powders) :-

- (i) Type 1: For inspiratory operation assisted by 60 millilitres (approximately) rubber bulb attachment and plastic body to hold capsule.
- (ii) Type 2: For inspiratory operation. Plastic body with detachable mouthpiece, containing a propeller, with integral capsule piercing device of stainless steel. To hold unit dose capsules of microfine powdered medicament.
- (iii) Type 3: For nasal inspiratory operation. Tubular plastic body, with a nose-piece which is removable, to insert unit dose capsule of microfine powdered medicament. Enclosed by a plastic dust cover and fitted with a

SECOND SCHEDULE

Regulation five

TERMS AND CONDITIONS RELATING TO THE  
SUPPLY OF PRESCRIBED APPLIANCES  
TO WHICH PART III OF THESE  
REGULATIONS APPLY

Supply of Appliances

1.(1) An approved appliance supplier shall supply a prescribed appliance to which Part III of these regulations apply with reasonable promptness to any person who presents an authorisation card in respect thereof and for the time being in force; and shall not supply such an appliance under the Law except on such a card being presented to him:

Provided that an approved appliance supplier who is a medical practitioner shall not supply such an appliance otherwise than to a person who is a patient of his or of a medical practitioner who is an assistant of his or with whom he is carrying on practice in partnership.

(2) Any such appliance so supplied which is included in the British Drug Tariff shall be of a grade and quality not lower than the grade or quality specified therein; and any such appliance not so included shall be of a grade and quality not lower than the grade or quality ordinarily used for medical purposes.

(3) An approved appliance supplier who is not an approved supplier shall supply any such appliance at or from such places and at such times as may be determined by the Authority in his particular case.

Charges

2. Prescribed appliances to which Part III of these regulations applies shall be supplied free of charge, other than such appliance charges as are payable under the Law.

particulars of the amounts calculated to be payable in respect of such appliances; and, if he takes objection thereto, the Authority shall take such objection into consideration.

(4) The Authority shall, if required so to do by any organisation which is, in the opinion of the Authority -

- (i) representative of the general body of approved suppliers who are medical practitioners, afford such organisation similar facilities for examining claim forms relating to appliances supplied by approved appliance suppliers who are such approved suppliers and particulars relating to all or any such approved appliance suppliers;
- (ii) representative of the general body of approved suppliers who are pharmacists, afford such organisation similar facilities for examining claim forms relating to appliances supplied by approved appliance suppliers who are such approved suppliers and particulars relating to all or any such approved appliance suppliers;
- (iii) representative of the general body of appliance suppliers who are not medical practitioners or pharmacists, afford such organisation similar facilities for examining claim forms relating to appliances supplied by such approved appliance suppliers and particulars relating to all or any such suppliers; and shall take into consideration any objection made by any such organisation.

Withdrawal

4. An approved appliance supplier who is not an approved supplier may at any time give notice to the Authority that he no longer wishes to supply prescribed appliances to which Part III of these regulations applies and, where such notice is given, he shall thereafter cease to be an approved appliance supplier.

## EXPLANATORY NOTE

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

Part II of these regulations prescribe the appliances which are available for supply under the Health Service (Pharmaceutical) (Guernsey) Law, 1972, as modified by the Health Service (Pharmaceutical) (Prescribed Appliances) (Guernsey) Ordinance, 1977. Part III of these regulations contains special provisions relating to the supply of certain prescribed appliances (principally those required for the post-operative treatment of surgical stoma) on an authorisation card issued by the States Insurance Authority being presented to an approved appliance supplier, that is to say, a medical practitioner or pharmacist who is an approved supplier of drugs and medicines under the Law of 1972 or a person or body corporate approved under these regulations as a supplier of such prescribed appliances. Part III of these regulations also provides for the payment of prescribed charges upon the supply of prescribed appliances otherwise than by persons who are exempted from the payment of those charges under the Law of 1972 (supplementary beneficiaries and their dependants and persons in similar circumstances). Part IV of these regulations contains provisions as to the payment of suppliers of prescribed appliances.