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# GUERNSEY STATUTORY INSTRUMENT

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1990 No. 38

The Health Service (Payment of Authorised Suppliers)  
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 14 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, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

"non-business day" means -

- (a) a Sunday, Good Friday, Christmas Day;
- (b) in relation to Guernsey, Herm and Jethou, a day appointed as a bank holiday by Ordinance of the States of Guernsey;
- (c) in relation to Alderney, a day appointed as a bank holiday by Ordinance of the States of Alderney;
- (d) a day appointed as a day of public thanksgiving or public mourning;

"basic price", in relation to the ingredients of any item of pharmaceutical benefit, or in relation to a Part I or Part II appliance, means the price which is, at the date on which that item or appliance (as the case may be) is supplied under the Law, the basic price thereof applicable in relation to pharmacy contractors and calculated in accordance with the appropriate provisions of the Drug Tariff;

"Part I appliance" and "Part II appliance" mean, respectively any appliance described in Part I or

Part II (as the case may be) of the First Schedule to the Health Service (Medical Appliances) Regulations, 1990 (b);

"specified percentage" means, in respect any class of authorised supplier referred to in the first column of Part I of the First Schedule, such amount as is shown in relation to that class of authorised supplier in the second column of the said Part I of that Schedule;

"specified amount" means, in respect of any class of authorised supplier referred to in the first column of Part II of the First Schedule, such amount as is shown in relation to that class of authorised supplier in the second column of the said Part II of that Schedule;

"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<sup>(5)</sup>, shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment.

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

2.(1) Subject to the provisions of the next following paragraph, an authorised supplier of any class shall be paid out of the Fund, in respect of each item of pharmaceutical benefit supplied by him under the Law, 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 in respect of that class of authorised supplier;
- (c) the specified amount for the container in respect of that class of authorised supplier;
- (d) a dispensing fee in accordance with Part I of the Second Schedule to these Regulations in respect of that class of authorised supplier;
- (e) an additional dispensing fee in accordance with Part II of the Second Schedule to these Regulations in respect of that class of authorised supplier.

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(b) S.I. 1990 No. 39 .

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

(2) The amount payable to an authorised supplier any of class under paragraph (1) of this Regulation in respect of any item of pharmaceutical benefit shall be reduced -

(a) by the percentage amount set out in the second column of the Fourth Schedule hereto which appears opposite the scale of amounts in the first column within which the relevant amount falls; and for the purposes of this sub-paragraph the "relevant amount" is the aggregate of -

(i) the sum of the basic prices of the ingredients of all items of pharmaceutical benefit supplied by that authorised supplier during the accounting period (being a period specified by the Authority under Part II of the Schedule to the Health Service (Authorised Suppliers) Regulations, 1990) in which the item of pharmaceutical benefit in question was supplied; and

(ii) the sum of the basic prices of all Part I and Part II appliances so supplied:

Provided that this sub-paragraph shall not apply in respect of any authorised supplier who is a pharmacist not employed by a medical practitioner authorised to supply pharmaceutical benefit in Alderney;

(b) by an amount equal to the amount of any prescription charge received or recoverable by him in respect of that item.

(3) Where an approved medical practitioner or approved dentist who is not in either case an authorised supplier has supplied pharmaceutical benefit under and in accordance with the provisions of regulation 4 of the Health Service (Pharmaceutical Benefit) Regulations, 1990 (d), he shall -

(a) comply with the provisions of sub-paragraph (1) of paragraph 5 of Part II of the Schedule to the Health Service (Authorised Suppliers) Regulations, 1990 (e), in relation to the pharmaceutical benefit so supplied by him in all respects as if he were an authorised 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 authorised supplier, reduced by an amount equal to the amount of any prescription charge received or recoverable by him in respect of that item.

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(d) S.I. 1990 No. 36 .

(e) S.I. 1990 No. 37 .

Additional payments to authorised suppliers who are pharmacists not employed by medical practices in respect of medical prescriptions dispensed urgently.

3.(1) Subject to the provisions of the next following paragraph, an authorised supplier who is a pharmacist not employed by a medical practice shall be paid out of the Fund in respect of any medical prescription on which he has supplied pharmaceutical benefit (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 -

(a) where that medical prescription is endorsed with the word "URGENT" by the approved medical practitioner or approved dentist who has issued the same, and that medical prescription has been endorsed by that authorised 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 authorised supplier either 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 11pm that day and 9 a.m. the next day or such earlier time at which the said premises were opened for the supply of pharmaceutical benefit, and

(ii) that medical prescription has been endorsed by that authorised 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 authorised supplier and by the person in respect of whom that pharmaceutical benefit was required or by his parent, guardian or other representatives;

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 authorised 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 section 12(3)(d) 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 authorised supplier at a time when the premises for the supply of pharmaceutical benefit of any other authorised supplier, being a pharmacist not employed by a medical practice, are open for business.

Reimbursement in respect of out-of-pocket expenses incurred by authorised suppliers who are pharmacists not employed by medical practices.

4. Where the Authority is satisfied that out-of-pocket expenses have been incurred by an authorised supplier who is a pharmacist not employed by a medical practice in procuring any pharmaceutical benefit required to be supplied on a medical prescription by reason of the fact that such pharmaceutical benefit is only very exceptionally so required to be supplied, the Authority may reimburse that authorised 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 authorised suppliers 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 authorised suppliers under regulation 2(1) of these regulations, other than subparagraph (a) thereof, an authorised supplier -

- (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) No information obtained by the Authority or by any such person as aforesaid in pursuance of paragraph (1) of this regulation, shall be disclosed to any person otherwise than for the purpose stated in paragraph (1); and no such information shall be disclosed in such manner as to enable any authorised supplier or any place of business of an authorised supplier to be identified.

Extent

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

Citation and commencement

7.(1) These regulations may be cited as the Health Service (Payment of Authorised Suppliers) Regulations, 1990.

(2) These regulations shall come into force on the 1st day of January, nineteen hundred and ninetyone.

Dated this 18th day of December, 1990.



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

FIRST SCHEDULE

Regulations 1 and 2

PART I

Specified percentage payable in respect of pharmaceutical benefit in accordance with Regulation 2(1)(b) of these Regulations.

(1)	(2)
Classes of authorised supplier	Specified percentage
Dentist	13.5 per centum
Medical Practitioner	13.5 per centum
Pharmacist	
(a) employed by a medical practice	13.5 per centum
(b) not employed by a medical practice	20.8 per centum

PART II

Specified amount payable in respect of the container for pharmaceutical benefit in accordance with Regulation 2(1)(c) of these Regulations.

(1)	(2)
Classes of authorised supplier	Specified amount
Dentist	6.0p
Medical Practitioner	6.0p
Pharmacist	6.0p

SECOND SCHEDULE

Regulation 2(1)(d)&(e)

PART I

Dispensing fees payable in respect of pharmaceutical benefit

(1)	(2)
Description of pharmaceutical benefit	Dispensing Fee
Any item of pharmaceutical benefit supplied by an authorised supplier who is - <ul style="list-style-type: none"><li data-bbox="225 802 496 836">(i) a dentist</li><li data-bbox="209 870 743 904">(ii) a medical practitioner</li><li data-bbox="188 932 995 1061">(iii) a pharmacist<ul style="list-style-type: none"><li data-bbox="341 966 995 1000">(a) employed by a medical practice</li><li data-bbox="341 1000 895 1061">(b) not employed by a medical practice</li></ul></li></ul>	<ul style="list-style-type: none"><li data-bbox="1203 802 1299 836">32.5p</li><li data-bbox="1203 870 1299 904">32.5p</li><li data-bbox="1203 966 1299 1000">32.5p</li><li data-bbox="1203 1029 1267 1061">32p</li></ul>

PART II

Additional dispensing fees payable in respect of pharmaceutical benefit

(1)	(2)
Description of pharmaceutical benefit	Additional Dispensing Fee
<p>Pharmaceutical benefit extemporaneously dispensed and supplied by an authorised supplier who is an approved dentist, approved medical practitioner or approved pharmacist on a medical prescription which is endorsed with the words "extemporaneously dispensed" -</p> <p>(a) cachets, capsules, pills, tablet-triturates, lozenges, pastilles, suppositories, enteric coating of tablets, individually wrapped powders;</p> <p>(b) liquids prepared with aseptic technique;</p> <p>(c) creams, ointments and pastes.</p> <p>Pharmaceutical benefit extemporaneously sterilised and supplied by an authorised supplier who is an approved dentist, approved medical practitioner or approved pharmacist on a medical prescription which is endorsed with the words "extemporaneous sterilisation" -</p> <p style="padding-left: 40px;">liquids or solids prepared with the sterilisation process specified in the British Pharmacopoeia.</p>	<p>£3.20 for each unit of ten or less</p> <p>£8.30</p> <p>£3.20</p> <p>£8.30</p>
<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 with the initial letters "C.D." by an authorised supplier who is -</p> <p>(i) a dentist</p> <p>(ii) a medical practitioner</p> <p>(iii) a pharmacist</p>	<p>62p</p> <p>62p</p> <p>62p</p>

(1)	(2)
<p>Where an item of pharmaceutical benefit which -</p> <p>(a) requires the addition by an authorised supplier of a vehicle/diluent has a stability of less than fourteen days and it is necessary for pharmaceutical reasons for it to be supplied in more than one container; and</p> <p>(b) the medical prescription on which that item is supplied is endorsed with the number of additional containers in which that item is supplied by an authorised supplier who is -</p> <p>(i) a dentist</p> <p>(ii) a medical practitioner</p> <p>(iii) a pharmacist</p>	<p>37p</p> <p>37p</p> <p>37p</p>

THIRD SCHEDULE

Regulation 3

Additional dispensing fees payable in respect of pharmaceutical benefit supplied on a prescription endorsed "URGENT" or "DISPENSED URGENTLY" in accordance with Regulation 3 of these Regulations

(1)	(2)
Time of Supply	Dispensing Fee
On any day, other than a non-business day, between the time the premises of the authorised supplier are closed for the supply of pharmaceutical benefit and 11pm	£11.60
On a non-business day, between 9am and 11pm, except whilst the premises are open for the purposes of any scheme prepared by the Authority under section 12(3)(d) of the Law	£14.70
On any day between 11pm and 9am the next day or such earlier time at which the premises are opened for the supply of pharmaceutical benefit (on any day except a non-business day)	£14.70

FOURTH SCHEDULE

Regulation 2(2)(a)

Percentage reduction to be made to the basic prices payable to authorised suppliers

(1)		(2)
Scales of amounts containing relevant amount (ie basic prices of ingredients plus basic prices of appliances)		Percentage by which payment is reduced
£	£	%
751 to	1000	2.51
1001 to	1250	2.93
1251 to	1500	3.25
1501 to	1750	3.53
1751 to	2000	3.80
2001 to	2250	4.05
2251 to	2500	4.28
2501 to	2750	4.53
2751 to	3000	4.65
3001 to	3250	4.93
3251 to	3500	5.13
3501 to	3750	5.28
3751 to	4000	5.45
4001 to	4250	5.61
4251 to	4500	5.73
4501 to	4750	5.90
4751 to	5000	6.05
5001 to	5250	6.16
5251 to	5500	6.25
5501 to	5750	6.36
5751 to	6000	6.41
6001 to	6250	6.51
6251 to	6500	6.58
6501 to	7000	6.67
7001 to	8900	6.88
8901 to	10300	7.15
10301 to	11700	7.19
11701 to	13100	7.30
13101 to	14400	7.38
14401 to	15800	7.41
15801 to	17200	7.45
17201 to	18800	7.50
18801 to	20200	7.61
20201 to	20800	7.70
20801 and	above	7.80

**EXPLANATORY NOTE**

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

These Regulations provide for:-

- (1) the payment of authorised suppliers in respect of pharmaceutical benefit supplied by them under the Health Service (Benefit) (Guernsey) Law, 1990;
- (2) for the manner in which the payment is to be calculated;
- (3) the provision of information by authorised suppliers and for surveys of their places of business.

The Regulations also provide for an increased amount to be paid in respect of controlled drugs supplied on a medical prescription endorsed with the initial letters "C.D.": for additional dispensing fees in respect of medical prescriptions dispensed urgently by pharmacists and for the full or partial reimbursement of the out-of-pocket expenses of pharmacists in obtaining pharmaceutical benefit which is very exceptionally required to be supplied.