

GUERNSEY STATUTORY INSTRUMENT

2003 No 52

**The Health Service (Payment of Authorised
Appliance Suppliers) Regulations, 2003**

Made 31st December 2003
Laid before the States January 2004
Coming into operation 1st January 2004

THE GUERNSEY SOCIAL SECURITY AUTHORITY, in exercise of the powers conferred upon it by section 19 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990, as amended^(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:-

"accounting period" means, in relation to Part I and Part II appliances and items of pharmaceutical benefit supplied by an authorised appliance supplier or authorised supplier, the period of one calendar month;

"basic price", in relation to a Part I or Part II appliance, or in relation to the ingredients of any item of pharmaceutical benefit, means the price which is, at the date on which that appliance or item (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;

"list price", in relation to a Part III appliance, means the price which is, at the date on which that appliance 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;

"medical appliance card" has the meaning assigned thereto by Regulation 12 (1) of the Health Service (Medical Appliances) Regulations, 1990, as amended;

"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;

^(a) Ordres en Conseil Vol. XXXII, P. 192; amended by Ordinances XIV of 1993 (Tome XXVI, p.177); and XXXIV and XXXV of 1995 (Tome XXVI, pp.177 and 483).

"Part I appliance" means any appliance described in Part I of the First Schedule to the Health Service (Medical Appliances) Regulations, 1990, as amended^(b)

"Part II appliance" means any appliance described in Part II of the First Schedule to the Health Service (Medical Appliances) Regulations, 1990, as amended;

"Part III appliance" means any appliance described in Part III of the First Schedule to the Health Service (Medical Appliances) Regulations, 1990, as amended;

"Part IV appliance" means any appliance described in Part IV of the First Schedule to the Health Service (Medical Appliances) Regulations, 1990, as amended;

"the Law" means the Health Service (Benefit) (Guernsey) Law, 1990, as amended.

(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 regulations.

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

Payment of Authorised Appliance Suppliers in Respect of Part I and Part II Appliances

2. (1) Subject to the provisions of the next following paragraph, an authorised appliance supplier who is an approved medical practitioner or pharmacist not employed by the Board of Health shall be paid out of the Fund, in respect of each Part I or Part II appliance 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 appliance;

(b) dispensing fee calculated on the basis of the number of relevant items supplied, as set out in the First Schedule to these regulations in respect of that class of authorised appliance supplier; and for the purposes of this sub-paragraph the "number of relevant items" is the aggregate of -

(i) the number of Part I and Part II appliances supplied by that authorised appliance supplier during the accounting period in which the appliance in question was supplied; and

(ii) the number of items of pharmaceutical benefit so supplied.

(2) The amount payable to an authorised appliance supplier of any class not employed by the Board of Health, under paragraph (1) of this regulation in respect of any Part I or Part II appliance shall be reduced by an amount equal to the amount of any appliance charge received or recoverable by him in respect of that appliance.

(3) Where an approved medical practitioner who is not an authorised appliance supplier has supplied Part I or Part II appliances under and in accordance with the provisions of Regulation 8 (1) of the Health Service (Medical Appliances) Regulations, 1990, as amended, he shall:

^(b) S.I. 1990 No.39; S.I. 1991 Nos. 14 and 59; S.I. 1993 Nos. 3, 20 and 34; S.I. 1994 No.11; S.I. 1995 Nos. 18 and 24; S.I. 1996 Nos. 7 and 24; S.I. 1997 Nos. 16 and 35; S.I. 1998 No. 29; S.I. 1999 Nos. 13 and 38; S.I. 2000 No. 27; S.I. 2001 Nos. 19, 36 and 53; S.I. 2002 Nos. 44 and 59

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

(a) comply with the provisions of paragraph 7 (1) of Part II of the Schedule to the Health Service (Authorised Appliance Suppliers) Regulations, 1990^(d)

(b) be paid out of the Fund in respect of each Part I or Part II appliance 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 appliance supplier, reduced by an amount equal to the amount of any appliance charge received or recoverable by him in respect of that appliance.

(4) An authorised appliance supplier who is a pharmacist employed by the Board of Health shall be paid out of the Fund, in respect of each Part I or Part II appliance supplied by him under the Law, an amount equal to the amount of the basic price of the appliance

Additional Payments to Authorised Appliance Suppliers who are Pharmacists not Employed by Medical Practices in Respect of Part I, Part II, Part III or Part IV Appliances Dispensed Urgently

3. (1) Subject to the provisions of the next following paragraph, an authorised appliance supplier who is a pharmacist not employed by a medical practice or the Board of Health shall be paid out of the Fund in respect of any Part I or Part II appliance supplied on production of an appliance prescription or any Part III or Part IV appliance supplied on production of a medical appliance card (irrespective of the number of appliances supplied by him on that appliance prescription or on the production of that medical appliance card), in addition to the sum payable to him in respect of that medical appliance under the last foregoing regulation -

(a) where the appliance prescription for the supply of the Part I or Part II appliance is endorsed with the word "URGENT" by the approved medical practitioner who has issued the same, and that appliance prescription has been endorsed by that authorised appliance supplier with the date and time on and at which that Part I or Part II appliance was supplied by him; or

(b) where the appliance prescription for the supply of the Part I or Part II appliance is not so endorsed with the word "URGENT",

(i) the Part I or Part II appliance was supplied by that authorised appliance supplier on the day on which the appliance prescription or medical prescription was issued and after he had closed his premises for the supply of medical appliances, or between 11 p.m. that day and 9 a.m. the next day or such earlier time, at which the said premises were opened for the supply of medical appliances; and

(ii) that appliance prescription has been endorsed by that authorised appliance supplier with the words "DISPENSED URGENTLY" and with the date and time on and at which that medical appliance was supplied, and has been signed by the authorised appliance supplier and by the person in respect of whom the medical appliance was required or by his parent, guardian or other representative; or

(c) where an appliance claim form completed in pursuance of Regulation 8 is endorsed by an authorised supplier of Part III or Part IV appliances with the words "DISPENSED URGENTLY" and with the date and time on and at which that appliance was supplied, and has been signed by the authorised appliance supplier and by the person in respect of whom the appliance was required or by his parent, guardian or other representative;

^(d) S.I. 1990 No.40

and the medical appliance 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 appliance 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 Part II of the Schedule to the Health Service (Authorised Appliance Suppliers) Regulations, 1990 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 medical appliances supplied by an authorised appliance supplier at a time when the premises for the supply of medical appliances of any other authorised appliance supplier, being a pharmacist, are open for business.

Reimbursement in Respect of Out-of-pocket Expenses Incurred by Authorised Appliance 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 appliance supplier who is a pharmacist not employed by a medical practice or the Board of Health in procuring any Part I, Part II or Part III appliance required to be supplied on production of an appliance prescription or medical appliance card by reason of the fact that such medical appliance is only very exceptionally so required to be supplied, the Authority may reimburse that authorised appliance 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 Appliance 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 appliance suppliers under regulation 2 (1) of these regulations, other than sub-paragraph (a) thereof, an authorised appliance 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 medical appliances or from which he supplies such appliances 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 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 appliance supplier or any place of business of an authorised appliance supplier to be identified.

Payment of Authorised Appliance Suppliers for Part III Appliances

6. (1) Subject to the provisions of the next following paragraph, an authorised appliance supplier of any class shall be paid out of the Fund in respect of each Part III appliance 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 list price of the Part III appliance;
- (b) the product of the percentage specified in Part I of the Second Schedule to these regulations, in respect of that class of authorised appliance supplier, and the amount of the basic price;
- (c) a dispensing fee in accordance with the Part II of the Second Schedule to these Regulations in respect of that class of authorised appliance supplier.

(2) The amount payable to an authorised appliance supplier of any class under paragraph (1) of this Regulation in respect of any Part III appliance shall be reduced by an amount equal to the amount of any appliance charge received or recoverable by him in respect of that item.

Payment of Authorised Appliance Suppliers for Part IV Appliances

7. The Authority may arrange with one or more authorised appliance suppliers for the supply of and payment for the supply of Part IV appliances; and the arrangements may include:

- (a) payment in respect of the supply of oxygen cylinders and accessories;
- (b) payment in respect of delivery and collection of cylinders and accessories when appropriate to and from the patient's home in Guernsey or Alderney;
- (c) payment in respect of the supply of oxygen concentrators including installation, servicing, maintenance and repair;

and may be reviewed at such intervals as the Authority may determine.

Form of Claim for Payment for the Supply of Part III or Part IV Appliances

8. Claims by authorised appliance suppliers for payment for the supply of Part III or Part IV appliances shall be made in a form approved by the Authority ("appliance claim form").

Repeal

9. The Health Service (Payment of Authorised Appliance Suppliers) Regulations, 1990, as amended^(e) are repealed.

Extent

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

^(e) S.I. 1990 No. 41; S.I. 1991 Nos. 34,58 and 61; S.I. 1992 No. 8; S.I. 1993 No. 10; S.I. 1995 Nos. 20, 23 and 41; S.I. 1997 No. 3; S.I. 1998 Nos. 3 and 32; S.I. 1999 No. 42; S.I. 2000 No. 28; S.I. 2002 No. 47.

Citation and Commencement

11. (1) These regulations may be cited as the Health Service (Payment of Authorised Appliance Suppliers) Regulations, 2003.

(2) These regulations shall come into force on the 1st day of January, 2004.

Dated this 31st day of December, 2003.



O D Le Tissier
President of the Guernsey Social Security Authority
for and on behalf of the Authority

FIRST SCHEDULE Regulations 2(1)(c)

Dispensing Fees for Part I and Part II appliances.

(1)	(2)
Classes of authorised appliance supplier	Dispensing Fee per appliance
A medical practitioner; or a pharmacist employed by a medical practice;	
where the number of relevant items does not exceed 3,000	85p per appliance
where the number of relevant items exceeds 3,000 but does not exceed 6,000	85p per appliance for 3,000 relevant items and 79p for each additional appliance
where the number of relevant items exceeds 6,000	85p per appliance for 3,000 relevant items. 79p per appliance for 3,000 relevant items and 73p for each additional appliance.
A pharmacist employed by the Board of Health	0p per appliance.
A pharmacist not employed by a medical practice or the Board of Health ;	
where the number of relevant items does not exceed 1,500	£2.19 per appliance
where the number of relevant items exceeds 1,500	£2.19 per appliance for 1,500 relevant items and £1.13 for each additional appliance

SECOND SCHEDULE Regulation 6

PART I

Specified percentage payable in respect of Part III appliances.

(1)	(2)
Classes of authorised appliance supplier	Specified percentage
A medical practitioner	0 per centum
A pharmacist:	
(a) employed by a medical practice	0 per centum
(b) employed by the Board of Health	0 per centum
(c) not employed by a medical practice or the Board of Health.	20.8 per centum
Any other class of authorised appliance supplier	20.8 per centum

PART II

Dispensing fees for Part III appliances.

(1)	(2)
Classes of authorised appliance supplier	Dispensing fee per appliance
A medical practitioner	37p
A pharmacist:	
(d) employed by a medical practice	37p
(e) employed by the Board of Health	0p
(f) not employed by a medical practice or the Board of Health.	49p
Any other class of authorised appliance supplier	49p

THIRD SCHEDULE**Regulation 3**

Additional dispensing fees payable in respect of Part I or Part II appliances supplied on an appliance prescription claim form endorsed "URGENT" or "DISPENSED URGENTLY" in accordance with Regulation 3 of these Regulations; or Part III and Part IV appliances supplied on an appliance claim form endorsed "DISPENSED URGENTLY"

(1)	(2)
Time of Supply	Dispensing fee
On any day, other than a non-business day, between the time the premises of the authorised appliance supplier are closed for the supply of medical appliances and 11pm.	£18.88
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 Part II of the Schedule to the Health Service (Authorised Appliance Suppliers) Regulations, 1990.	£23.87
On any day between 11pm and 9am of the next day or such earlier time at which the premises are opened for the supply of medical appliances (on any day except a non-business day).	£61.98

EXPLANATORY NOTE

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

These Regulations provide for -

- (a) the payment of authorised appliance suppliers in respect of medical appliances supplied by them under the Health Service (Benefit) (Guernsey) Law, 1990;
- (b) the manner in which the payment is to be calculated;
- (c) the provision by authorised appliance suppliers of information and for surveys of their places of business;
- (d) the payment of additional dispensing fees for medical appliances dispensed urgently by authorised appliance suppliers who are not medical practitioners.