
GUERNSEY STATUTORY INSTRUMENT

1990 No: 40

**The Health Service (Authorised Appliance 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 17 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:-

"the Law" means the Health Service (Benefit) (Guernsey) Law, 1990;

"appliance charge" has the meaning assigned thereto by Regulation 5(1) of the Health Service (Medical Appliances) Regulations, 1990 (b);

"appliance claim form" has the meaning assigned thereto by Regulation 8 of the Health Service (Payment of Authorised Appliance Suppliers) Regulations, 1990(c);

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

(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shall be construed as including a reference to that enactment or those Regulations, as the case may be, as amended, repealed, replaced, revoked, extended or applied, by or under any other enactment or by any other Regulations.

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

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

(c) S.I. 1990 No. 41 .

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

Form of application for approval as an authorised supplier of medical appliances

2. Any person desiring to obtain the authorisation of the Authority under section 17(2) of the Law as a supplier of medical appliances under the Law shall make application therefor and furnish an undertaking to the Authority in the form set out in Part I of the Schedule to these Regulations, or, in the case where the applicant is a body corporate, in a form to the like effect with only such modifications as are necessary to take account of the applicant's corporate status.

Terms and conditions relating to the supply of medical appliances

3. The terms and conditions in accordance with which an authorised appliance supplier shall supply medical appliances under the Law are specified in Part II of the Schedule to these regulations.

Extent

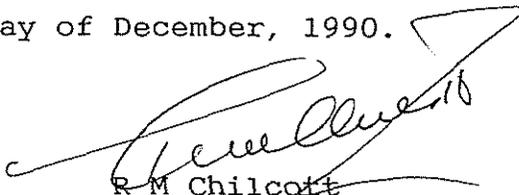
4. These regulations shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Citation and commencement

5.(1) These regulations may be cited as the Health Service (Authorised Appliance Suppliers) Regulations, 1990.

(2) These regulations shall come into force on the 1st day of January, 1991.

Dated this 18th day of December, 1990.



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

SCHEDULE

Regulations 2 and 3

FORM OF APPLICATION FOR AUTHORISATION AS A SUPPLIER OF MEDICAL APPLIANCES UNDER THE LAW AND TERMS AND CONDITIONS RELATING TO THE SUPPLY OF MEDICAL APPLIANCES BY AUTHORISED APPLIANCE SUPPLIERS, ETC.

PART I

Form of application for authorisation as a supplier of medical appliances under the Law

THE HEALTH SERVICE (BENEFIT) (GUERNSEY) LAW, 1990

To: The States Insurance Authority
Edward T Wheadon House
Le Truchot
St Peter Port
Guernsey

I,
of,(a)

apply for authorisation to supply medical appliances under the said Law in Guernsey/Alderney^(b) and undertake to supply medical appliances under the said Law in accordance with the terms and conditions prescribed from time to time under the Law.

- I am an - approved medical practitioner (b)
- approved dentist (b)
- approved pharmacist (b)
- other (b) or (c)

.....
.....

The address/es of the place/s from which I undertake to supply medical appliances under the Law are as follows:-

.....
.....
.....
.....
.....(d)

Signed Date

-
- (a) Insert full surname and other names and private address in block letters.
 - (b) Delete as appropriate.
 - (c) Give details of trade etc.
 - (d) In block letters.

PART II

Terms and conditions subject to which medical appliances are to be supplied under the Law by authorised appliance suppliers

Supply of medical appliances

1.(1) An authorised appliance supplier who is an authorised supplier may supply any medical appliance specified in the First Schedule to the Health Service (Medical Appliances) Regulations 1990.

(2) An authorised appliance supplier who is not an authorised supplier may only supply medical appliances specified in Parts III and IV of the First Schedule to the Health Service (Medical Appliances) Regulations, 1990.

2. Medical appliances shall not be supplied for the purposes of the Law by an authorised appliance supplier who is -

- (a) a medical practitioner, except to his patients or to patients of the medical practice in which he is a partner or by which he is employed;
- (b) a pharmacist employed by a medical practice, except to patients of that practice.

3. Subject to the provisions of the Health Service (Medical Appliances) Regulations, 1990 an authorised appliance supplier shall supply free of charge, other than such charges as are payable under the Law, and with reasonable promptness -

- (a) medical appliances specified in Part I or Part II of the First Schedule to the Health Service (Medical Appliances) Regulations, 1990 in a suitable container to any person who presents an appliance prescription therefor;
- (b) medical appliances specified in Part III of the First Schedule to the Health Service (Benefit) (Medical Appliances) Regulations, 1990 to any person who presents a medical appliance card;
- (c) medical appliances specified in Part IV of the First Schedule to the First Schedule to the Health Service (Medical Appliances) Regulations, 1990 in accordance with arrangements laid down by the Authority.

4. Any medical appliances supplied under the Law which are included in the Drug Tariff shall be of a grade and quality not lower than the grade or quality specified therein and any medical appliances not so included shall be of the grade and quality ordinarily used for medical purposes.

Place and hours of business

5.(1) An authorised appliance supplier shall supply medical appliances at the place or places from which he has undertaken to supply them under the Law in pursuance of section 17 of the Law and, in the case of an authorised appliance supplier who is a pharmacist, such place or places shall be open for the supply of medical appliances under the Law during the hours specified in any scheme made by the Authority for that purpose under this Regulation.

(2) An authorised appliance supplier who is a pharmacist not employed by a medical practice shall, at any place from which he supplies medical appliances under the Law, exhibit, at times when that place is not open, and at other times specified by the Authority, and in such manner as to be clearly visible, a notice to be provided by the Authority indicating the addresses of other authorised appliance suppliers who are pharmacists from where, and the times at which, medical appliances may be obtained.

Names of pharmacists

6. An authorised appliance supplier shall furnish to the Authority the names of any pharmacists acting on behalf of that authorised appliance supplier in supplying medical appliances under the Law.

Appliance prescriptions, etc., to be forwarded to the Authority

7.(1) An authorised appliance supplier shall furnish to the Authority or to such other person or body as the Authority may direct, on dates appointed by the Authority, the appliance prescriptions and appliance claim forms on which medical appliances have been supplied by him under the Law, arranged in such manner as the Authority may direct, together with a statement of accounts containing such particulars relating to the supply by him of medical appliances under the Law and to the receipt by him of appliance charges as the Authority may from time to time require.

(2) The Authority shall, if any authorised appliance supplier so requires, afford him reasonable facilities for examining any of the appliance prescriptions or appliance claim forms which have been furnished to the Authority and on which medical appliances have been supplied by him under the Law together with 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.

(3) The Authority shall, if required so to do by an organisation which is, in the opinion of the Authority, representative of the general body of authorised appliance suppliers who are approved medical practitioners, approved dentists or pharmacists afford such organisation facilities for examining appliance prescriptions or appliance claim forms on which medical appliances have been supplied by such authorised appliance suppliers under the Law together with particulars of the amounts calculated to be payable in respect of medical appliances supplied by such authorised appliance suppliers under the Law and particulars relating to all or any such authorised appliance suppliers and shall take into consideration any objection made by any such organisation.

Withdrawal

8. An authorised appliance supplier may at any time give notice to the Authority that he no longer wishes to supply medical appliances under the Law and, where such notice is given, he shall cease to be an authorised appliance supplier upon cancellation of the entry in the Medical Appliance List relating to him in pursuance of the provisions of section 17 (3)(c) of the Law:

Provided that if any reference has been made by the Authority to the Health Service Advisory Committee under section 5(2) of the Health Service (Benefit) Ordinance, 1990 (e) in relation to an authorised appliance supplier he shall not, except with the consent of the Authority and subject to such conditions as the Authority may impose, be entitled to give notice under this paragraph pending the determination of that reference by the said Committee or any referees appointed under that section, as the case may be.

(e) Ordinance No. XLV of 1990.

EXPLANATORY NOTE

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

These Regulations prescribe -

- (a) the form of application and the undertaking to be completed by a medical practitioner, dentist, pharmacist or other person when applying to the Authority for authorisation as a supplier of medical appliances under the Health Service (Benefit) (Guernsey) Law, 1990;
- (b) terms and conditions relating to the supply of medical appliances by authorised appliance suppliers.