

GUERNSEY STATUTORY INSTRUMENT

2016 No. 77

GREFFE
ROYAL COURT

20 DEC 2016 *u*

GUERNSEY

**The Health Service (Payment of Authorised Suppliers)
(Amendment) (No.2) Regulations, 2016**

Made 20th December, 2016
Coming into operation 1st January, 2017
Laid before the States , 2017

THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY, in exercise of the powers conferred on it by sections 14 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990^a, and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amendment

1. The First, Second, Third and Fifth Schedules to the Health Service (Payment of Authorised Suppliers) Regulations, 2003^b are revoked and replaced by the appropriate Schedules set out in the Schedule to these Regulations.

Interpretation

2. (1) In these Regulations, unless the context requires otherwise -

"**enactment**" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

"**subordinate legislation**" means any regulation, rule, order, rule of

^a Ordres en Conseil Vol. XXXII, p. 192; Vol. XLIII(1), p. 246; Order in Council No. II of 2011; Recueil d'Ordonnances Tome XXVI, pp. 177, 483, and 495; Tome XXIX, pp. 182, 373, 406 and 580 and modified by Tome XXVI, pp. 484 and 491 and 495; Tome XXVII, p. 200; Tome XXVIII, p. 1; Tome XXIX, pp. 182, 196, 200 and 210; Tome XXXI, p. 628 and Tome XXXII, p. 628 and Ordinance No. XLVI of 2015. Extended to Alderney with modification by Recueil d'Ordonnances Tome XXV, p. 204.

^b G.S.I. No. 51 of 2003 as amended by No. 47 of 2007, No. 56 of 2012, No.124 of 2015 and No. 4 of 2016.

court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance,

and other expressions have the same meanings as in the Health Service (Benefit) (Guernsey) Law, 1990

(2) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Regulations.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Revocation

3. The Health Service (Payment of Authorised Suppliers) (Amendment) Regulations, 2015^d are revoked.

Citation, commencement and extent

4. (1) These Regulations may be cited as the Health Service (Payment of Authorised Suppliers) (Amendment) (No.2) Regulations, 2016 and shall come into force on the 1st January, 2017.

(2) These Regulations shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Dated this 20th day of December, 2016


M. LE CLERC

President of the States Committee for Employment & Social Security

For and on behalf of the Committee

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

^d G.S.I. No. 124 of 2015.

SCHEDULE

Regulation 1

"FIRST SCHEDULE

Regulation 2(1)

PART I

Dispensing Fees payable in respect of pharmaceutical benefit

(1)	(2)
Classes of authorised supplier	Dispensing fee
<p>A dentist; or a medical practitioner; or a pharmacist employed by a medical practice:-</p> <p style="padding-left: 40px;">where the number of relevant items does not exceed 3,000;</p> <p style="padding-left: 40px;">where the number of relevant items exceeds 3,000 but does not exceed 6,000;</p> <p style="padding-left: 40px;">where the number of relevant items exceeds 6,000.</p> <p>A pharmacist employed by the Health and Social Services Department.</p> <p>A pharmacist not employed by a medical practice or the Health and Social Services Department:-</p> <p style="padding-left: 40px;">where the number of relevant items does not exceed 1,500;</p> <p style="padding-left: 40px;">where the number of relevant items exceeds 1,500.</p>	<p>85p per item</p> <p>85p per item for 3,000 relevant items and 79p for each additional item</p> <p>85p per item for 3,000 relevant items, 79p per item for 3,000 relevant items and 73p for each additional item.</p> <p>0p per item</p> <p>£2.86 per item</p> <p>£2.86 per item for 1,500 relevant items and £1.42 for each additional item</p>

PART II

Additional dispensing fees payable in respect of pharmaceutical benefit for all authorised suppliers except pharmacists employed by the Health and Social Services Department

(1)	(2)
Description of pharmaceutical benefit	Additional dispensing fee
<p>Pharmaceutical benefit extemporaneously dispensed, aseptically dispensed, or extemporaneously sterilised and supplied on a medical prescription which is endorsed with the words:-</p> <p>(a) "Extemporaneously dispensed"</p> <p>(i) unit dosage forms eg. sachets, capsules, pills, lozenges, pastilles, pessaries, powders,</p> <p>(ii) liquids being 'special formula preparations', eg mixtures, lotions, nasal drops (not including dilutions),</p> <p>(iii) liquid preparations prepared by straightforward dilution (not including reconstitution),</p> <p>(iv) special formula powders,</p> <p>(v) ointments, creams, pastes being 'special formula preparations' (not including dilutions),</p> <p>(vi) ointments, creams, pastes prepared by dilution or admixture of standard or proprietary ointments, creams and pastes;</p>	<p>£6.48 for each unit of 10 or less</p> <p>£2.23</p> <p>£1.20</p> <p>£2.23</p> <p>£6.48</p> <p>£2.23</p>

(1)	(2)
Description of pharmaceutical benefit	Additional dispensing fee
<p>(b) "aseptically dispensed" preparation when aseptically dispensed (excluding proprietary preparations)</p> <p>(i) unit dosage forms, eg injections,</p> <p>(ii) non-unit dosage forms, eg eye drops;</p> <p>(c) "extemporaneously sterilised" liquids, semi-solids, solids prepared with a BP sterilisation process.</p>	<p>£22.24 for each unit of 10 or less</p> <p>£19.52</p> <p>£19.52</p>
<p>Where an item of pharmaceutical benefit which is:-</p> <p>(a) a liquid preparation requiring extemporaneous dispensing otherwise than in accordance with sub-paragraph (b) and (c) above; and</p> <p>(b) the medical prescription on which that item is supplied specifies that the pharmaceutical benefit must be supplied in more than one container; and</p> <p>(c) the medical prescription is endorsed with the words "extemporaneously dispensed".</p>	<p>£2.23</p>
<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>	

(1)	(2)
Description of pharmaceutical benefit	Additional dispensing fee
<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.</p>	<p>£0.75</p>
<p>Where an item of pharmaceutical benefit is a controlled drug within the meaning of the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997 and has been supplied on a prescription endorsed with the initial letters "C.D." by an authorised supplier:-</p> <p>i) where the controlled drug is contained within Schedule 1 or 2 of the aforementioned Ordinance;</p> <p>ii) where the controlled drug is contained within Schedule 3 of the aforementioned Ordinance.</p>	<p>£3.57</p> <p>£1.59</p>
<p>Where an item of pharmaceutical benefit contains methadone hydrochloride and has been ordered by an approved medical practitioner as part of an approved methadone maintenance programme and the taking of the drug has been supervised by an authorised supplier and supplied on a prescription endorsed with the initial letters "SUP" by an authorised supplier.</p>	<p>£3.57</p>
<p>Where an item of pharmaceutical benefit contains buprenorphine and has been ordered by an approved medical practitioner as part of an approved buprenorphine maintenance programme and the taking of the drug has been supervised by an authorised supplier or suitably trained employee and supplied on a prescription endorsed with the initial letters "SUP" by the approved medical practitioner.</p>	<p>£5.19</p>

SECOND 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.	£23.50
On a non-business day, between 8am 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.	£29.72
On any day between 11pm and 8am 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).	£77.17

THIRD SCHEDULE

Regulation 2(1)(d)

Additional dispensing fees payable in respect of pharmaceutical benefit

(1)	(2)
Description of pharmaceutical benefit	Specified percentage
<p>Pharmaceutical benefit, for which the authorised supplier has not received a discount on the basic price, supplied on a medical prescription which is endorsed with the letters "ZD" thereby declaring that a discount has not been obtained, and is contained in the "ZD List" in accordance with the appropriate conditions of the Drug Tariff where the class of authorised supplier is:-</p> <p>(a) dentist; or a medical practitioner; or a pharmacist employed by a medical practice;</p> <p>(b) a pharmacist employed by the Health and Social Services Department;</p> <p>(c) a pharmacist not employed by a medical practice or the Health and Social Services Department.</p>	<p>7.5 per centum</p> <p>Zero per centum</p> <p>7.5 per centum</p>
<p>Pharmaceutical benefit which has a basic price of the ingredients of £100 or more which has been supplied by:-</p> <p>(a) a dentist; or a medical practitioner; or a pharmacist employed by a medical practice; or a pharmacist employed by the Health and Social Services Department;</p> <p>(b) a pharmacist not employed by a medical practice or the Health and Social Services Department.</p>	<p>Zero per centum</p> <p>1.5 per centum</p>

FIFTH SCHEDULE

Regulations 4B and 4C

Fees payable in respect of monitored dosage systems and community packs provided by authorised suppliers who are pharmacists not employed by medical practices or the Health and Social Services Department in accordance with Regulations 4B and 4C of these Regulations.

(1)	(2)
Description of pharmaceutical benefit	Fee
Monitored dosage system for residential and nursing home residents	£11.73 per patient per 28 days
Monitored dosage system for community based patients	£23.49 per patient per 28 days

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Schedules to the Health Service (Payment of Authorised Suppliers) Regulations, 2003. The amendments have the effect of increasing the graduated fees paid out of the Guernsey Health Service Fund, in connection with the supply of certain pharmaceutical benefit, to pharmacists not employed by a medical practice.

These Regulations come into force on 1st January, 2017.