

Island of



Guernsey

Ordinance of the States

XXV
2017

Made 27th September, 2017

Coming into Operation 1st November, 2017

The Health Service (Approved Prescribers) Ordinance, 2017

The Health Service (Benefit) (Approved Prescribers) Ordinance, 2017

THE STATES, in pursuance of their Resolution of the 31st day of July, 2015^a, and in exercise of the powers conferred upon them by sections 10 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990^b and all other powers enabling them in that behalf, hereby order:-

Approved prescribers may issue medical prescriptions for pharmaceutical benefits.

1. (1) The application of section 10(2) of the Law is extended to authorise any approved prescriber to issue medical prescriptions for the supply of pharmaceutical benefit for the purposes of the Law.

(2) Section 11(a) and (e) of the Law apply in relation to approved prescribers and medical prescriptions issued by approved prescribers, as if a reference in those provisions to an approved medical practitioner or approved medical practitioners includes a reference to an approved prescriber or approved prescribers, respectively.

(3) In this section –

^a Article XVIII of Billet d'État No. XIV of 2015.

^b Ordres en Conseil Vol. XXXII, p. 192; as amended by Order in Council No. IX of 2003 and No. II of 2011; Recueil d'Ordonnances Tome XXVI, pp. 177 and 483; Ordinance Nos. XXII and XXVII of 2002; No. XXXIII of 2003; No. XLII of 2006; No. XLIII of 2007; No. XXII of 2015; No. IX of 2016. The Law is applied, with modifications to the Island of Alderney by Recueil d'Ordonnances Tome XXV, p. 204. See also Recueil d'Ordonnances Tome XXVI, p. 484; Tome XXVII, p. 200; Tome XXVIII, p.1; Order in Council No. VII of 2008 and No. VII of 2010; Ordinance No. XXXIV of 2013.

"approved prescriber" means –

- (a) a nurse prescriber, or
- (b) a nurse independent prescriber, pharmacist independent prescriber or community practitioner nurse prescriber who –
 - (i) is employed, contracted or engaged by the Committee for Health & Social Care, or otherwise authorised by that Committee to work as such,
 - (ii) is approved by the Committee for Health & Social Care to issue medical prescriptions for the supply of pharmaceutical benefit, subject to any conditions and restrictions specified by that committee, and
 - (iii) is acting in accordance with those conditions and in compliance with those restrictions,

"community practitioner nurse prescriber" has the meaning given by section 20(1) of the Prescription Ordinance,

"nurse independent prescriber" has the meaning given by section 20(1) of the Prescription Ordinance,

"**nurse prescriber**" means a person who –

- (a) is registered either in the Nurses: Sub-part 1, Midwives or the Specialist Community Public Health Nurses parts of the new register established by the Nurses and Midwives (Parts of and Entries in the Register) Order of Council 2004^c maintained by the Nursing and Midwifery Council,
- (b) has an annotation or entry recorded against the person's name in the register referred to in paragraph (a), signifying that that person is qualified to order drugs, medicines and appliances from the Nurse Prescribers Formulary for Community Practitioners in the current edition of the British National Formulary, and
- (c) is employed, contracted or engaged by the Committee for Health & Social Care as a district nurse, or otherwise authorised by that Committee to work as a district nurse,

"**pharmacist independent prescriber**" has the meaning given by section 20(1) of the Prescription Ordinance, and

^c U.K.S.I. 2004 No. 1765.

"**Prescription Ordinance**" means the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009^d.

Repeal of Health Service (Benefit) (Nurse Prescribers) Ordinance, 2013.

2. The Health Service (Benefit) (Nurse Prescribers) Ordinance, 2013^e is repealed.

Consequential amendment of 2004 Ordinance.

3. Section 1 of the Health Service (Benefit) (Limited Lists) Ordinance, 2004^f is amended by substituting, for "nurse prescribers (within the meaning given by section 1(3) of the Health Service (Benefit) (Nurse Prescribers) Ordinance, 2013)", "approved prescribers (within the meaning given by section 1(3) of the Health Service (Benefit) (Approved Prescribers) Ordinance, 2017)".

Consequential amendments to 1990 Ordinance.

4. The Health Service (Benefit) Ordinance, 1990^g is amended as specified by sections 5, 6, 7 and 8.

5. In section 5 of that Ordinance –

(a) in subsection (2)(e), for "or approved nurse or a nurse

^d Ordinance No. XXV of 2009; as amended by Ordinance No. XXV of 2010 and No. IX of 2016.

^e Ordinance No. XXXIV of 2013.

^f Ordinance No. XIII of 2004; as amended by Ordinance No. XXXIV of 2013.

^g Recueil d'Ordonnances Tome XXV, p. 191; as amended by Order in Council No. IV of 2014 and No. II of 2016; Recueil d'Ordonnances Tome XXV, p. 310; Tome XXVII, pp. 114, 247 and 378; Tome XXVIII, p. 262; Ordinance No. XXXIII of 2003; No. VII of 2005; Nos. VI and XXXIX of 2012; Nos. XXXIV and XXXVI of 2013; No. XLVI of 2014; No. XLVI of 2015; Nos. IX and XXXVIII of 2016.

prescriber", substitute ", approved nurse or approved prescriber",

- (b) in subsection (5)(c), for "nurse prescriber", substitute "approved prescriber",
- (c) in subsection (5)(e), for "a nurse prescriber", substitute "an approved prescriber", and
- (d) in subsection (11) –
 - (i) repeal paragraph (ca), and
 - (ii) in paragraph (d), delete "(other than a nurse prescriber)".

6. In section 6(5) and (6) of that Ordinance, for "nurse prescriber" in each place where it occurs, substitute "approved prescriber".

7. In section 9(1) of that Ordinance –

- (a) insert the following definition in the appropriate alphabetical order –

""**approved prescriber**" has the meaning given by section 1(3) of the Health Service (Benefit) (Approved Prescribers) Ordinance, 2017," and

- (b) in the definition of "**nurse prescriber**", for "Health Service (Benefit) (Nurse Prescribers) Ordinance, 2013", substitute "Health Service (Benefit) (Approved Prescribers) Ordinance, 2017".

8. In Schedule II to that Ordinance, repeal paragraph 1A.

Interpretation.

9. (1) In this Ordinance –

"**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,

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

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

- (2) Unless the context requires otherwise, references in this Ordinance to an enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

- (3) The Interpretation (Guernsey) Law, 1948^h applies to the

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

interpretation of this Ordinance throughout the Islands of Guernsey, Alderney, Herm and Jethou.

Extent.

10. This Ordinance has effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Citation.

11. This Ordinance may be cited as the Health Service (Benefit) (Approved Prescribers) Ordinance, 2017.

Commencement.

12. This Ordinance shall come into force on the 1st November, 2017.

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