

**EXPLANATORY MEMORANDUM TO THE NATIONAL HEALTH SERVICE
(PHYSIOTHERAPIST, PODIATRIST OR CHIROPODIST INDEPENDENT
PRESCRIBERS) (MISCELLANEOUS AMENDMENTS) (WALES)
REGULATIONS 2014.**

This Explanatory Memorandum has been prepared by the Department of Health and Social Services and is laid before the National Assembly for Wales in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The National Health Service (Physiotherapist, Podiatrist or Chiropodist Independent Prescribers) (Miscellaneous Amendments) (Wales) Regulations 2014 ("the Regulations"). I am satisfied that the benefits outweigh any costs.

Mark Drakeford

Minister for Health & Social Services

27 August 2014

EXPLANATORY MEMORANDUM TO THE NATIONAL HEALTH SERVICE (PHYSIOTHERAPIST, PODIATRIST OR CHIROPODIST INDEPENDENT PRESCRIBERS) (MISCELLANEOUS AMENDMENTS) (WALES) REGULATIONS 2014

1. Description

The National Health Service (Physiotherapist, Podiatrist or Chiroprapist Independent Prescribers) (Miscellaneous Amendments) (Wales) Regulations 2014 (“the Regulations”) amend the:

- (i) National Health Service (Pharmaceutical Services) (Wales) Regulations 2013 (S.I.2013/898 (W.102)),
- (ii) National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 (S.I. 2004/478 (W.48)),
- (iii) National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007 (S.I. 2007/121(W. 11)); and
- (iv) Single Use Carrier Bags Charge (Wales) Regulations 2010 (S.I. 2010/2880 (W. 238)).

by extending the definition of prescriber through the insertion of new categories of independent prescriber: physiotherapist independent prescriber and podiatrist or chiroprapist independent prescriber.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

None.

3. Legislative Background

UK wide medicines legislation permits supplementary and independent prescribing in the UK: The Human Medicines Regulations 2012 set out who is an appropriate practitioner in relation to any prescription only medicine (POM) and were amended on 20 August 2013 by the Human Medicines (Amendment) Regulations 2013 to include physiotherapist independent prescribers and chiroprapist or podiatrist independent prescribers as appropriate practitioners for providing a prescription. It is a matter for each devolved administration to decide whether and how it is implemented in each of their countries.

Sections 47, 80, 83, 86 and 203(9) and (10) of the National Health Service (Wales) Act 2006 (“the 2006 Act”) give the Welsh Ministers the power to make regulations which make arrangements for the statutory provisions which relate to prescribers to be extended to include physiotherapist independent prescribers and podiatrist or chiroprapist independent prescribers.

The Regulations are subject to the negative resolution procedure.

The Single Use Carrier Bags Charge (Wales) Regulations 2010 will provide that carrier bags used solely to contain medicinal products or listed appliances provided in accordance with a prescription issued by specific prescribers are exempt from charge.

Sections 77 and 90 of, and Schedule 6 to, the Climate Change Act 2008 give the Welsh Ministers the power to make regulations to extend the exemption from the requirement to charge for single use carrier bags.

4. Purpose and intended effect of the legislation

Policy Background

The extension of prescribing responsibilities to non medical professions was introduced in Wales to support implementation of 'Designed for Life – Creating World Class Health and Social Care for Wales in the 21st Century, May 2005'. Extending prescribing rights to physiotherapists and chiropodists or podiatrists will continue to support the modernisation agenda described within the 5 Year Service, Workforce and Financial Framework (2010 - 2015).

Introducing non – medical prescribing in Wales has enabled the following:

- Increased patient choice in accessing medicines;
 - Improved access to advice & services;
 - Appropriate use of a skilled healthcare workforce;
 - Contribution to the introduction of more flexible team working across the NHS;
 - Increased capacity to meet demand of new ways of working, and
 - Improvement in patient care without compromising patient safety.

Non medical prescribing has developed since its introduction in Wales to include two broad groups of non medical prescribing: Supplementary Prescribing and Independent Prescribing.

Purpose and Effect

The Regulations will extend independent prescribing to physiotherapists and chiropodists or podiatrists in Wales who are suitably qualified to do so. These Regulations will amend the:

- (i) National Health Service (Pharmaceutical Services) (Wales) Regulations 2013 (S.I.2013/898 (W.102)),
- (ii) National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 (S.I. 2004/478 (W.48)),
- (iii) National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007 (S.I. 2007/121(W. 11)); and
- (iv) Single Use Carrier Bags Charge (Wales) Regulations 2010 (S.I. 2010/2880 (W. 238)).

by defining “physiotherapist independent prescriber” and “chiropodist or podiatrist independent prescriber” and adding these categories of prescriber to the definition of “prescriber”. This then enables these two prescriber groups to prescribe medicines independently in Wales.

It is intended that the expansion of independent prescribing to these two groups of healthcare professional will contribute to:

- greater patient choice in accessing medicines;
- appropriate use of a skilled healthcare workforce;
- more flexible team working across the NHS;
- increased capacity to meet increasing demand on current independent prescribers, for example, doctors and prescribing nurses;
- improvement in patient care without compromising patient safety.

The amendment to the Single Use Carrier Bags Charge (Wales) Regulations 2010 will extend the exemption from the requirement to charge for single use carrier bags: Currently, carrier bags used solely to contain medicinal products or listed appliances provided in accordance with a prescription issued by specific prescribers are exempt from charge. The amendment to the Regulations will extend this exemption so that carrier bags used solely to contain medicinal products or listed appliances provided in accordance with a prescription issued by physiotherapist independent prescribers and chiropodist or podiatrist independent prescribers will also be exempt from charge.

Implementation

It is intended that these Regulations will come into force on 24 September 2014.

If these Regulations were to be annulled then the failure to implement the changes to the Principal Regulations would result in independent

prescribing not being extended to physiotherapists and chiropodists or podiatrists in Wales.

5. Consultation

An Allied Health Professionals Prescribing and Medicines Supply Mechanisms Scoping Project was undertaken by the Medicines and Healthcare products Regulatory Agency (MHRA) and Department of Health (England) in 2009 to evaluate extending prescribing to a number of allied health professionals.

Between 15 September and 30 December 2011 the Department of Health in partnership with the MHRA consulted on proposals to enable registered physiotherapists and chiropodists or podiatrists to become independent prescribers. Responses to the consultation were received from all four UK countries and from a wide range of respondents including patients and the general public, Royal Colleges, professional bodies, provider organisations, clinicians and education providers. The majority of responses supported independent prescribing by the two new categories of prescriber. The Commission on Human Medicines recommended amending legislation to allow independent prescribing by registered physiotherapists and chiropodists or podiatrists and the Department of Health has approved that recommendation.

There has been no consultation on the Regulations with stakeholders because these are technical changes to the:

- (i) National Health Service (Pharmaceutical Services) (Wales) Regulations 2013 (S.I.2013/898 (W.102)),
- (ii) National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 (S.I. 2004/478 (W.48)),
- (iii) National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007 (S.I. 2007/121(W. 11)).

as a consequence of the coming into force of the Human Medicines (Amendment) Regulations 2013 / 1855 having enabled physiotherapists and chiropodists or podiatrists to become independent prescribers.

Regulatory Impact Assessment

These Regulations have no impact on the statutory duties of the Welsh Government: to provide equality of opportunity for all people, maintain a Welsh language strategy, maintain a sustainable development scheme (sections 77 – 79 Government of Wales Act 2006). They also do not impose any additional burdens upon the statutory partners: the partnership council,

local government, the voluntary sector, and business sector (sections 73 – 75 of that Act).

A Regulatory Impact Assessment has not been prepared for these Regulations because they have no impact on local government, business, charities or voluntary bodies.

Summary

These Regulations will ensure that independent prescribing is extended to physiotherapists and chiropodists or podiatrists in line with the criteria for the sale and supply of medicines as set out in the Human Medicines Regulations 2012 (As Amended).

Extending independent prescribing to these two categories of health professional will ensure the development of non medical prescribing in Wales. It will continue to support the modernisation agenda described within the 5 Year Service, Workforce and Financial Framework (2010 - 2015).