

## EXECUTIVE NOTE

### **The National Health Service (Charges for Drugs and Appliances) (Scotland) (No. 2) Regulation 2007 SSI 2007/389**

1. The above instrument was made in exercise of the powers conferred on Scottish Ministers by sections 25(2), 27(2), 69(1) and (2), 75(a), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978 and all other powers enabling them in that behalf. The instrument is subject to negative resolution procedure.

#### **Policy Objectives**

2. The purpose of this instrument is to provide that NHS prescription charges shall not be levied in respect of drugs prescribed for the treatment of Tuberculosis (TB). In addition, the definition of Pharmacist Independent Prescriber (PIP) is inserted, preparatory to the introduction of PIPs Services in NHS Scotland from 30 November 2007. Finally, these regulations make minor and technical amendments which clarify validity dates which may be applied to Prescription Pre-Payment Certificates in certain specified circumstances.

#### Treatment of Tuberculosis

3. These regulations add to the list of exemptions from NHS prescription charges at regulation 7 a person supplied with medication set out in Schedule 4, but only in respect of that medication. This amendment provides for drugs prescribed to treat Tuberculosis to be supplied to the patient free of charge. While modern drugs are extremely effective at treating Tuberculosis, a course of treatment takes at least 6 months to complete, and prescription charges incurred over this period may be perceived by some people as a financial barrier to complying with treatment. Taking anti-TB medication intermittently or for too short a time can result in the development of drug resistance. This can make the disease harder to treat and can significantly increase the risk of long-term complications and of passing on the disease. These regulations will, therefore, have public health benefits by encouraging those infected with TB to seek and complete courses of treatment.

#### Pharmacist Independent Prescribers

4. A new definition has been included of “pharmacist independent prescriber”, and the definition of “prescriber” now includes “pharmacist independent prescriber”, preparatory to the introduction of PIPs Services in NHS Scotland from 30 November 2007. to make it easier for patients to get the medicines they need, to increase patient choice, and to make better use of the skills of healthcare professionals.

#### Prescription Pre-Payment Certificates

5. Regulation 8 provides that Prescription Pre-Payment Certificates (PPCs) can be back-dated up to 7 days prior to the date on which an application is received. This clarifies that current practice reflects the long-term policy intention, which is to allow for postal time and processing. In addition, the regulations provide that an application for a PPC is to be sent to the address specified in the application form. The calculation applied to determine the appropriate amount of refund by reference to the amount paid for the certificate, or the

appropriate specified fraction of that amount is also clarified. The policy intention is that a refund will be calculated on the basis of the purchase price of the claimant's PPC, not the price of a PPC at the time the application for a refund is made.

### **Revocations**

6. The National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001 were consolidated (with some modifications) by the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2007 which were subsequently amended by the National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2007. These Regulations make some further modifications to the 2007 Regulations. In view of the recent consolidation, and to assist the reader, these modifications have been effected by revoking the 2007 Regulations and making new regulations.

### **Financial Implications**

7. There will be a consequential loss of income from the prescription of drugs to treat Tuberculosis, for which charges applied prior to the coming into force of these regulations. The impact will be minor: the cost of introducing these exemptions has been estimated at around £5,000. There will be some additional costs associated with printing of revised prescription stationery. This will not be significant. The loss of income is viewed in the context of the public health benefits of encouraging a more effective treatment regime for people suffering from Tuberculosis.

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