

## **EXECUTIVE NOTE TO**

### **THE NATIONAL HEALTH SERVICE (CHARGES FOR DRUGS AND APPLIANCES) (SCOTLAND) AMENDMENT REGULATIONS 2008 (SSI 2008/ 105)**

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

#### **Policy Objectives**

The purpose of this instrument is to make amendments to the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2008 (SSI 2008/27) (“the principal Regulations”), in regulations 2, 8, 9 and Schedule 3. The proposed amendments will have the effect of clarifying the principal Regulations and correcting errors identified in the course of scrutiny by the Scottish Parliament’s Subordinate Legislation Committee. The coming into force date of 1 April 2008 will coincide with the coming into force of the principal Regulations. The proposed amendments and their effect are set out below.

#### **Regulation 2: Interpretation**

In the definition of “Scottish prescription form” in regulation 2(1) of the principal Regulations, references to “pharmaceutical services being ordered by a dentist performing personal dental services in accordance with a pilot ...” are clarified by the insertion of “scheme” after “pilot”. The effect of this amendment is to ensure that the references in the definition are consistent with the term “pilot scheme” which is used in the National Health Service (Primary Care) Act 1997, and which is also defined in the principal Regulations.

#### **Regulation 8: Prescription Pre-payment Certificates**

In regulation 8(1) of the principal Regulations, a reference to, “a person who holds a valid entitlement certificate ...” is corrected to refer to “a person who holds a valid entitlement card”. The effect of this amendment is that regulation 8(1) will provide for a person who holds a valid entitlement card as defined in the principal Regulations to be able to apply for a prescription pre-payment certificate by completing and sending an appropriate form provided by a Health Board.

In regulation 8(11) of the principal Regulations, a redundant word (“by”) is removed to clarify that responsibility for refunds made under this regulation lies with the Health Board which received the money paid for a pre-payment certificate, or authorised the sale of pre-payment certificates by the pharmacist or doctor who sold it.

## **Regulation 9: Entitlement Cards**

In regulation 9(5) of the principal Regulations, a new paragraph “(aa)” is to be inserted between paragraphs (a) and (b). Its effect will be to provide that, in circumstances where a qualifying patient receives pharmaceutical services under regulation 3 by presenting a valid entitlement card and an equivalent prescription form, as defined in the principal Regulations, the prescription charge to be paid to the dispensing pharmacist will be the Scottish prescription charge of £5.00.

## **Schedule 3: Consequential Amendments**

Paragraph 2(3)(a) of Schedule 3 to the principal Regulations is amended to clarify the amount of the prescription charge to be used in NHS Low Income Scheme assessments to calculate allowable income. The amount to be used shall be the amount referred to in regulation 3(1)(b)(ii) of the principal Regulations. That is to say the amount laid down in the National Health Service (Charges for Drugs and Appliances) Regulations 2000, as in force at 1<sup>st</sup> April 2008.

Under the terms of the NHS Low Income Scheme, people whose income is up to half of one prescription charge above the level of income support are eligible for full help with health charges.

From 1 April 2008, half of the reduced Scottish prescription charge will be £2.50, whereas half of the current English prescription charge is £3.43. Use of the charge applicable in England will therefore benefit Scottish LIS claimants, who would otherwise be allowed a smaller cushion of “excess income” than claimants elsewhere in the UK.

## **SCOTTISH GOVERNMENT HEALTH DIRECTORATES**

March 2008