



Dear Colleague,

**THE NATIONAL HEALTH SERVICE (CHARGES FOR DRUGS AND APPLIANCES) (SCOTLAND) (No.2) REGULATIONS 2007 (SSI 389)**

**THE NATIONAL HEALTH SERVICE (TRAVELLING EXPENSES AND REMISSION OF CHARGES) (SCOTLAND) AMENDMENT (NO.3) REGULATIONS 2007 (SSI 391)**

**Summary**

1. This letter advises NHS Boards of:
  - the coming into force of the NHS (Charges for Drugs and Appliances) (Scotland) (No.2) Regulations 2007 and the revocation of the NHS (Charges for Drugs and Appliances) (Scotland) Regulations 2007;
  - the addition of a new definition, “pharmacist independent prescriber” (details can be found at Annex A);
  - a new provision to allow medication for the treatment of Tuberculosis (TB) to be supplied to patients free of charge with effect from 1 October 2007 (details can be found at Annex B);
  - technical amendments relating to prescription pre-payment certificates (details can be found at Annex C);
  - changes to the treatment of Voluntary Payments received by students when calculating entitlement to help with health costs through the NHS Low Income Scheme (details can be found at Annex D); and

3 October 2007

**Addresses**

**For action**

Chief Executives, NHS Boards

Chief Executive,  
NHS National Services Scotland

**For information:**

Chief Executive,  
State Hospital Board for Scotland

Chief Executive,  
NHS Health Scotland

Chief Executive,  
NHS 24

Executive Director,  
NHS Education

Chief Executive,  
NHS Quality Improvement

Counter Fraud Services

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- changes to reflect the replacement of the Education (Student Loans) (Scotland) Regulations 2000 by the Education (Student Loans) (Scotland) Regulations 2007 (details can be found at Annex D).

## Action

2. NHS Boards are asked to bring this letter and Annexes as quickly as possible to the attention of:

- all staff involved in dealing with matters relating to prescribing, prescription charging, prescription pre-payment certificates, and the NHS Low Income Scheme.
- dispensing doctors and all contractors on the pharmaceutical list, to advise them of new arrangements for the supply and charge of medication for the treatment of Tuberculosis and to note in particular the administrative requirements for recording charge exemption as detailed at paragraphs 4 and 5 of Annex B.

Yours sincerely

DR JONATHAN PRYCE  
Deputy Director

**NB. All regulations can be found on the Office of Public Sector Information (OPSI) website at:**

<http://www.uk-legislation.hmso.gov.uk/legislation/scotland/about.htm>

**THE NATIONAL HEALTH SERVICE (CHARGES FOR DRUGS AND APPLIANCES) (SCOTLAND) (No.2) REGULATIONS 2007**

Pharmacist Independent Prescribers (PIPs)

1. Independent prescribing means prescribing by an appropriately qualified practitioner e.g. doctor, dentist, nurse, who is responsible and accountable for the assessment of patients with undiagnosed or diagnosed conditions, and for decisions about clinical management required, including prescribing.
2. A definition of “Pharmacist Independent Prescriber” has been added to Regulation 2 to provide for Pharmacist Independent prescribing in NHS Scotland with effect from 30 November 2007. Services provided by PIPs will make overall better use of the skills of healthcare professionals, making it easier for patients to get the medicines they need and increasing patient choice. Appropriately qualified pharmacists will be able to prescribe medicines in agreed circumstances, subject to the service requirements in the local Health Board area.
3. In Scotland it is intended that PIPs would provide prescribing services in agreed circumstances, including:
  - clinics covering specific medical conditions e.g. asthma to which patients could be referred by other healthcare professionals or patients could self-refer;
  - clinics for the treatment of patients presenting with complex therapeutic needs, who might therefore require a range of medicines for co-existing conditions, or people with complex medication regimes who need close monitoring.
4. Pharmacist Independent Prescribers will be able to prescribe any licensed medicine (except controlled drugs at present) prescribable on the NHS by GPs, for any medical condition, within their clinical competence. This is in line with the current arrangements for Nurse Independent Prescribers.
5. Guidance relating to PIPs will be issued in the near future.

## THE NATIONAL HEALTH SERVICE (CHARGES FOR DRUGS AND APPLIANCES) (SCOTLAND) (No.2) REGULATIONS 2007

### No Prescription Charges for Drugs Prescribed for the Treatment of Tuberculosis

1. TB patients were required to pay prescription charges unless entitled to free prescriptions under the terms of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2007, or the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 2003.
2. The regulation amendment coming into force with effect from 1<sup>st</sup> October 2007 removes the requirement to pay prescription charges for TB medication, thus removing any perceived financial barrier to complying with prescribed treatment, which will need to continue over a period of at least 6 months. This is important as taking anti-TB medication intermittently or for too short a time can result in the development of drug resistance, which can make the disease harder to treat and can significantly increase a patient's risk of long-term complications and of passing the infection to others.
3. The drugs used to treat patients with TB are specified in Schedule 4 to the National Health Service (Charges for Drugs and Appliances) (Scotland) (No.2) Regulations 2007. It details the specific antibiotics associated with the treatment of TB. The supply of medicines not related to the treatment of TB remains chargeable for patients who are not exempt as per paragraph 1 above.

### Revision of Prescription Stationery

4. Version 5 prescription stationery is currently being produced which will include an additional check box on the reverse for Tuberculosis medication being prescribed free of charge (similar to the free of charge contraceptives.) The revised stationery will be distributed early in the new year and should be brought into use straight away. Further guidance about the change over will be issued nearer the time.
5. Until version 5 prescription stationery is available, pharmacists/dispensing doctors should instruct patients to put a cross in Box L (contraceptive medicine) on the reverse of the current prescription form. The pharmacist/dispensing doctor should then endorse the prescription by marking "TB" on the form to indicate that medicines for TB were dispensed. **The endorsement should be written at the end of the explanatory text for box L.**

**THE NATIONAL HEALTH SERVICE (CHARGES FOR DRUGS AND APPLIANCES) (SCOTLAND) (No.2) REGULATIONS 2007**

Prescription Pre-payment Certificates (PPCs): Minor and Technical Amendments

1. NHS National Services Scotland, Practitioner Services Division (PSD) issues and processes applications for PPCs on behalf of NHS Boards. These regulation amendments clarify the validity dates of PPCs so that certificates cannot be backdated by more than 7 days prior to the date on which an application is received and cannot commence more than one month after the date on which the application was received.
2. In addition, the amendments provide that an application for a PPC is to be sent to the address specified in the application form and clarifies that the amount of any refund shall be calculated by reference to the amount paid for the certificate, or an appropriate fraction of that amount. Refunds will be calculated on the basis of the actual purchase price of a PPC, not the price payable at the time a refund is claimed.
3. The process of purchasing a PPC over the counter from an NHS community pharmacy or dispensing doctor remains unchanged.

**NATIONAL HEALTH SERVICE (TRAVELLING EXPENSES AND REMISSION OF CHARGES) (SCOTLAND) AMENDMENT (NO. 3) REGULATIONS 2007**

NHS Low Income Scheme (LIS) and Disregard of Voluntary Payments

1. Means-tested entitlement to help with health costs is available though the LIS to claimants who are not automatically entitled to full help through receipt of a passporting benefit such as Income Support. The Income Support (General) Regulations (IS Regulations) provide that income is to be disregarded in full, or at the rate of £20 per week, or not disregarded at all.
2. For LIS purposes, no disregard is applicable in respect of a voluntary payment received by a student when the payment is made by a person whose means would be assessed by an education authority in deciding entitlement to a grant or loan. Voluntary payments to students from other sources attract a £20 per week disregard.
3. The Department for Work and Pensions (DWP) have amended the IS Regulations with regard to voluntary payments. This means that students who previously had £20 of their voluntary payments disregarded subsequently had them disregarded in full.
4. These amending regulations re-introduce the £20 disregard where it applied previously. The position has not changed in respect of those students who have no disregard. The amendment to the NHS LIS provisions is being applied across the UK to ensure equity of treatment in respect of claims for students.
5. The DWP amendment will be applied in respect of LIS claims from people who are not students, so they will continue to receive the full benefit of any voluntary payments they receive.

NHS Low Income Scheme and Disregard of Additional Loans

6. Additional loans paid to eligible students under the terms of the Education (Student Loans) (Scotland) Regulations 2007 should be disregarded in the calculation of a student's loan income. The above amending regulations replace references to the Education (Student Loans) (Scotland) Regulations 2000, which have been replaced by the Education (Student Loans) (Scotland) Regulations 2007.