



Jersey

## **MEDICINES (PRESCRIPTION ONLY) (AMENDMENT No. 8) (JERSEY) ORDER 2013**

### **Arrangement**

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## **MEDICINES (PRESCRIPTION ONLY) (AMENDMENT No. 8) (JERSEY) ORDER 2013**

*Made*

*Coming into force*

**THE MINISTER FOR HEALTH AND SOCIAL SERVICES**, in pursuance of Articles 57 and 110 of the Medicines (Jersey) Law 1995, orders as follows –

### **1 Interpretation**

In this Order, “principal Order” means the Medicines (Prescription Only) (Jersey) Order 1997.

### **2 Article 1 amended**

In Article 1(1) of the principal Order, the following definitions shall be inserted in the appropriate alphabetical order –

“ ‘health record’ has the same meaning as in the Data Protection (Jersey) Law 2005;”;

“ ‘supplementary prescriber’ means an appropriate practitioner referred to in Article 5(d), (e) or (f) whose entry on the register established and maintained under article 5 of the Nursing and Midwifery Order 2001 of the United Kingdom, as referred to in the Health Care (Registration) (Prescribed Qualifications) (Jersey) Order 2003, indicates that he or she is, or may act as, only a supplementary prescriber;”.

### **3 Article 2 amended**

In Article 2 of the principal Order –

- (a) for the words “Article 57 of the Law” the first time those words appear there shall be substituted the words “Article 57(1)(a) of the Law”;
- (b) in sub-paragraph (d)(iii) the words “for the purposes of Article 57 of the Law” shall be deleted.

**4 Article 5 substituted**

For Article 5 of the principal Order the following Article shall be substituted –

**“5 Appropriate practitioner**

For the purposes of the Law, the following shall be appropriate practitioners –

- (a) a doctor;
- (b) a dentist;
- (c) a veterinary surgeon;
- (d) a midwife prescribing practitioner registered under the Health Care (Registration) (Jersey) Law 1995;
- (e) a nurse prescribing practitioner registered under the Health Care (Registration) (Jersey) Law 1995;
- (f) a specialist community public health nurse prescribing practitioner registered under the Health Care (Registration) (Jersey) Law 1995.”.

**5 Article 6 amended**

In Article 6 of the principal Order –

- (a) for the heading there shall be substituted the following heading –

**“6 Conditions for prescriptions relating to sale and supply”;**

- (b) for paragraph (2)(c)(iii) and (iv) the following clauses shall be substituted –

“(iii) by virtue of which of the paragraphs of Article 5 the practitioner giving it is an appropriate practitioner,

(iv) where the practitioner giving it is an appropriate practitioner other than a veterinary surgeon, the name and address of the person for whose treatment it is given and (if that person is under 12) his or her age, and”;

- (c) after paragraph (2)(c) there shall be inserted the following sub-paragraph –

“(ca) in the case of a prescription given by a supplementary prescriber, the supplementary prescriber –

(i) has given the prescription in accordance with the terms of a clinical management plan containing the information specified in Schedule 4, such plan relating to an individual patient and to which the following are parties –

- (A) the patient,
- (B) the patient’s doctor or dentist, and

- (C) the supplementary prescriber, and
- (ii) has access to the health records of the patient to whom the clinical management plan relates to the extent that such records are used by the doctor or dentist who is a party to the plan;”.

**6 Article 6A inserted**

After Article 6 the following Article shall be inserted –

**“6A Conditions for prescriptions – administration**

- (1) For the purposes of Article 57(2)(b) of the Law (read with paragraph (4) of that Article), a prescription only medicine shall not be taken to be administered by a supplementary prescriber or by a person acting in accordance with the directions of a supplementary prescriber unless the conditions in paragraph (2) are met.
- (2) Those conditions are that –
  - (a) the supplementary prescriber is acting in accordance with the terms of a clinical management plan containing the information specified in Schedule 4, such plan relating to an individual patient to which the following are parties –
    - (i) the patient,
    - (ii) the patient’s doctor or dentist, and
    - (iii) the supplementary prescriber; and
  - (b) the supplementary prescriber has access to the health records of the patient to whom the clinical management plan relates to the extent that such records are used by the doctor or dentist who is a party to the plan.”.

**7 Article 10 substituted**

For Article 10 there shall be substituted the following Article –

**“10 Exemption for sale or supply in hospitals or the prison**

- (1) The restrictions in Article 57(2)(a) of the Law shall not apply to the sale or supply of any prescription only medicine –
  - (a) in the course of the business of a hospital; or
  - (b) by a pharmacy to the prison under the terms of a contract to supply medicinal products for the benefit of prisoners,in accordance with the written directions of an appropriate practitioner, other than a supplementary prescriber, even though those directions do not fulfil the conditions in Article 6(2) of this Order.

- (2) In the case of directions given by a supplementary prescriber, paragraph (1) applies except that the condition in Article 6(2)(ca) must be fulfilled as if the references to a prescription in that subparagraph were references to the directions given by the supplementary prescriber.”.

**8 Schedule 4 inserted**

After Schedule 3 there shall be inserted the following Schedule –

**“SCHEDULE 4**

(Articles 6(2)(ca) and 6A(2))

**CLINICAL MANAGEMENT PLAN**

**1 Information to be included in clinical management plan**

A clinical management plan must include –

- (a) the name of the patient to whom the plan relates;
- (b) the illness or conditions in relation to which the supplementary prescriber may give a prescription or administer (or direct the administration of) a medicinal product;
- (c) the date on which the plan is to take effect and the date or dates when it is subject to review by the doctor or dentist who is a party to the plan;
- (d) the class or description of medicinal product that may be prescribed by a supplementary prescriber or administered by, or under the direction of, a supplementary prescriber;
- (e) any restrictions or limitations as to the strength or dose, or period of use, of any medicinal product which may be prescribed by or administered by, or under the direction of, the supplementary prescriber;
- (f) any relevant warnings about the known sensitivities of the patient to, or known difficulties of the patient with, particular medicinal products;
- (g) arrangements for the notification of suspected or known adverse reactions to –
  - (i) the medicinal product referred to in paragraph (d), and
  - (ii) any other medicinal product taken at the same time or over the same period;
- (h) the circumstances in which the supplementary prescriber should refer to, or seek the advice of, the doctor or dentist who is a party to the plan.”.

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**9 Minor amendment to Medicines (Health Professionals – Exemption) (Jersey) Order 2001**

In the definition of “health professional” in Article 1(5) of the Medicines (Health Professionals – Exemption) (Jersey) Order 2001, for the words “health visitor,” the words “specialist community public health nurse,” shall be substituted.

**10 Citation and commencement**

This Order may be cited as the Medicines (Prescription Only) (Amendment No. 8) (Jersey) Order 2013 and shall come into force on 1st July 2013.

*Signed*.....

*Date*.....

*Minister for Health and Social Services*

