



Jersey

## **HEALTH INSURANCE (APPROVED PRESCRIBING PRACTITIONERS – MIDWIVES AND NURSES) (JERSEY) ORDER 2018**

### **Arrangement**

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#### **Article**

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## **HEALTH INSURANCE (APPROVED PRESCRIBING PRACTITIONERS – MIDWIVES AND NURSES) (JERSEY) ORDER 2018**

*Made*

*23rd April 2018*

*Coming into force*

*30th April 2018*

**THE MINISTER FOR SOCIAL SECURITY**, in pursuance of Articles 16, 17, 26 and 36 of the Health Insurance (Jersey) Law 1967<sup>1</sup>, orders as follows –

### **1 Interpretation**

In this Order –

“1995 Law” means the Health Care (Registration) (Jersey) Law 1995<sup>2</sup>;

“Minister” means the Minister for Social Security;

“NMP” means a non-medical prescriber;

“primary care setting” means any of the following places in which a health care service is provided directly to a patient, namely –

- (a) the patient’s own home;
- (b) a mental nursing home, nursing home or residential care home within the meaning given by the Nursing and Residential Homes (Jersey) Law 1994<sup>3</sup>;
- (c) any place other than those mentioned in paragraph (a) or (b) in which long-term care services, within the meaning given by the Long-Term Care (Health and Social Services Charges) (Jersey) Law 2014<sup>4</sup>, are provided to the patient; or
- (d) the premises of an approved medical practitioner.

### **2 Conditions and process for approval of non-medical prescriber**

- (1) A person who is an appropriate practitioner may apply to the Minister for approval as a non-medical prescriber under Article 26 of the Health Insurance (Jersey) Law 1967<sup>5</sup>.

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- (2) An application under paragraph (1) must be made in writing to the Minister, in the form approved for the purpose by the Minister, and must contain –
- (a) a declaration by the applicant that –
    - (i) he or she practises in Jersey in a primary care setting, and
    - (ii) if approved, will issue pharmaceutical benefit in the primary care setting and to insured persons only; and
  - (b) the signature of the Chief Nurse of the Health and Social Services Department, or of an officer of that Department who is authorized in that behalf by the Minister.
- (3) The Minister shall not approve an application made under paragraph (1) and in accordance with paragraph (2) unless the Minister is satisfied (whether by documents provided to accompany the application, or otherwise as the Minister may reasonably require) that the applicant fulfils the following conditions, namely that he or she –
- (a) is registered under the 1995 Law as a midwife prescribing practitioner, a nurse prescribing practitioner, or a specialist community public health nurse prescribing practitioner; and
  - (b) practises in Jersey in a primary care setting.
- (4) The Minister may refuse to approve an application –
- (a) which is not made in accordance with paragraph (2); or
  - (b) if the Minister is not satisfied as to a matter mentioned in paragraph (3)(a) or (b),
- but such a refusal does not prevent a person from making a further application for approval.
- (5) An applicant or an approved NMP must inform the Minister in writing within 7 days of the occurrence of any change in his or her circumstances material to the declaration under paragraph (2) or to a matter mentioned in paragraph (3)(a) or (b), and in particular (but without limitation) of –
- (a) cancellation of his or her registration pursuant to an order of the Court under Article 10 of the 1995 Law; or
  - (b) his or her being charged with or convicted of an offence in Jersey or of an offence committed elsewhere which, if committed in Jersey, would constitute an offence in Jersey.
- (6) For the purposes of paragraph (1), “appropriate practitioner” means any person who is an appropriate practitioner by virtue of paragraphs (d) to (f) of Article 5 of the Medicines (Prescription Only) (Jersey) Order 1997<sup>6</sup>.

### 3 Revocation of approval

Where the Minister considers that –

- (a) an approved NMP is in breach of the declaration made under Article 2(2), or otherwise has ceased to fulfil one of the conditions for approval in Article 2;

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- (b) an approved NMP has failed, without reasonable excuse, to provide information requested by the Minister under Article 4; or
  - (c) owing to –
    - (i) a change in circumstances such as described in Article 2(5), or
    - (ii) the removal, under Article 8 of the 1995 Law, of the approved NMP from the register kept under that Law,it is no longer appropriate for a person to continue to be an approved NMP,

the Minister may revoke the approval, but such revocation does not prevent a person from making a further application for approval.

#### **4 Power to request information**

- (1) The Minister may from time to time request an approved NMP to verify, or to inform the Minister of any inaccuracies in, such information held by the Minister in respect of the approved NMP as the Minister may specify.
- (2) An approved NMP to whom a request under paragraph (1) is made must, no later than such date and in such manner as the Minister may require, either –
  - (a) confirm that the specified information is accurate; or
  - (b) provide details of any changes to or other inaccuracies in the specified information,

and if an approved NMP fails to do so the Minister may proceed to consider whether to revoke the approval.

#### **5 Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Jersey) Order 2002 amended**

- (1) The Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Jersey) Order 2002<sup>7</sup> is amended in accordance with paragraphs (2) to (6), and a reference in those paragraphs to an Article by number is to the Article of the same number in that Order.
- (2) In Article 1(1) before the definition “Drug Tariff” there shall be inserted the following definition –
  - “‘approved prescribing practitioner’ means any medical practitioner, dentist, optician or other prescribing practitioner approved by the Minister under Article 26 of the Law;”.
- (3) In Article 5(1) –
  - (a) in sub-paragraph (c) –
    - (i) for the words “approved medical practitioner or dentist” there shall be substituted the words “, approved prescribing practitioner”, and
    - (ii) at the end there shall be added the word “and”; and

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- (b) for sub-paragraphs (d) and (e) there shall be substituted the following sub-paragraph –
- “(d) is printed and watermarked in such manner as may be designated by the Minister.”.
- (4) In Article 6 –
- (a) in paragraphs (1), (3) and (4) for the words “approved medical practitioner or dentist” in each place there shall be substituted the words “approved prescribing practitioner”;
- (b) in paragraph (2) for the words “approved medical practitioner” there shall be substituted the words “approved prescribing practitioner (other than a dentist)”;
- (c) in paragraph (5) –
- (i) for the words “approved medical practitioner” there shall be substituted the words “approved prescribing practitioner”, and
- (ii) the words “or dentist” in each place in which they occur shall be deleted.
- (5) In Article 7(4) –
- (a) for the words “by an electronic means the approved medical practitioner or dentist that signed” there shall be substituted the words “, by electronic means, the approved prescribing practitioner who signed”;
- (b) for the words “doctor or dentist” in sub-paragraph (b) there shall be substituted the words “practitioner”; and
- (c) the words “or dentist” in the third place in which they occur shall be deleted.
- (6) In the heading to Schedule 4 to the Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Jersey) Order 2002<sup>8</sup>, the words “SIGNED BY AN APPROVED MEDICAL PRACTITIONER” shall be deleted.

## 6 Citation and commencement

This Order may be cited as the Health Insurance (Approved Prescribing Practitioners – Midwives and Nurses) (Jersey) Order 2018 and shall come into force 7 days after the day on which it is made.

**DEPUTY S.J. PINEL OF ST. CLEMENT**

*Minister for Social Security*

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- 1 *chapter 26.500*
  - 2 *chapter 20.300*
  - 3 *chapter 20.725*
  - 4 *chapter 20.570*
  - 5 *chapter 26.500*
  - 6 *chapter 20.625.95*
  - 7 *chapter 26.500.22*
  - 8 *chapter 26.500.22*