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## DIRECTIONS

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### NATIONAL HEALTH SERVICE ACT 2006

#### The Primary Medical Services (Electronic Prescription Service Authorisation) Directions 2011

The Secretary of State for Health, in exercise of the powers conferred by sections 8(1) and 273(1) of the National Health Service Act 2006(a), gives the following Directions.

##### **Citation, commencement and application**

1.—(1) These Directions may be cited as the Primary Medical Services (Electronic Prescription Service Authorisation) Directions 2011 and come into force on 1st May 2011.

(2) These Directions are given to Primary Care Trusts and apply to England.

##### **Interpretation**

2. In these Directions—

“the Act” means the National Health Service Act 2006;

“chemist” means—

(a) a registered pharmacist(b),

(b) a person lawfully conducting a retail pharmacy business in accordance with section 69 of the Medicines Act 1968(c), or

(c) a supplier of appliances,

who is included in the list of a Primary Care Trust under section 129 of the Act or a Local Health Board under section 83 of the National Health Service (Wales) Act 2006(d), or who provides local pharmaceutical services in accordance with LPS arrangements;

“ETP service” means the electronic prescription service which forms part of the NHS Care Record Service;

“GMS contractor” means a person with whom a Primary Care Trust is entering or has entered into a general medical services contract;

“NHS Care Record” means the records relating to an individual patient held by the NHS Care Record Service;

“NHS Care Record Service” means the information technology systems procured by the Department of Health and used by the health service to hold medical records relating to patients;

“nominated dispenser” means a chemist, medical practitioner, GMS contractor or PMS contractor whom a patient has nominated in their NHS Care Record to dispense their electronic prescriptions;

“patient” means—

(a) a registered patient,

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(a) 2006 c.41.

(b) See section 275 of the Act as amended by S.I. 2010/231 for the definition of “registered pharmacist”.

(c) 1968 c.67. Relevant amendments were made by S.I. 2007/289 and 3101 and 2010/231 and 1621.

(d) 2006 c.42. Relevant amendments were made by S.I. 2010/231 and 1621.

- (b) a temporary resident,
- (c) persons to whom the primary medical services contractor or the practice is required to provide immediately necessary treatment,
- (d) any other person to whom the primary medical services contractor or practice has agreed to provide services under the primary medical services contract or in accordance with the practice's practice statement, or
- (e) any other person for whom the primary medical services contractor or practice is responsible under the primary medical services contract or in accordance with the practice's practice statement;

“PMS contractor” means a person with whom a Primary Care Trust is entering or has entered into section 92 arrangements(a) which require the provision by that person of primary medical services;

“practice” means a practice established by a Primary Care Trust for the purpose of providing primary medical services pursuant to section 83(2)(a) of the Act;

“practice statement” means a practice statement prepared and maintained by a Primary Care Trust, in accordance with directions issued under section 8 of the Act, in respect of any practice it establishes;

“primary medical services contract” means—

- (a) a general medical services contract,
- (b) section 92 arrangements which require the provision of primary medical services, or
- (c) contractual arrangements for the provision of primary medical services under section 83(2)(b) of the Act (primary medical services);

“primary medical services contractor” means—

- (a) a GMS or PMS contractor, or
- (b) a person with whom a Primary Care Trust is making or has made contractual arrangements for the provision of primary medical services under section 83(2)(b) of the Act;

“registered patient” means—

- (a) a person who is recorded by a Primary Care Trust as being on a primary medical services contractor or practice's list of patients, or
- (b) a person whom a primary medical services contractor or practice has accepted for inclusion on its list of patients, whether or not notification of that acceptance has been received by the Primary Care Trust, and who has not been notified by the Primary Care Trust as having ceased to be on that list; and

“temporary resident” means a person accepted by—

- (a) a primary medical services contractor as a temporary resident in accordance with the provisions of their primary medical services contract and for whom the contractor's responsibility has not been terminated in accordance with the provisions of that contract, or
- (b) a practice as a temporary patient pursuant to the requirements of the practice's practice statement and for whom that person's responsibility has not been terminated in accordance with any procedure specified under that practice statement.

### **Authorisation to use the ETP service**

3. The Primary Care Trusts listed in the Schedule to these Directions are specified as Primary Care Trusts that may authorise the use of the ETP service by—

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(a) See section 92(8) of the Act for the definition of “section 92 arrangements”.

- (a) any primary medical services contractor with whom it is entering or has entered into a primary medical services contract; or
- (b) any practice established by the Primary Care Trust.

#### Nomination of dispensers

4.—(1) The Primary Care Trusts listed in the Schedule to these Directions must monitor and consider any information available to them concerning the identities of the nominated dispensers recorded in the NHS Care Records of the patients of—

- (a) any primary medical services contractor with whom it has entered into a primary medical services contract and which is operating the ETP service for its patients; and
- (b) any practice established by the Primary Care Trust which is operating the ETP service for its patients.

(2) Where any of those Primary Care Trusts identify any unusual or unexpected distribution of nominations, they must consider whether further investigation or action is appropriate.

#### Revocations

5. The following Directions(a) are revoked—

- (a) the Primary Medical Services (Electronic Prescription Service Authorisation) Directions 2008 signed on 7th November 2008;
- (b) the Primary Medical Services (Electronic Prescription Service Authorisation) (Amendment) Directions 2009 signed on 9th June 2009;
- (c) the Primary Medical Services (Electronic Prescription Service Authorisation) (Amendment) Directions 2010 signed on 9th March 2010; and
- (d) the Primary Medical Services (Electronic Prescription Service Authorisation) (Amendment) Directions 2011 signed on 10th January 2011.

Signed by authority of the Secretary of State for Health



A Member of the Senior Civil Service  
Department of Health

Date 8th April 2011

## SCHEDULE

Direction 3

### Primary Care Trusts that may authorise the use of the ETP service

Berkshire East Primary Care Trust;  
Berkshire West Primary Care Trust;  
Bexley Care Trust;  
Birmingham East and North Primary Care Trust;  
Blackburn with Darwen Teaching Care Trust Plus;

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(a) The Directions listed and the Primary Medical Services (Electronic Prescription Service Authorisation) Directions 2011 signed on 8th April 2011 are all published on [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH\\_091267](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_091267)

Blackpool Primary Care Trust;  
Bolton Teaching Primary Care Trust;  
Bradford and Airedale Teaching Primary Care Trust;  
Brent Teaching Primary Care Trust;  
Brighton and Hove City Primary Care Trust;  
Bromley Primary Care Trust;  
Bury Primary Care Trust;  
Central and Eastern Cheshire Primary Care Trust;  
Central Lancashire Primary Care Trust;  
City and Hackney Teaching Primary Care Trust;  
County Durham Primary Care Trust;  
Croydon Primary Care Trust;  
Cumbria Teaching Primary Care Trust;  
Darlington Primary Care Trust;  
Devon Primary Care Trust;  
Doncaster Primary Care Trust;  
Dorset Primary Care Trust;  
East Lancashire Teaching Primary Care Trust;  
East Riding of Yorkshire Primary Care Trust;  
East Sussex Downs and Weald Primary Care Trust;  
Eastern and Coastal Kent Primary Care Trust;  
Gateshead Primary Care Trust;  
Greenwich Teaching Primary Care Trust;  
Hammersmith and Fulham Primary Care Trust;  
Haringey Teaching Primary Care Trust;  
Hastings and Rother Primary Care Trust;  
Heart of Birmingham Teaching Primary Care Trust;  
Hertfordshire Primary Care Trust;  
Heywood, Middleton and Rochdale Primary Care Trust;  
Hillingdon Primary Care Trust;  
Hull Teaching Primary Care Trust;  
Isle of Wight National Health Service Primary Care Trust;  
Islington Primary Care Trust;  
Kensington and Chelsea Primary Care Trust;  
Kirklees Primary Care Trust;  
Lambeth Primary Care Trust;  
Leeds Primary Care Trust;  
Leicestershire County and Rutland Primary Care Trust;  
Lincolnshire Teaching Primary Care Trust;  
Liverpool Primary Care Trust;  
Manchester Teaching Primary Care Trust;  
Medway Primary Care Trust;  
Newcastle Primary Care Trust;

Newham Primary Care Trust;  
North East Essex Primary Care Trust;  
North East Lincolnshire Care Trust Plus;  
North Lincolnshire Primary Care Trust;  
North Staffordshire Primary Care Trust;  
North Tyneside Primary Care Trust;  
Northamptonshire Teaching Primary Care Trust;  
Northumberland Care Trust;  
Nottingham City Primary Care Trust;  
Nottinghamshire County Teaching Primary Care Trust;  
Oldham Primary Care Trust;  
Oxfordshire Primary Care Trust;  
Redbridge Primary Care Trust;  
Rotherham Primary Care Trust;  
Salford Primary Care Trust;  
Sheffield Primary Care Trust;  
Solihull Primary Care Trust;  
Somerset Primary Care Trust;  
South Staffordshire Primary Care Trust;  
South Tyneside Primary Care Trust;  
Southwark Primary Care Trust;  
Suffolk Primary Care Trust;  
Sunderland Teaching Primary Care Trust;  
Tameside and Glossop Primary Care Trust;  
Tower Hamlets Primary Care Trust;  
Trafford Primary Care Trust;  
Wakefield District Primary Care Trust;  
Walsall Teaching Primary Care Trust;  
Waltham Forest Primary Care Trust;  
Warrington Primary Care Trust;  
West Kent Primary Care Trust;  
Western Cheshire Primary Care Trust;  
Westminster Primary Care Trust;  
Wolverhampton City Primary Care Trust;  
Worcestershire Primary Care Trust.