

2016 No. 1221 (W. 292)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Therapeutic Radiographer
Independent Prescriber and
Dietitian Supplementary Prescriber)
(Miscellaneous Amendments)
(Wales) Regulations 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004, the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007 and the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013 by extending the definition of prescriber through the insertion of an additional category of independent prescriber: therapeutic radiographer independent prescriber and by extending the definition of supplementary prescriber to include dietitians.

These Regulations also amend the Single Use Carrier Bags Charge (Wales) Regulations 2010 by extending the exemption from the requirement to charge for single use carrier bags.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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The National Health Service
(Therapeutic Radiographer
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(Miscellaneous Amendments)
(Wales) Regulations 2016

Made 14 December 2016

Laid before the National Assembly for Wales
19 December 2016

Coming into force 9 January 2017

The Welsh Ministers, in exercise of the powers conferred by sections 47, 80, 83 and 203(9) and (10) of the National Health Service (Wales) Act 2006(1), and sections 77 and 90 of, and paragraph 3 of Schedule 6 to, the Climate Change Act 2008(2) make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the National Health Service (Therapeutic Radiographer Independent Prescriber and Dietitian Supplementary Prescriber) (Miscellaneous Amendments) (Wales) Regulations 2016 and they come into force on 9 January 2017.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

(1) 2006 c. 42.
(2) 2008 c. 27.

“the 2004 Regulations” (“*Rheoliadau 2004*”) means the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(1);

“the 2007 Regulations” (“*Rheoliadau 2007*”) means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007(2);

“the 2010 Regulations” (“*Rheoliadau 2010*”) means the Single Use Carrier Bags Charge (Wales) Regulations 2010(3); and

“the 2013 Regulations” (“*Rheoliadau 2013*”) means the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013(4).

Amendment of the 2004 Regulations

3.—(1) The 2004 Regulations are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1), in the appropriate places in the alphabetical order insert the following definitions—

““the Health and Care Professions Council register” means the register established and maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001(5);”;

““registered radiographer” means a person registered in Part 11 of the Health and Care Professions Council register;”;

““therapeutic radiographer independent prescriber” means a person —

- (a) who is a registered radiographer; and
- (b) against whose name is recorded in the relevant register—
 - (i) an entitlement to use the title “therapeutic radiographer”; and
 - (ii) an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a therapeutic radiographer independent prescriber;”.

(1) S.I. 2004/478 (W. 48). Relevant amending instrument is S.I. 2007/205 (W. 19) and S.I. 2014/2291(W. 226).

(2) S.I. 2007/121 (W. 11). Relevant amending instrument is S.I. 2014/2291(W.226).

(3) S.I. 2010/2880 (W. 238). Relevant amending instrument is S.I. 2014/2291(W. 226).

(4) S.I. 2013/898 (W. 102). Relevant amending instrument is S.I. 2014/2291(W. 226).

(5) S.I. 2002/254.

- (3) In regulation 2(1) —
- (a) in the definition of “prescriber” —
 - (i) in subparagraph (f) omit “and”;
 - (ii) in subparagraph (g) after “prescriber;” insert “and”;
 - (iii) after sub-paragraph (g) insert —
 - “(h) a therapeutic radiographer independent prescriber;”;
 - (b) in the definition of “supplementary prescriber” after sub-paragraph (b)(iv)(cc) insert —
 - “(dd) dietitians, or”; and
 - (c) in the definition of “relevant register” after sub-paragraph (c)(i) insert —
 - “(ia) dietitians;”.

(4) In paragraph 49(3) and (4) of Schedule 6 (terms relating to the provision of dispensing services) after “chiropract independent prescriber” at each place where it occurs insert “, a therapeutic radiographer independent prescriber”.

(5) In paragraph 64(1) and (2) of Schedule 6 (which relate to independent nurse prescribers, nurse independent prescribers, pharmacist independent prescribers, physiotherapist independent prescriber, podiatrist or chiropract independent prescriber and supplementary prescribers) after “chiropract independent prescriber” at each place where it occurs insert “, a therapeutic radiographer independent prescriber”.

(6) In the heading for paragraph 64 of Schedule 6, after “chiropract independent prescriber” insert “, therapeutic radiographer independent prescriber”.

Amendment of the 2007 Regulations

4.—(1) The 2007 Regulations are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1), in the appropriate places in the alphabetical order insert the following definitions—

““the Health and Care Professions Council register” (*“cofrestr y Cyngor Proffesiynau Iechyd a Gofal”*) means the register established and maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001;”;

““registered radiographer” (*“radiograffydd cofrestredig”*) means a person registered in Part 11 of the Health and Care Professions Council register;”;

““therapeutic radiographer independent prescriber” (“*radiograffydd therapiwtig-ragnodydd annibynnol*”) means a person—

- (a) who is a registered radiographer, and
- (b) against whose name is recorded in the relevant register—
 - (i) an entitlement to use the title “therapeutic radiographer”; and
 - (ii) an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a therapeutic radiographer independent prescriber;”.

(3) In regulation 2(1)—

- (a) in the definition of “prescriber” (“*rhagnodydd*”) —
 - (i) in subparagraph (f) omit “and”;
 - (ii) in subparagraph (g) for “prescriber.” insert “prescriber; and”;
 - (iii) after sub-paragraph (g) insert—
 - “(h) a therapeutic radiographer independent prescriber;”;
- (b) in the definition of “relevant register” (“*cofrestr berthnasol*”) after sub-paragraph (c)(i) insert—
 - “(ia) dietitians;”;
- (c) in the definition of “supplementary prescriber” (“*rhagnodydd atodol*”)—
 - (i) after “diagnostic or therapeutic,” omit “or”; and
 - (ii) after sub-paragraph (a)(iv)(cc) insert—
 - “(dd) dietitians, or”.

Amendment of the 2010 Regulations

5.—(1) The 2010 Regulations are amended in accordance with the following provisions of this regulation.

(2) In paragraph 1(2)(a) of Schedule 1 (Exemptions), after “a podiatrist or a chiroprapist independent prescriber insert “, a therapeutic radiographer independent prescriber”.

(3) In paragraph 1(3) of Schedule 1 in the appropriate place in the alphabetical order insert—

““therapeutic radiographer independent prescriber” (“*radiograffydd therapiwtig-ragnodydd annibynnol*”) has the meaning given in regulation 2(1) of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2013;”.

Amendment of the 2013 Regulations

6.—(1) The 2013 Regulations are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1), in the appropriate place in the alphabetical order insert the following definitions—

““the Health and Care Professions Council register” (“*cofrestr y Cyngor Proffesiynau Iechyd a Gofal*”) means the register established and maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001;”;

““registered radiographer” (“*radiograffydd cofrestredig*”) means a person registered in Part 11 of the Health and Care Professions Council register;”;

““therapeutic radiographer independent prescriber” (“*radiograffydd therapiwtig-ragnodydd annibynnol*”) means a person—

- (a) who is a registered radiographer, and
- (b) against whose name is recorded in Part 11 of the Health and Care Professions Council register —
 - (i) an entitlement to use the title “therapeutic radiographer”; and
 - (ii) an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a therapeutic radiographer independent prescriber;”.

(3) In regulation 2(1) —

- (a) in the definition of “prescriber” (“*rhagnodydd*”) after “chiroprapist independent prescriber” insert “, therapeutic radiographer independent prescriber”; and
- (b) in sub-paragraph (c)(i) of the definition of “supplementary prescriber” (“*rhagnodydd atodol*”) after “chiroprapists and podiatrists,” insert “ dietitians,”.

Vaughan Gething

Cabinet Secretary for Health, Well-being and Sport,
one of the Welsh Ministers.

14 December 2016