STATES OF JERSEY

DRAFT MEDICINES (AMENDMENT No. 3) (JERSEY) LAW 201-

Lodged au Greffe on 2nd June 2011
by the Minister for Health and Social Services

STATES GREFFE

Jersey

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European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Minister for Health and Social Services has made the following statement –

In the view of the Minister for Health and Social Services the provisions of the Draft Medicines (Amendment No. 3) (Jersey) Law 201- are compatible with the Convention Rights.

(Signed) **Deputy A.E. Pryke of Trinity**

REPORT

Introduction

Further amendments to the *Medicines (Jersey) Law 1995* are necessary to enable a legal framework for appropriate practitioners other than doctors and dentists to have the opportunity to independently prescribe medicine in the future.

Jersey is not unique in facing similar challenges to other westernised healthcare models in terms of the need to deliver safe, cost-effective and appropriate healthcare. Effective medicines management contributes to a significant proportion of the overall healthcare budget. Based on research within other westernised economies and in particular England, it has been demonstrated that specialist and advanced, appropriately educated non-medical prescribers have offered an effective solution to this challenge.

Context

Over the last 15 years, a series of changes to United Kingdom medicines law have seen appropriate practitioners, which include nurses, pharmacists, midwives and physiotherapists, gain full prescribing rights identical to their medical and dental colleagues. This has enabled these appropriate practitioners to safely reconfigure their roles within their professional scopes of practice, to provide comprehensive medicines management.

The amendment to the Medicines (Jersey) Law 1995 will enable a similar legal framework to support future opportunities to develop this area of practice, within a governance framework. All aspects of prescribing practice will similarly be regulated by individual professional regulatory bodies.

The envisaged benefits to the Jersey Island community include improved patient access to treatment, enhanced patient care, maintaining and improving patient experience, enhanced professional satisfaction and application of professional skills, building inter-professional working, enabling effective use of medical staff time and maintaining public health standards.

Future specialist and advanced non-medical health professionals will thus be well placed to develop new models of healthcare delivery in line with strategic projected healthcare trends. This amendment will ensure recommendations are met in the Island Plan, the Public Health strategy and the overall organisational development of Health and Social Services. The preliminary data from KPMG, similarly supports non-medical prescribing as fundamental in contributing to future healthcare provision, and within this medicines management, which is fit for purpose and practice.

Other perceived benefits include management of chronic disease, healthcare delivery to an aging population, specialist aspects of care, including mental health and substance misuse, sexual and reproductive health, management of minor illness and injury and public health education and promotion. The benefits are envisaged for both primary and secondary care settings where medicines management is integral.

This report has been prepared following consultation with the Medicines Advisory Council, Medicines Governance Committee, Senior Nurse Forum and Nurse Educational Team. The changes currently being proposed are summarised below and

have been subject to detailed legal advice from the Law Officers' Department and a comprehensive human rights audit.

Effects of the Law amendments

To enable appropriate practitioners to undertake independent prescribing within their professional scope of professional practice, assuming full prescribing rights as non-medical prescribing practitioners.

Implementation

A further report will follow which will detail the implementation plan.

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of this Draft Law.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). On 31st May 2011 the Minister for Health and Social Services made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Minister for Health and Social Services the provisions of the Draft Medicines (Amendment No. 3) (Jersey) Law 201- are compatible with the Convention Rights.

Explanatory Note

The object of this amendment to the Medicines (Jersey) Law 1995 is to enable the Minister for Health and Social Services to specify a wider range of practitioners that may prescribe medicinal products. Currently the Minister may specify whether doctors, dentists or veterinary surgeons are to be appropriate practitioners for prescribing medicinal products under Article 57 of the Law. After the amendment, the Minister will be able to specify doctors, dentists, veterinary surgeons, registered nurses, certified midwives or other practitioners or other persons as appropriate practitioners.

Article 1 specifies that in this draft Law the Medicines (Jersey) Law 1995 is referred to as the principal Law.

Article 2 inserts a definition of "appropriate practitioner" in Article 1 of the principal Law.

Article 3 amends Article 54 of the principal Law. Article 54 currently allows certain medicinal products to be supplied in hospitals and certain other places if the products are to be used under the direction of a doctor or dentist. The change extends this to use under the direction of an appropriate practitioner (as newly defined).

Article 4 replaces Article 57 of the principal Law to allow an appropriate practitioner (as newly defined) to prescribe medicinal products. The new Article also makes it possible to impose conditions on certain cases of the administration of a medicinal product, and clarifies the power to impose conditions on the supply of those products.

Article 5 widens the reference to a doctor, dentist or veterinary surgeon in Article 63 of the principal Law to include an appropriate practitioner (as newly defined). Article 63 requires medicinal products when supplied to a purchaser or patient to be of a certain quality, and goes on to ensure that this requirement extends to protect patients of appropriate practitioners.

Article 6 widens the reference to a doctor, dentist or veterinary surgeon in Article 64 of the principal Law to include an appropriate practitioner (as newly defined). Article 64 requires medicinal products that are sold to purchasers or on prescription to patients to be of the description and standard specified in the relevant monograph.

Article 7 widens the reference to a doctor, dentist or veterinary surgeon in Article 88 of the principal Law to include an appropriate practitioner (as newly defined). Article 88 prohibits the making of false claims about medicinal products to practitioners and to patients of practitioners.

Article 8 widens the reference to a doctor, dentist or veterinary surgeon in Article 90 of the principal Law to include an appropriate practitioner (as newly defined). Article 90 enables the Minister to make Orders for purposes including prohibiting the making of false claims about medicinal products to practitioners and to patients of practitioners.

Article 9 widens the reference to a doctor, dentist or veterinary surgeon in Article 91 of the principal Law to include an appropriate practitioner (as newly defined). Article 91 requires data sheets about medicinal products to be sent to practitioners to whom advertising or representations about the products are directed.

Article 10 names the draft Law, specifies when it will come into force, and ensures that certain Orders made under the existing Article 57 of the principal Law about prescription-only medicinal products continue in force after the changes made by this Law.

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Jersey

DRAFT MEDICINES (AMENDMENT No. 3) (JERSEY) LAW 201-

A LAW to amend further the Medicines (Jersey) Law 1995

Adopted by the States	*[date to be inserted]*
Sanctioned by Order of Her Majesty in Council	*[date to be inserted]*
Registered by the Royal Court	*[date to be inserted]*

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law, "principal Law" means the Medicines (Jersey) Law 1995[1].

2 Article 1 amended

In Article 1(1) of the principal Law, the following definition shall be inserted after the definition of "animal feeding stuff" –

" 'appropriate practitioner' means a person of a description, or class, specified under Article 57(1)(b);".

3 Article 54 amended

In Article 54(1)(b) of the principal Law for the words "a doctor or dentist" there shall be substituted the words "an appropriate practitioner".

4 Article 57 amended

For Article 57 of the principal Law there shall be substituted the following Article –

"57 Medicinal products on prescription only

(1) The Minister may by Order specify the following matters for the purposes of this Article –

(a) descriptions, or classes, of medicinal products;

(b) descriptions, or classes, of persons (being doctors, dentists, veterinary surgeons, registered nurses, certified midwives or other practitioners or other persons), being persons that the Minister thinks fit to be appropriate practitioners.

(2) Subject to the following provisions of this Article –

(a) no person shall sell by retail, or supply in circumstances corresponding to retail sale, a medicinal product of a description, or falling within a class, specified under paragraph (1)(a) except in accordance with a prescription given by an appropriate practitioner; and

(b) no person shall administer (otherwise than to himself or herself) a medicinal product of a description, or falling within a class, specified under paragraph (1)(a) unless the person is –

(i) an appropriate practitioner, or

(ii) a person acting in accordance with the directions of an appropriate practitioner.

(3) Paragraph (2)(a) shall not apply –

(a) to the sale or supply of a medicinal product, to a patient of his or hers, by a person who is an appropriate practitioner other than a veterinary surgeon; or

(b) to the sale or supply of a medicinal product, for administration to an animal or herd under his or her care, by a veterinary surgeon who is an appropriate practitioner.

(4) Without prejudice to paragraph (3), an Order made under paragraph (1) may include provision for one or more of the following matters –

(a) that paragraph (2)(a) or (b), or both those sub-paragraphs, shall have effect subject to such exemptions as may be specified in the Order;

(b) that, for the purpose of paragraph (2), a medicinal product shall not be taken to be –

(i) sold or supplied in accordance with a prescription given by an appropriate practitioner, or

(ii) administered by an appropriate practitioner or a person acting in accordance with the directions of an appropriate practitioner,

unless such conditions or limitations as are specified by the Order are complied with in relation to any of the following matters –

(A) the relevant classes of appropriate practitioner,

(B) the relevant classes of medicinal product,

(C) the sale, supply, use or administration, of the medicinal product,

(D) the prescription,

(E) any other matter that the Minister thinks fit.

(5) Any exemption conferred by an Order in accordance with paragraph (4)(a) may be conferred subject to such conditions or limitations as may be specified in the Order.".

5 Article 63 amended

In Article 63(5) of the principal Law for the words "a practitioner" there shall be substituted the words "an appropriate practitioner".

6 Article 64 amended

In Article 64(1)(b) of the principal Law for the words "a practitioner" there shall be substituted the words "an appropriate practitioner".

7 Article 88 amended

In Article 88(3)(a) and (b) of the principal Law for the words "a practitioner", in each place where they occur, there shall be substituted the words "an appropriate practitioner".

8 Article 90 amended

In Article 90(2)(c) of the principal Law for the words "a practitioner", in each place where they occur, there shall be substituted the words "an appropriate practitioner".

9 Article 91 amended

In Article 91 of the principal Law –

(a) in the heading for the word "practitioners" there shall be substituted the words "appropriate practitioners";

(b) in paragraphs (1) and (2) for the words "a practitioner", in each place where they occur, there shall be substituted the words "an appropriate practitioner".

10 Citation, commencement and saving

(1) This Law may be cited as the Medicines (Amendment No. 3) (Jersey) Law 201-.

(2) This Law shall come into force on the seventh day after it is registered.

(3) An Order that –

(a) is in force under Article 57 of the principal Law immediately before the substitution of that Article by this Law; and

(b) could have been made under that Article as so substituted,

shall continue in force as if it had been made under that Article as so substituted.

(4) Anything done, whether before or after that substitution, pursuant to such an Order shall not be affected by that substitution.

[1] *chapter 20.625*