

# STATES OF JERSEY



Jersey

## **DRAFT HEALTH CARE (REGISTRATION) (No. 5) (JERSEY) REGULATIONS 201-**

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Lodged au Greffe on 19th August 2019  
by the Chief Minister

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**STATES GREFFE**



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## REPORT

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The Draft Health Care (Registration) (No. 5) (Jersey) Regulations 201- (“the draft Regulations”) amend the list of health care professionals who are required to register with the Care Commission under the Health Care (Registration) (Jersey) Law 1995 in order to practise in Jersey.

The following new registrable occupations will be added to the list of registrable occupations by these draft Regulations –

- optometrist independent prescriber;
- paramedic independent prescriber;
- pharmacist independent prescriber;
- physiotherapist independent prescriber;
- podiatrist independent prescriber; and
- therapeutic radiographer independent prescriber.

Non-medical prescribing, which is prescribing of medicines by healthcare professionals who are not doctors or dentists, is now a well-established practice, with many different healthcare professionals in the UK being able to lawfully prescribe “prescription only” medicines.

In 2011, [P.94/2011](#) was adopted by the States and amended the [Medicines \(Jersey\) Law 1995](#) (“the Medicines Law”) in order to create the legal framework to introduce non-medical prescribing in Jersey. The amending legislation provided the Minister with the power to specify a wider range of practitioners that may prescribe medicinal products. Up until this time the Minister for Health and Social Services could only specify doctors, dentists or veterinary surgeons as appropriate practitioners for the prescribing of medicinal products under Article 57 of the Medicines Law.

In 2012, [P.84/2012](#) was adopted by the States and amended the [Health Care \(Registration\) \(Jersey\) Law 1995](#) to add 3 registrable professions to the Schedule of that Law, enabling Registered Nurses, Registered Midwives and Specialist Community Public Health Nurses to proceed to become legally qualified and locally registered Independent and Supplementary Prescribing Practitioners, individually approved by the Minister for Health and Social Services and now the Care Commission.

As a result of this amendment, a person registered in one of these professions is now deemed (alongside doctors, dentists and veterinary surgeons) an appropriate practitioner for the purposes of the Medicines Law. Such a practitioner is, by virtue of Article 57 of that Law, able to prescribe or administer “prescription only” medicines. The supply or administration of those medicines must be in conformity with the conditions prescribed under that Article.

The intention and recommendation at that time was to extend this to other professions once the practice of nurse prescribing became established in Jersey, and also the practice of other professions prescribing became established and well-recognised in the UK.

As nurse prescribing in Jersey is now well-accepted, as is prescribing by pharmacists, physiotherapists, podiatrists, optometrists, paramedics and therapeutic radiographers in the UK, the intention is now to widen the number of professionals who can lawfully prescribe “prescription only” medicines in Jersey.

These Regulations, therefore, introduce the new categories of non-medical prescribers listed above in order that, once registered, these professionals will be lawfully able – by virtue of an Order made under Article 57 of the Medicines Law by the Minister for Health and Social Services – to prescribe or administer “prescription only” medicines.

In addition, these draft Regulations introduce a single registrable occupation of “nurse independent prescriber”. This category replaces the following registrable occupations –

- specialist community public health nurse prescribing practitioner;
- midwife prescribing practitioner; and
- nurse prescribing practitioner.

This is to reflect the language used in UK legislation, where the “nurse independent prescriber” covers all categories of nurse and midwife who are lawfully able to administer “prescription only” medicines. As health care professionals can only be registered under the Health Care (Registration) (Jersey) Law 1995 if they are, firstly, registered with the relevant UK regulatory body, it is practical to mirror the terminology used in the UK.

#### **Financial and manpower implications**

There are no additional financial or manpower implications for the States arising from the adoption of these draft Regulations.

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## EXPLANATORY NOTE

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The Health Care (Registration) (No. 5) (Jersey) Regulations 201- (the “amending Regulations”) if passed will amend the Schedule to the Health Care (Registration) (Jersey) Law 1995 in order to extend the definition of “registrable occupation”, with the effect of applying the provisions of that Law to the following occupations –

- (a) optometrist independent prescriber;
- (b) paramedic independent prescriber;
- (c) pharmacist independent prescriber;
- (d) physiotherapist independent prescriber;
- (e) podiatrist independent prescriber; and
- (f) therapeutic radiographer independent prescriber.

It is an offence under the Health Care (Registration) (Jersey) Law 1995 for any person who is not registered to engage in a registrable occupation or to hold himself or herself out as being entitled to engage in that occupation.

The amending Regulations also combine the following registrable occupations into a single registrable occupation, being a nurse independent prescriber, in order to align with the nomenclature used in the United Kingdom for that occupation –

- (a) midwife prescribing practitioner;
- (b) nurse prescribing practitioner; and
- (c) specialist community public health nurse prescribing practitioner.





Jersey

## **DRAFT HEALTH CARE (REGISTRATION) (No. 5) (JERSEY) REGULATIONS 201-**

*Made* [date to be inserted]  
*Coming into force* [date to be inserted]

**THE STATES** make these Regulations under Article 17 of the Health Care (Registration) (Jersey) Law 1995<sup>1</sup> –

### **1 Schedule amended**

In the Schedule to the Health Care (Registration) (Jersey) Law 1995<sup>2</sup> –

- (a) “Midwife prescribing practitioner”, “Nurse prescribing practitioner” and “Specialist community public health nurse prescribing practitioner” are deleted; and
- (b) there is inserted in alphabetical order –
  - “Nurse independent prescriber”
  - “Optometrist independent prescriber”
  - “Paramedic independent prescriber”
  - “Pharmacist independent prescriber”
  - “Physiotherapist independent prescriber”
  - “Podiatrist independent prescriber”
  - “Therapeutic radiographer independent prescriber” ”.

### **2 Citation and commencement**

These Regulations may be cited as the Health Care (Registration) (No. 5) (Jersey) Regulations 201- and come into force 7 days after they are made.

## ENDNOTES

### Table of Endnote References

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<i>1</i>	<i>chapter 20.300</i>
<i>2</i>	<i>chapter 20.300</i>