

Explanatory Memorandum to: The National Health Service (NHS) (General Medical Services Contracts) (Wales) (Amendment) Regulations 2008

This Explanatory Memorandum has been prepared by the Department for Health and Social Services and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

Description

This Explanatory Memorandum makes changes to the National Health Service (NHS) (General Medical Services Contracts) (Wales) (Amendment) Regulations 2004 (S.I. 2004/478 (W.48) (the GMS Contracts Regulations) to make changes relating to the way in which Home Oxygen Services (HOS) may be ordered in Wales.

Matters of special interest to the Subordinate Legislation Committee
None

Legislative Background

These Regulations amend the GMS Contracts Regulations as detailed above that regulate the way in which primary medical services are delivered pursuant to the provisions of Part 4 of the National Health Service (Wales) Act 2006.

The changes introduced do not represent any new primary medical or pharmaceutical services policy; they eliminate the option of the use of the WP10 (NHS prescription form) for the prescription of home oxygen services. Prescribers will instead use the Home Oxygen Order Form (HOOF).

These Regulations are made by the Welsh Ministers exercising powers contained in section 47(1) and 203 (9) and (10) of the National Health Service (Wales) Act 2006.

This instrument will follow the negative resolution procedure.

Purpose and intended effect of the legislation

The amendments to the GMS Contracts Regulations contained within these Regulations are intended to require GPs to use the Home Oxygen Order Form instead of the WP10 (Prescription form) as the means of ordering oxygen for patients.

In June 2003, the Department of Health and the National Assembly for Wales announced plans to modernise the home oxygen service, following a review of the service, which took account of the recommendations of the Royal College of Physicians Working Group on oxygen therapy assessment and prescribing.

The changes, which came into force in February 2006, allow healthcare professionals, as well as GPs, to order oxygen therapy in the home. The WP10 prescription form should no longer be used for the prescription of

oxygen therapy or when requesting home oxygen therapy for new patients. Pharmacy contractors are no longer involved in providing this service. Like other clinicians, GPs should use the Home Oxygen Order Form. This form is sent direct to the service provider, who will use their technical expertise in deciding the equipment that will best meet the patient's clinical needs.

In Wales, Air Products are responsible for distributing oxygen to patients.

The amendments contained within these Regulations are intended to remove the option of using a WP10 for the prescription of home oxygen services. They include a definition of "home oxygen services", amend paragraphs 38 and 39 of Schedule 6 to the GMS Contracts Regulations regarding the use of the home oxygen order form, and provide to who may sign the form.

Implementation

The equivalent Department of Health (DH) regulations were amended in January 2008. Since devolution we have striven to maintain parity on policy with regard to the DH.

Due to the differences in the supply of oxygen therapy to patients in the home, the United Kingdom (UK) Health Departments recognised the importance of ensuring there is continuity of services to patients, when visiting the different parts of the UK. The NHS, healthcare professionals, patients and service suppliers are already fully aware of the new arrangements.

The new supplier of oxygen is being monitored and performance managed by Welsh Health Supplies on behalf of the Local Health Boards (LHB).

Consultation

There was a joint consultation by the Department of Health and the National Assembly for Wales on the plans to modernise the home oxygen service.

Regulatory Impact Assessment

A Regulatory Impact Assessment has not been prepared for this instrument as it will formalise the arrangements which have already been adopted.

Summary

The amendments contained within these Regulations will ensure that there is unified procedure and that the same standard of service provision for all patients who need to use the NHS home oxygen service and will maintain uniformity across the devolved administrations.