

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2007 No. (W.)

NATIONAL HEALTH
SERVICE, WALES

National Health Service (Free
Prescriptions and Charges for
Drugs and Appliances) (Wales)
Regulations 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace, with amendments, the National Health Service (Charges for Drugs and Appliances) Regulations 2001 as amended. They provide for the making and recovery of charges for drugs and appliances supplied under the National Health Service Act 1977. Provision for dental charges and optical charges is made separately.

Accordingly, these Regulations abolish charges in respect of drugs and appliances supplied to patients registered with GPs in Wales or registered with GPs in England but holding valid entitlement cards by doctors providing pharmaceutical services (**regulation 3**) by chemists providing pharmaceutical services (**regulation 4**) by Local Health Boards and NHS trusts (**regulation 5**) and at walk-in centres (**regulation 6**) and when they are supplied in accordance with patient group directions (**regulation 7**). **Regulations 3 and 4** further provide for charges for drugs and appliances to any patients other than patients registered with GPs in Wales or registered with GPs in England but holding valid entitlement cards.

The Regulations provide for exemptions from payment of charges for drugs and appliances which will apply to patients other than those registered with GPs in Wales or registered with GPs in England but holding valid entitlement cards (**Regulation 8**) and further provide for patients registered with GPs in Wales or registered with GPs in England but holding

valid entitlement cards to apply for exemption certificates.

The Regulations also provide exemption from charges for prisoners (**regulation 10**).

2007 No. (W.)

**NATIONAL HEALTH
SERVICE, WALES**

**National Health Service (Free
Prescriptions and Charges for
Drugs and Appliances) (Wales)
Regulations 2007**

Made 2007

Coming into force 2007

The National Assembly for Wales in exercise of the powers conferred by sections 77, 83, 83A and 126(4) of, and paragraph 1 of Schedule 12 to, the National Health Service Act 1977() hereby makes the following Regulations:-

Title, commencement and application

1.—(1) The title of these Regulations is the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007, and they come into force on 1 April 2007.

(2) These regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” (“*y Ddeddf*”) means the National Health Service Act 1977;

“accepted disablement” (“*anabledd wedi'i dderbyn*”) means physical or mental injury or disease which is accepted by the National Assembly as attributable to or aggravated by service in the armed forces of the Crown or such other service as it may determine;

“appliance” (“*cyfarpar*”) means a listed appliance within the meaning of section 41 of the Act but does not include a contraceptive appliance;

“batch issue” (“*swp-ddyroddiad*”) means a form provided by a Local Health Board and issued by a

repeatable prescriber at the same time as a repeatable prescription to enable a chemist to receive payment for the provision of repeat dispensing services, which is in the format specified in Part 2 of Schedule 1 to the GMS Contract Regulations, and which—

- (a) is generated by a computer and not signed by a repeatable prescriber;
- (b) relates to a particular repeatable prescription and contains the same date as that prescription;
- (c) is issued as one of a sequence of forms, the number of which is equal to the number of occasions on which the drugs or appliances ordered on the repeatable prescription may be provided; and
- (d) specifies a number denoting its place in the sequence referred to in paragraph (c);

“the Charges Regulations 2000” (*“Rheoliadau Ffioedd 2000”*) means the National Health Service (Charges for Drugs and Appliances) Regulations 2000;

“the Charges Regulations 2001” (*“Rheoliadau Ffioedd 2001”*) means the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001;

“chemist” (*“fferyllydd”*) includes any person, other than a doctor, providing pharmaceutical services;

“dispensing services” means “services corresponding to pharmaceutical services under the terms of a GMS contract which give effect to paragraphs 47 to 51 of Schedule 6 to the GMS Contract Regulations”;

“doctor” (*“meddyg”*) means a registered medical practitioner;

“Drug Tariff” (*“Tariff Cyffuriau”*) means the statement compiled, published and amended from time to time by the National Assembly pursuant to regulation 18 of the National Health Service (Pharmaceutical Services) Regulations 1992 (standards of, and payments for, drugs and appliances);

“drugs” (*“cyffuriau”*) includes medicines, but does not include contraceptive substances;

“elastic hosiery” (*“hosan elastig”*) means anklet, legging, knee-cap, below-knee or thigh stocking;

“entitlement card” (*“cerdyn hawl”*) has the meaning assigned to it by regulation 11(1);

“equivalent batch issue” (*“swp-ddyroddiad cyfatebol”*) means a form provided under equivalent arrangements having effect in England, Scotland and Northern Ireland which is issued by a repeatable prescriber at the same time as an

equivalent repeatable prescription to enable a chemist to receive payment for the provision of repeat dispensing services;

“equivalent prescription form” (*“ffurflen bresripsiwn gyfatebol”*) means a form provided and issued under equivalent arrangements having effect in England, Scotland or Northern Ireland to enable a person to obtain pharmaceutical services or local pharmaceutical services, or in Scotland pharmaceutical care services provided under Part 1 of the National Health Service (Scotland) Act 1978, and does not include—

- (a) a Welsh prescription form;
- (b) a Welsh repeatable prescription; or
- (c) an equivalent repeatable prescription;

“equivalent repeatable prescription” (*“presgripsiwn amlroddadwy cyfatebol”*) means a prescription contained in a form and issued in accordance with arrangements having effect in England, Scotland and Northern Ireland to enable a person to obtain repeat dispensing services;

“exemption” (*“esemptiad”*) means any remission granted under these regulations from charges payable under these regulations;

“exemption certificate” (*“tystysgrif esemptio”*) has the meaning assigned to it by regulation 9(1);

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

“GMS contract” means a general medical services contract under section 28Q of the Act;

“independent nurse prescriber” (*“nyrs sy’n rhagnodi’n annibynnol”*) means a person—

- (d) who is registered in Sub-Part 1 of the Nurses’ Part or in the Midwives’ Part of the register maintained by the Nursing and Midwifery Council under the Nursing and Midwifery Order 2001, and—
- (e) in respect of whom an annotation signifying that he or she is qualified to order drugs, medicines and appliances from—
 - (i) the Nurse Prescribers’ Formulary for District Nurses and Health Visitors in Part XVIIIB(i) of the Drug Tariff, or
 - (ii) the Nurse Prescribers’ Extended Formulary in Part XVIIIB(ii) of the Drug Tariff,

is also recorded in that register;

(1) S.I. 2004/478 (W.48).

“Local Health Board” (“*Bwrdd Iechyd Lleol*”) has the meaning assigned to it by section 16BA of the Act;

“National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“patient” (“*claf*”) means—

- (f) any person who is provided with primary medical services under Part 1 of the Act;
- (g) any person who applies to a chemist for the provision of pharmaceutical services and includes for the purposes of these Regulations a person acting on behalf of such a person;
- (h) any person who seeks information or treatment from a Walk-in centre;
- (i) any person who applies to be supplied with a drug in accordance with a Patient Group Direction;

“Patient Group Direction” (“*Cyfarwyddyd Grŵp Cleifion*”) is to be construed in accordance with regulation 7(6);

“pre-payment certificate” (“*tystysgrif ragdalu*”) has the meaning assigned to it by regulation 10(1);

“prescriber” means—

- (j) a doctor,
- (k) an independent nurse prescriber, and
- (l) a supplementary prescriber;

“Primary Care Trust” (“*Ymddiriedolaeth Gofal Sylfaenol*”) means a Primary Care Trust established under section 16A of the Act;

“prison” (“*carchar*”) includes a young offender institution but not a secure training centre or a naval, military or air force prison, and for the purposes of this definition--

“secure training centre” (“*canolfan hyfforddi diogel*”) means a place in which offenders subject to detention and training orders under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18: detention and training orders) may be detained and given training and education and prepared for their release; and

“young offender institution” (“*sefydliad tramgwyddwyr ifanc*”) means a place for the detention of offenders sentenced to detention in a young offender institution or to custody for life;

“prisoner” (“*carcharor*”) means a person who is detained in a prison in which medical, dental, ophthalmic, pharmaceutical or nursing services are provided under the Act by, or under arrangements made by a Local Health Board otherwise than by virtue of section 7(2) of the Health and Medicines Act 1988 (extension of the powers of Secretary of State for financing the Health Service);

“qualifying patient” (“*claf cymwys*”) has the meaning assigned to it by regulation 11(3);

“repeat dispensing services” means pharmaceutical services which involve the provision of drugs or appliances by a chemist in accordance with a repeatable prescription;

“repeatable prescriber” means a prescriber who is—

- (m) a GMS contractor who provides repeatable prescribing services under the terms of its contract which give effect to paragraph 40 of Schedule 6 to the GMS Regulations; or
- (n) employed or engaged by a GMS contractor who provides repeatable prescribing services under the terms of a contract which give effect to paragraph 40 of Schedule 6 to the GMS Regulations;

“supplementary prescriber” (“*rhagnodydd atodol*”) means a person whose name is registered in—

- (o) Sub-Part 1 of the Nurses’ Part or in the Midwives’ Part of the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001;
- (p) the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954; or
- (q) the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976, or
- (r) the part of the register maintained by the Health Professions Council in pursuance of article 5 of the Health Professions Order 2001 relating to—
 - (i) chiropodists and podiatrists,
 - (ii) physiotherapists,
 - (iii) optometrists, or
 - (iv) radiographers: diagnostic or therapeutic,

and against whose name is recorded in the relevant register an annotation signifying that he or she is qualified to order drugs, medicines and appliances as a supplementary prescriber;

“the Travelling Expenses and Remission of Charges Regulations” (“*y Rheoliadau Treuliau Teithio a Pheidio â Chodi Tâl*”) means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988;

“terms of service” (“*telerau gwasanaeth*”) means the terms on which general ophthalmic services and pharmaceutical services are provided under the Act;

“treatment” (“*triniaeth*”) includes examination and diagnosis;

“valid entitlement card” means an entitlement card which is in force and applies to the patient named on an equivalent prescription form;

“Walk-in centre” (“*Canolfan cerdded i mewn*”) means a centre at which information and treatment for minor conditions is provided to the public under arrangements made by or on behalf of the National Assembly;

“Welsh prescription form” (“*ffurflen bresripsiwn Gymreig*”) means a form provided by a Local Health Board or a Welsh NHS Trust and issued by a prescriber or a dentist to enable a person to obtain pharmaceutical services and does not include—

- (s) a Welsh repeatable prescription;
- (t) an equivalent prescription form; or
- (u) an equivalent repeatable prescription,

and for the purposes of this definition—

“Welsh NHS Trust” (“*un o Ymddiriedolaethau'r GIG yng Nghymru*”) means an NHS Trust all or most of whose hospitals, establishments and facilities are situated in Wales;

“Welsh repeatable prescription” (“*presripsiwn amolroddadwy Cymreig*”) means a prescription contained in a form provided by a Local Health Board and issued by a repeatable prescriber to enable a person to obtain pharmaceutical services, which is in the format specified in Part 1 of Schedule 1 to the GMS Contract Regulations and which—

- (v) is generated by a computer but signed by a repeatable prescriber; and
- (w) indicates that the drugs or appliances ordered on that form may be provided more than once, and specifies the number of occasions on which they may be provided.

(2) For the purposes of these Regulations the supply against an order on one prescription form, or on one repeatable prescription (but only where the supply is against one batch issue relating to that repeatable prescription)—

- (a) of quantities of the same drug in more than one container shall be treated as the supply of only one quantity of a drug;
- (b) of more than one appliance of the same type, except in the case of elastic hosiery and tights, or of two or more component parts of the same appliance, shall be treated as the supply of only one appliance.

(3) For as long as there are in existence contracts entered into under article 13 of the General Medical Services Transitional and Consequential (Wales) Provisions Order 2004 (“default contracts”) any reference in these Regulations to a GMS contract shall be read as including a reference to a contract entered into under that article and any reference to a term of a GMS contract shall be read as including a reference to the equivalent term of the default contract.

(4) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation in, or Schedule to, these Regulations which bears that number, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

Supply of drugs and appliances by chemists

3.—(1) A chemist who provides pharmaceutical services to a patient must not make or recover a charge for any drugs or appliances supplied as part of those services in the following circumstances—

- (a) where the patient presents a Welsh prescription form; or
- (b) where the patient presents both an equivalent prescription form and a valid entitlement card.

(2) Save where the circumstances in paragraph (1) (a) and (b) above are satisfied, a chemist who provides pharmaceutical services to a patient, must, subject to paragraph (6), make and recover from that patient,—

- (a) in respect of an item of elastic hosiery the charge that is specified in regulation 3(1)(a) of the Charges Regulations 2000,
- (b) in respect of the supply of each other appliance and each quantity of a drug, the charge that is specified in regulation 3(1)(b) of the Charges Regulations 2000.

(3) Where a charge is paid under paragraph (2), the person making the payment must on doing so sign a declaration in writing on the equivalent prescription form that the relevant charge has been paid.

(4) A chemist who provides repeat dispensing services to a patient must not make or recover a charge for any drugs or appliances supplied as part of those services in the following circumstances—

- (a) where a batch issue applies to the supply of any appliance or quantity of drug dispensed by the chemist to that patient; or
- (b) where an equivalent batch issue applies to the supply of any appliance or quantity of drug dispensed by the chemist to that patient and

where the patient presents a valid entitlement card.

(5) Save where the circumstances in paragraph (1) (a) and (b) above are satisfied, a chemist who provides repeat dispensing services to a patient must, subject to paragraph (6), make and recover from that patient—

- (a) in respect of an item of elastic hosiery, the charge specified in regulation 3(1A)(b)(i) of the Charges Regulations 2000,
- (b) in respect of the supply of each other appliance and of each quantity of a drug, the charge that is specified in regulation 3(1A)(b)(ii) of the Charges Regulations 2000.

(6) Where a charge is paid under paragraph (5), the person making the payment must on doing so sign a declaration in writing on the equivalent batch issue that the relevant charge has been paid.

(7) For the purposes of paragraph (2) where a drug ordered on a single equivalent prescription is supplied by instalments, the charge specified in regulation 3(4) of the Charges Regulations 2000 must be paid upon the supply of the first instalment].

(8) No charges may be made and recovered under paragraphs (2) or (5) where—

- (a) there is an exemption under regulation 8 and a declaration of entitlement to exemption is duly completed by or on behalf of the patient—
 - (i) in cases where an equivalent prescription form is presented, on the equivalent prescription form,
 - (ii) in cases falling within paragraph (5) on the equivalent batch issue relating to the equivalent repeatable prescription, at the time the drug or appliance is supplied;
- (b) the patient is resident in a school or institution the name of which is inserted on the equivalent prescription form by a prescriber pursuant to the term of a general medical services contract which gives effect to paragraph 44(2) of Schedule 6 to the GMS Contract Regulations or of other arrangements for the provision of primary medical services made under section 16CC(2) of the Act;
- (c) there is entitlement to remission of the charge under regulation 3 of the Travelling Expenses and Remission of Charges Regulations and a declaration of entitlement to remission is duly completed by or on behalf of the patient.

(9) A chemist, notwithstanding his or her terms of service, is under no obligation to provide pharmaceutical services in respect of an order on—

- (a) an equivalent prescription form,

(b) an equivalent repeatable prescription, unless he or she is first paid by the patient any charge required to be made and recovered by paragraph (2) or (5), as the case may be, in respect of that order.

(10) A chemist who makes and recovers a charge under paragraph (2) or (5) must, if so required by the patient, give the patient a receipt for the amount received on the form provided for the purpose which form must contain forms of declaration in support of an application for repayment and information as to whom an application for repayment should be made.

(11) Any sum which would otherwise be payable by a Local Health Board to a chemist in respect of the provision by the chemist of pharmaceutical services will be reduced by the amount of any charges which are required to be made and recovered by the preceding provisions of this regulation.

Supply of drugs and appliances by doctors

4.—(1) A doctor who provides pharmaceutical services to a patient must not make or recover a charge for any drugs or appliances supplied as part of those services where the patient presents a Welsh prescription form.

(2) Save where the circumstances in paragraph (1) above are satisfied in relation to that patient, a doctor who provides pharmaceutical services to such patient, must, subject to paragraph (3), make and recover from a patient,—

- (a) in respect of an item of elastic hosiery the charge that is specified in regulation 4(1)(a) of the Charges Regulations 2000,
- (b) in respect of the supply of each other appliance and each quantity of a drug, the charge that is specified in regulation 4(1)(b) of the Charges Regulations 2000].

(3) No charge may be made and recovered under paragraph (2) where—

- (a) there is exemption under regulation 8 and a declaration of entitlement to exemption on the equivalent prescription form is duly completed by or on behalf of the patient; or
- (b) there is entitlement to remission of the charge under regulation 3 of the Travelling Expenses and Remission of Charges Regulations and a declaration of entitlement to remission is duly completed by or on behalf of the patient.

(4) Where a charge is paid under paragraph (2), the person making the payment must on doing so sign a declaration in writing on the equivalent prescription form that the relevant charge has been paid.

(5) For the purposes of this paragraph (2) where a drug ordered on a single equivalent prescription form is supplied by instalments, the charge specified in regulation 4(4) of the Charges Regulations 2000 payable for that drug must be paid upon the supply of the first instalment.

(6) A doctor is under no obligation to provide pharmaceutical services for which a charge is required to be made and recovered by paragraph (2) unless he or she is first paid the amount of that charge by the patient.

(7) A doctor who makes and recovers a charge under paragraph (2) must, if so required by the patient, give the patient a receipt for the amount received on the form provided for the purpose which form must contain forms of declaration in support of an application for repayment and information as to whom an application for repayment should be made.

(8) Nothing in this regulation shall authorise the payment of a charge where the drug or appliance supplied either—

- (a) is needed for immediate treatment and no order for the drug or appliance is made on an equivalent prescription form; or
- (b) is administered or applied to the patient by the doctor personally.

Supply of drugs and appliances by Local Health Boards and NHS trusts

5. A patient is not liable to pay charges to a Local Health Board or an NHS trust which supplies to that patient for the purposes of his or her treatment, drugs, or appliances.

Supply of drugs and appliances at Walk-in centres

6. A patient is not liable to pay charges for drugs or appliances supplied for the purposes of his or her treatment by a prescriber at a Walk-in Centre or for drugs administered or appliance fitted at the Centre.

Supply of drugs under Patient Group Directions

7.—(1) A patient is not liable to pay charges for drugs supplied in accordance with a Patient Group Direction or for drugs supplied for personal administration by any person making the supply in accordance with the Patient Group Direction.

(2) For the purposes of this regulation the reference to the supply of a drug in accordance with a Patient Group Direction is a reference to the supply of a drug for that purpose as provided for in the Medicines (Pharmacy and General Sale - Exemption) Order 1980

or in the Prescription Only Medicines (Human Use) Order 1997.

Exemptions

8.—(1) Subject to paragraph (3), no charge will be payable under paragraphs (2) or (5) of regulation 3 or paragraph (2) of regulation 4 by

- (a) a person who is exempt under paragraph 1(1) (a) to (d) of Schedule 12 to the Act;
- (b) a person who has attained the age of 60 years;
- (c) a woman with a valid exemption certificate issued by arrangements in England, Scotland or Northern Ireland on the ground that she is an expectant mother or has within the last twelve months given birth to a live child or a child registrable as still-born under the Births and Deaths Registration Act 1953;
- (d) a person with a valid exemption certificate issued under arrangements for exemptions from charges for drugs and appliances in England, Scotland or Northern Ireland on the ground that he or she is suffering from one of more of the following conditions--
 - (i) permanent fistula (including caecostomy, colostomy, laryngostomy or ileostomy) requiring continuous surgical dressing or an appliance;
 - (ii) the following disorders—
 - forms of hypoadrenalism (including Addison's disease) for which specific substitution therapy is essential
 - diabetes insipidus and other forms of hypopituitarism
 - diabetes mellitus--except where treatment is by diet alone
 - hypoarathyroidism
 - myasthenia gravis
 - myxoedema
 - (iii) epilepsy requiring continuous anti-convulsive therapy;
 - (iv) a continuing physical disability which prevents the patient from leaving his or her residence without the help of another person;
- (e) a person with a valid exemption certificate or a valid pre-payment certificate issued under arrangements for exemptions from charges for drugs and appliances England, Scotland or Northern Ireland in respect of the supply of drugs and appliances for the treatment of

accepted disablement, but in either case only in respect of those supplies to which the certificate relates;

(2) Subject to paragraph (3) a person who wishes to claim entitlement to exemption under paragraph (1) must provide any declaration of entitlement required under regulations 3(6) or 4(3).

(3) A person who is exempt under paragraph 1(1)(c) of Schedule 12 to the Act or under paragraph (1)(b) of this regulation is not required to provide any declaration of entitlement required by regulations 3(6) or 4(3) where—

(a) an equivalent prescription form; or

(b) an equivalent repeatable prescription,

is issued and the person's date of birth is printed by means of a computer on the relevant form.

(4) An exemption by reference to age or the validity of an exemption certificate is to be determined by reference to the age or validity on the day on which—

(a) in the case of pharmaceutical services provided by a chemist, the order for drugs or appliances is presented for dispensing;

(b) in any other case, the drugs or appliances are supplied.

(5) Where a claim to exemption has been made but is not substantiated and in consequence of the claim a charge has not been recovered, the Local Health Board or, where the drugs or appliances were supplied by an NHS trust, that NHS trust must recover such charge from the person concerned.

Certificates of exemption – application and issue

9.—(1) Notwithstanding the provisions of regulations 3(1) and (4), 4(1), 5, 6 and 7(1), a person who wishes to claim exemption on the ground that

(a) she is an expectant mother or has within the last twelve months given birth to a live child or a child registrable as still-born under the Births and Deaths Registration Act 1953

(b) he or she is suffering from one or more of the conditions set out in paragraph (i) to (iv) of regulation 8(1)(d);

(c) he or she requires the supply of drugs and/or appliances for the treatment of accepted disablement

may apply for a certificate conferring exemption (to be known as an "exemption certificate") to the Local Health Board in the case of an exemption under sub-paragraph (a) or (b) on a form supplied for that purpose and in the case of an exemption under sub-paragraph (c) to an office of the

Department of Social Security on a form supplied for that purpose by the National Assembly.

(2) A Local Health Board, on being satisfied that an applicant is entitled to exemption under paragraph (1)(a), must issue an exemption certificate which will be valid—

- (a) in the case of an expectant mother until the end of her pregnancy and, where she gives birth to a live child or a child registrable as still-born under the Births and Deaths Registration Act 1953, until the end of the period of twelve months beginning with the expected date of confinement;
- (b) in the case of a mother who has given birth to a child, until the end of the period of twelve months beginning with the date of birth of that child.

(3) A Local Health Board, on being satisfied that an applicant is entitled to exemption under paragraph (1)(b) must issue to the applicant an exemption certificate which will be valid for such period as it may determine.

(4) The National Assembly, on being satisfied that an applicant is entitled to exemption under paragraph (1)(c), will issue to the applicant an exemption certificate which will be valid for such period as it may determine.

Exemption from charges for prisoners

10. A prisoner is not liable to pay any charges under these Regulations.

Entitlement cards

11.—(1) A Local Health Board, on being satisfied that a person is a qualifying patient, will issue to that person a card (in these Regulations referred to as an “entitlement card”) which will be valid for such period as the Local Health Board may determine.

(2) An entitlement card which is issued confers on the qualifying patient the right to obtain drugs and appliances free of charge under paragraphs (1)(b) and (4)(b)(i) of regulation 3 and paragraph (1) of regulation 4;

(3) For the purposes of these Regulations “a qualifying patient” means a person who—

- (a) is resident in Wales; and
- (b) receives primary medical services under Part 1 of the Act from a provider who is contracted to provide such services with a Primary Care Trust; and

includes a person acting on behalf of such a person.

Transitional Provisions

12. The transitional provisions in Schedule 1 take effect.

Minor and Consequential Amendments

13. The provisions listed in Schedule 2 are amended as therein specified.

Revocations

14. The Regulations specified in column (1) of Schedule 3 are revoked in relation to Wales to the extent specified in column (3) of that Schedule.

Signed on behalf of the National Assembly for Wales
under section 66(1) of the Government of Wales Act
1998(1)

Date

The Presiding Officer of the National Assembly

(1) 1998 c.38.

SCHEDULE 1

Transitional Provisions

Regulation 11

Repayment of charges

1.—(1) Where a charge has been paid under the Charges Regulations 2001 by or on behalf of a person who was at the time of payment exempt from the requirement to pay that charge, an application for repayment of that charge may be made in accordance with paragraph (2) by or on behalf of that person.

(2) The application for repayment must —

- (a) be made to the person or body specified in the receipt which is given under regulation 3(8), 4(6), 5(6), 6(5) or 7(5) of the Charges Regulations 2001 as being the person or body to whom application for repayment of charges is to be made;
- (b) be made in such form and manner as the National Assembly may determine for the applicant, any class of applicant or applicants generally;
- (c) be made within 3 months from the date on which the drug or appliance was supplied to the applicant or within such period as the National Assembly may, for good cause, allow;
- (d) be accompanied by the receipt for the charge paid and a declaration as to the grounds of exemption.

(3) In the case of a charge under regulation 5 in respect of an appliance specified in column (1) of Schedule 1 to the Charges Regulations 2001, regulation 11(3) of the Charges Regulations 2001 applies.

(4) Arrangements made by the National Assembly for the repayment of any charge paid under the Charges Regulations 2001 by a person who is entitled to exemption continue to have effect for the purposes of paragraph 1.

Pre payment Certificates

2.—(1) Where a person has obtained a pre-payment certificate by virtue of making any payment in accordance with under regulation 10 of the Charges Regulations 2001, and the relevant period as defined by paragraph (3) is unexpired, an application for a

refund may be made, by or on behalf of that person or his or her estate, in accordance with paragraph (4) in respect of each complete month following 1 April 2007.

(2) The refund referred to in paragraph (1) is calculable as follows—

- (a) in the case of a pre-payment certificate valid for 4 months, one quarter of the prescribed sum paid for each complete month during which the pre-payment certificate is or was valid;
- (b) in the case of a pre-payment certificate valid for 12 months one twelfth of the prescribed sum paid for each complete month during which the pre-payment certificate is or was valid;

and for the purposes of these calculations “complete month” means a month beginning on the monthly anniversary of the date upon which the pre-payment certificate became valid and ending on the date immediately preceding that date in the following month.

(3) In paragraph (1) “the relevant period” means the period of validity of the pre-payment certificate excluding the month in respect of which an application for repayment under paragraph (1) may be made.

(4) Applications under this regulation must be made to the Local Health Board that received the prescribed sum under regulation 10 of the Charges Regulations 2001 and must be accompanied by the certificate (where granted) and a declaration in support of the claim, and the claim and any repayment must be made in such manner and subject to such conditions as the National Assembly may determine.

SCHEDULE 2

Minor and Consequential Amendments

Regulation 12

The National Health Service Trusts (Pharmaceutical Services) Regulations 1992

3.—(1) The National Health Service Trusts (Pharmaceutical Services) Regulations 1992 are amended as provided in this paragraph.

(2) In regulation 2(1) (interpretation) substitute the definition of “the Charges Regulations” with the following—

““the Charges Regulations” means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007”.

(3) In paragraph (7) of Part 2 (Essential Services) of Schedule 2 delete the term “or (1A)”;

The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) Regulations 2003

4.

The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004

5.—(1) The National Health Service (General Medical Services) (Wales) Regulations 2004 are amended as provided in this paragraph.

(2) In paragraph 11A of Part 1 of Schedule 6 (Other Contractual Terms)—

(a) in sub-paragraph (1) substitute the definition of “the Charges Regulations” with the following—

““the Charges Regulations” means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007”.

(b) in sub-paragraph (5)(a) substitute the term “4(1)” with the term “4(3)”.

SCHEDULE 3

REGULATIONS REVOKED

Regulation 13

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Regulations revoked</i>	<i>Reference</i>	<i>Extent of revocation</i>
National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001	SI 2001/1358 (W.86)	The whole Regulations
National Health Service (Charges for Drugs and Appliances) (Amendment) (Wales) Regulations 2001	SI 2001/1359 (W.196)	The whole Regulations
National Health Service (Amendments concerning Supplementary and Independent Nurse Prescribing) (Wales) Regulations 2003	SI 2003/2624 (W.252)	Regulation 4
National Health Service (Pharmaceutical Services etc) (Repeatable Prescriptions) (Amendment) (Wales) Regulations 2004	SI 2004/1018 (W.115)	Regulations 1(4), 7 and 8
National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2004	SI 2004/1605 (W.164)	The whole Regulations
Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004	SI 2004/1771	Schedule 2, Part 2, paragraph 29

General Medical Services Transitional and Consequential Provisions (Wales) (No.2) Order 2004	SI 2004/1016 (W.113)	
National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2005	SI 2005/427 (W.44)	The whole Regulations
National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) (No.2) Regulations 2005	SI 2005/1915 (W.158)	The whole Regulations
National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2006	SI 2006/943 (W.92)	The whole Regulations
General Dental Services and Personal Dental Services Transitional and Consequential Provisions (Wales) Order 2006	SI 2006/946 (W.95)	Paragraph 4 of Schedule 1
National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) (No.2) Regulations 2006	SI 2006/1792 (W.188)	The whole Regulations

SCHEDULE

regulation 2

Amounts substituted in the principal Regulations

<i>(1)</i> <i>Provision in</i> <i>the principal</i> <i>Regulations</i>	<i>(2)</i> <i>Subject matter</i>	<i>(3)</i> <i>Old</i> <i>amount</i>	<i>(4)</i> <i>New</i> <i>amount</i>
Regulation 3	Supply of drugs and appliances by chemists—		
paragraph (1)(a)(i)	charge for elastic hosiery— per item per pair	£4.00 £8.00	£3.00 £6.00
paragraph (1)(a)(ii)	charge for drugs, and for appliances not specified in paragraph (1)(a)(i)	£4.00	£3.00
paragraph (3)(a)(i)	charge for elastic hosiery— per item per pair	£4.00 £8.00	£3.00 £6.00
paragraph (3)(a)(ii)	charge for drugs, and for appliances not specified in paragraph (3)(a)(i)	£4.00	£3.00
paragraph (5)(a)	charge for drugs supplied by instalments	£4.00	£3.00
Regulation 4	Supply of drugs and appliances by doctors—		
paragraph (1)(a)(i)	charge for elastic hosiery—		

	per item	£4.00	£3.00
	per pair	£8.00	£6.00
paragraph (1)(a)(ii)	charge for drugs, and for appliances not specified in paragraph (1)(a)(i)	£4.00	£3.00
paragraph (4)	charge for drugs supplied by instalments	£4.00	£3.00
Regulation 5	Supply of drugs and appliances to out-patients by Local Health Boards and NHS Trusts—		
paragraph (1)(a)	charge for elastic hosiery—		
	per item	£4.00	£3.00
	per pair	£8.00	£6.00
paragraph (1)(c)	charge for tights	£8.00	£6.00
paragraph (1)(d)	charge for drugs, and appliances not specified in paragraph (1)(a) or (1)(c), or in Schedule 1	£4.00	£3.00
paragraph (5)	charge for drugs supplied by instalments	£4.00	£
			3.00
Regulation 6	Supply of drugs and appliances at Walk-in centres—		
paragraph (1)(a)	charge for elastic hosiery—		
	per item	£4.00	£3.00
	per pair	£8.00	£6.00
paragraph (1)(b)	charge for drugs, and	£4.00	£3.00

	appliances not specified in paragraph (1)(a)		
paragraph (4)	charge for drugs supplied by instalments	£4.00	£3.00
Regulation 7(1)	Supply of drugs under Patient Group Directions	£4.00	£3.00
Regulation 10(5)	Pre-payment Certificate—		
	4 months	£20.93	£15.69
	12 months	£57.46	£43.09

Pwyllgor Iechyd a Gwasanaethau Cymdeithasol

HSS(2)-16-06(p.3)

Dyddiad Y Cyfarfod: Dydd Mercher 15 Tachwedd 2006

Lleoliad: Ystafell Pwyllgor 1, Senedd, Cynulliad Cenedlaethol Cymru

Teitl: Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am ddim a Ffioedd ar gyfer Cyffuriau a Theclynnau) (Cymru) 2007

Pwrpas

Gwahoddir y Pwyllgor i ystyried Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am ddim a ffioedd ar gyfer cyffuriau a theclynnau) (Cymru) 2007.

Crynodeb

Mae'r Pwyllgor Iechyd a Gwasanaethau Cymdeithasol wedi gofyn am y cyfle i graffu ar y Rheoliadau hyn.

Effaith bwriadedig yr Offeryn yw sicrhau fod yr holl gleifion sydd â ffurflen bresgripsiwn Gymreig, sy'n ei chyflwyno ar gyfer derbyn cyffuriau mewn fferyllfa Gymreig, yn derbyn eu meddyginiaeth am ddim ar bwynt cyflwyno'r presgripsiwn. Bydd cleifion sy'n cyflwyno ffurflenni presgripsiwn Saesnig ynghyd â cherdyn hawl dilys yn derbyn yr un buddiannau. Hefyd ni fydd unrhyw newidiadau ar gyfer wigiau a theclynnau a roddir i gleifion Cymreig o dan yr un amodau.

Cefndir

Cadwodd Cynulliad Cenedlaethol Cymru ffioedd presgripsiwn yr un fath ar £6 fesul eitem yn Ebrill 2001, ac yn dilyn ymrwymiad maniffesto, mae wedi bod yn gweithio tuag at ddiddymu ffioedd presgripsiwn ers 2003. Cyflawnwyd gostyngiad o £1 yn Hydref 2004, a £1 pellach yn Ebrill 2005 ac Ebrill 2006, sy'n golygu fod y ffi ar hyn o bryd yn £3 fesul eitem. Byddai'r Gorchymyn hwn yn dileu ffioedd presgripsiwn o Ebrill 2007 ymlaen.

Bydd yn sicrhau nad yw presgripsiynau sydd wedi'u hysgrifennu ar ffurflen bresgripsiwn Gymreig gan presgripsiynydd sydd wedi cofrestru gyda Bwrdd Iechyd Lleol Cymreig neu Ymddiriedolaeth GIG ac wedi derbyn y cyffuriau mewn fferyllfa yng Nghymru yn achosi talu ffi. Hefyd ni fydd unrhyw ffi ar gyfer wigiau a theclynnau a roddir i gleifion Cymreig o dan yr un amodau.

Bydd cleifion sy'n cyflwyno eu ffurflen bresgripsiwn Gymreig mewn fferyllfa neu gontractwr teclynnau yn Lloegr yn destun i Reoliadau GIG (Ffioedd am Gyffuriau a Theclynnau) Rheoliadau 2000, ac yn cael eu heithrio o'r ffi dim ond os ydynt yn bodloni'r meini prawf a amlinellir yn y Rheoliadau hynny. Os nad ydynt mewn unrhyw un o'r categorïau eithriad, byddant yn destun i'r ffi a nodir yn y Rheoliadau hynny, sydd ar hyn o bryd yn £6.65 fesul eitem. Bydd cleifion sydd ym meddiant ffurflen bresgripsiwn Saesnig ac sy'n ei chyflwyno er mwyn derbyn cyffuriau mewn fferyllfa Gymreig hefyd yn destun i Reoliadau GIG (Ffioedd am Gyffuriau a Theclynnau) 2000, oni bai bod ganddynt gerdyn

hawl dilys, sy'n dangos eu bod yn glaf Cymreig sydd wedi'u cofrestru gyda Meddyg Teulu yn Lloegr.

Mae'r Rheoliadau yn caniatáu i gleifion sy'n dewis cyflwyno eu presgripsiynau yn Lloegr, ac sy'n cael eu heithrio o'r ffioedd ar sail oedran neu feddygol, hawlio'r eithriad hwnnw. Gellir darparu'r tystysgrifau eithriad priodol i'r cleifion hynny os gwnânt gais i'w Bwrdd Iechyd Lleol neu i asiantaeth benodedig y bwrdd hwnnw.

Bydd cleifion Cymreig sy'n cael wigiau a theclynnau gan ymddiriedolaethau yn Lloegr yn destun i ffioedd Lloegr, ac mae'n debygol y bydd comisiynwyr y gwasanaethau hyn eisiau cyrraedd cytundebau gydag Ymddiriedolaethau i gael eu bilio am yr eitemau hyn er mwyn sicrhau bod eu cleifion yn cael eu trin yn deg.

Cydymffurfiad

Bydd y ddeddfwriaeth arfaethedig (cyn belled ag y bo'n berthnasol):

- yn rhoi sylw priodol i'r egwyddor o gyfle cyfartal i'r holl bobl (Deddf Llywodraeth Cymru 1998 Rhan 120);
- yn gydnaws â chynllun y Cynulliad ar gyfer datblygiad cynaliadwy (Rhan 121);
- yn gydnaws â chyfraith y Gymuned (Rhan 106);
- yn gydnaws â deddfwriaeth hawliau dynol y Cynulliad (Rhan 107); a
- yn gydnaws â unrhyw rwymedigaethau rhyngwladol sy'n rhwymo Llywodraeth y DU a'r Cynulliad (Rhan 108).

Goblygiadau Ariannol

Amcangyfrifir y bydd y gost o weithredu'r Rheoliadau hyn yn £14.8m ar gyfer 2007-08. Mae darpariaeth eisoes wedi ei gwneud ar gyfer hyn yn llinell wariant presgripsiynu cyffuriau BILI, Bel 0020 BaulLI ac Ymddiriedolaethau a Chyllidebau Canolog - Gwariant Refeniw. Amcangyfrifir bod yr amcangyfrif cyfanswm cost flynyddol 2007-08 i ariannu'r gostyngiadau ffioedd presgripsiwn yn llawn sy'n cael ei weithredu gan hyn a'r Offerynnau Statudol blaenorol (Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Theclynnau) (Cymru) (Diwygiad) 2004) a (Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Theclynnau) (Cymru) (Diwygiad) 2005) yn £29.5 miliwn, o'i gymharu â'r amcangyfrifon gwreiddiol o £32.2m yn 2002-03. Roedd y wybodaeth wreiddiol yn seiliedig ar yr amcangyfrif gorau ar y pryd yn 2002/03, ond mae'r ffigyrau newydd yn seiliedig ar ad-daliadau gwirioneddol i BaulLI i'w had-dalu am golled incwm yn eu cyllideb presgripsiynu Cyffuriau. Mae Llywodraeth Cynulliad Cymru wedi rhoi ymrwymiad yn "Cymru: Gwlad Well" i ddiddymu'r holl daliadau presgripsiwn erbyn Ebrill 2007. Dyma'r cam olaf yn y broses honno; mae'r gostyngiad cyntaf a'r ail wedi digwydd yn Hydref 2004 ac Ebrill 2005, a'r trydydd yn Ebrill 06.

Themâu Trawsbynciol

Mae'r Llywodraeth hon yn ymroddedig i Wella Iechyd a Lles yng nghyd-destun 'Cymru : Gwlad Well' ac yn ystyried y bydd diddymu'r ffi presgripsiwn erbyn diwedd y Cynulliad hwn yn sicrhau na fydd unrhyw glaf yn penderfynu casglu

eitemau meddyginiaeth ar sail cost. Dylai hyn yn ei dro wella ansawdd bywyd llawer o gleifion a gostwng mynediad i ysbytai y gellid ei osgoi.

Gweithredu ar gyfer Pwyllgor Pwnc

Craffu ar Reoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Theclynnau) (Cymru) 2007.

Brian Gibbons

Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol

Pwynt Cyswllt: Carolyn Poulter (CPCHSD)

I: Pwyllgor Busnes
Gan: Brian Gibbons AC
Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol

MEMORANDWM ESBONIADOL

GWASANAETH IECHYD GWLADOL, CYMRU

RHEOLIADAU'R GWASANAETH IECHYD GWLADOL (PRESGRIPSIYNAU AM DDIM A FFIOEDD AM GYFFURIAU A THECLYNNAU) (CYMRU) 2007

Crynodeb

Effaith bwriadedig yr Offeryn yw sicrhau fod yr holl gleifion sydd â ffurflen bresgripsiwn Gymreig, sy'n ei chyflwyno ar gyfer derbyn cyffuriau mewn fferyllfa Gymreig, yn derbyn eu meddyginiaeth am ddim ar bwynt cyflwyno'r presgripsiwn. Bydd cleifion sy'n cyflwyno ffurflenni presgripsiwn Saesneg ynghyd â cherdyn hawl dilys yn derbyn yr un buddiannau. Hefyd ni fydd unrhyw daliadau ar gyfer wigiau a theclynnau a roddir i gleifion Cymreig o dan yr un amodau.

1. Mae'r Memorandwm hwn yn cael ei gyflwyno i Bwyllgor Busnes y Cynulliad mewn perthynas â Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau Am Ddim a Ffioedd am Gyffuriau a Theclynnau) (Cymru) 2007, yn unol â Rheol Sefydlog 24.6.
2. Mae copi o'r Offeryn hwn wedi ei gyflwyno gyda'r Memorandwm.

Pŵer Galluogi

3. Mae'r pwerau sy'n galluogi creu'r Offeryn hwn wedi'u cynnwys yn rhannau 77, 83, 83A a 126(4) o a pharagraff 1 o Restr 12 y Ddeddf Gwasanaeth Iechyd Gwladol 1977. Trosglwyddwyd y pwerau hyn i Gynulliad Cenedlaethol Cymru ac yn eu tro cawsant eu dirprwyo i'm portffolio fel Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol.

Effaith

4. Effaith bwriadedig yr Offeryn hwn yw:
 - sicrhau nad yw presgripsiynau a ysgrifennwyd ar ffurflen bresgripsiwn Gymreig gan presgripsiynydd sydd wedi cofrestru gyda Bwrdd Iechyd Lleol Cymreig neu Ymddiriedolaeth GIG ac wedi derbyn y cyffuriau mewn fferyllfa yng Nghymru yn achosi unrhyw ffi;
 - caniatáu i gleifion sy'n dewis cyflwyno eu presgripsiynau yn Lloegr, ac sy'n cael eu heithrio o'r ffioedd ar sail oedran neu feddygol, hawlio'r eithriad hwnnw. Gellir darparu'r tystysgrifau eithriad priodol i'r cleifion hynny os gwnânt gais i'w Bwrdd Iechyd Lleol neu i asiantaeth benodedig y bwrdd hwnnw; a
 - sicrhau na fydd unrhyw ffi ar gyfer wigiau a theclynnau a roddir i gleifion Cymreig o dan yr un amodau.

5. Bydd cleifion sy'n cyflwyno eu ffurflen bresgripsiwn Gymreig mewn fferyllfa neu gontractwr teclynnau yn Lloegr yn destun i Reoliadau GIG (Ffioedd am Gyffuriau a Theclynnau) Rheoliadau 2000 ac yn cael eu heithrio o'r ffi dim ond os ydynt yn bodloni'r meini prawf a amlinellir yn y Rheoliadau hynny. Os nad ydynt mewn unrhyw un o'r categorïau eithriad byddant yn destun i'r ffi a nodir yn y Rheoliadau hynny, sydd ar hyn o bryd yn £6.65 fesul eitem. Bydd cleifion sydd ym meddiant ffurflen bresgripsiwn Saesneg a gyflwynir er mwyn derbyn cyffuriau mewn fferyllfa Gymreig hefyd yn destun i Reoliadau GIG (Ffioedd am Gyffuriau a Theclynnau) 2000 oni bai bod ganddynt gerdyn hawl dilys, sy'n dangos eu bod yn glaf Cymreig sydd wedi'u cofrestru gyda Meddyg Teulu yn Lloegr.
6. Bydd cleifion Cymreig sy'n cael wigiau a theclynnau gan ymddiriedolaethau yn Lloegr yn destun i ffioedd Lloegr, ac mae'n debygol y bydd comisiynwyr y gwasanaethau hyn eisïau cyrraedd cytundebau gydag Ymddiriedolaethau i gael eu bilio am yr eitemau hyn er mwyn sicrhau bod eu cleifion yn cael eu trin yn deg. Cyhoeddir cyfarwyddyd i'r diben hwn.
7. Bydd y Rheoliadau hyn yn gweithredu polisi Cymreig sy'n gyfan gwbl ar wahân, gan eu bod yn gam olaf y rhaglen y cytunwyd arni i ddiddymu'r ffioedd presgripsiwn yng Nghymru.

Targed Gweithrediad

8. Bwriedir ffurfio'r Rheoliadau hyn ar 23 Ionawr 2007 a byddant yn dod i rym ar 1 Ebrill 2007. Os nad yw'r dyddiadau bwriadedig yn cael eu cwrdd, yna ni fydd ymrwymiad y maniffesto yn cael ei gyflenwi i gleifion Cymreig.

Goblygiadau Ariannol

9. Amcangyfrifir y bydd y gost o weithredu'r Rheoliadau hyn yn £14.8m ar gyfer 2007-08. Mae darpariaeth eisïoes wedi ei gwneud ar gyfer hyn yn llinell wariant presgripsiynu cyffuriau BILI, Bel 0020 BaulLI ac Ymddiriedolaethau a Chyllidebau Canolog - Gwariant Refeniw. Amcangyfrifir bod yr amcangyfrif cyfanswm cost flynyddol 2007-08 i ariannu'r gostyngiadau ffioedd presgripsiwn yn llawn a weithredir gan hyn a'r Offerynnau Statudol blaenorol (Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Theclynnau) (Cymru) (Diwygiad) 2004) a (Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Theclynnau) (Cymru) (Diwygiad) 2005) yn £29.5 miliwn, o'i gymharu â'r amcangyfrifon gwreiddiol yn 2002-03 o £32.2m. Roedd y wybodaeth wreiddiol yn seiliedig ar yr amcangyfrif gorau ar y pryd yn 2002/03, ond mae'r ffigyrau newydd yn seiliedig ar yr ad-daliadau gwirioneddol i BaulLI i'w had-dalu am golled incwm yn eu cyllideb presgripsiynu Cyffuriau.
10. Mae Llywodraeth Cynulliad Cymru wedi rhoi ymrwymiad yn "Cymru: Gwlad Well" i ddiddymu'r holl newidiadau presgripsiwn erbyn Ebrill 2007. Dyma'r cam olaf yn y broses honno; mae'r gostyngiad cyntaf a'r ail wedi digwydd yn Hydref 2004 ac Ebrill 2005, a'r trydydd yn Ebrill 06.

Arfarniad Rheoliadol

11. Mae Arfarniad Rheoliadol wedi ei wneud mewn perthynas â'r Offeryn hwn ac mae ynghlwm.

Ymgynghoriad

Gyda Rhanddeiliaid

12. Dyma'r rhan olaf yn y rhaglen y cytunwyd arni i ddiddymu'r ffi presgripsiwn. Roedd y penderfyniad i fabwysiadu gostyngiad graddol yn deillio o'r ymgynghoriadau cychwynnol a gafwyd gyda grŵp rhanddeiliaid, yn cynnwys cynrychiolwyr o Fferylliaeth Gymunedol Cymru, Cymdeithas Feddygol Prydain (GPC Cymru), y Coleg Fferylliaeth Frenhinol, the Cymdeithas Cynghorau Iechyd Cymuned Cymru (CHCs), Atebion Iechyd Cymru, Byrddau Iechyd Lleol, y Prif Ymgynghorydd Fferyllol a'r Gwasanaeth Iechyd Cyhoeddus Cenedlaethol. Cynhaliwyd cyfarfodydd dilynol gyda'r sefydliadau hyn i drafod elfennau o weithrediad y polisi.

Gyda Phwyllgor Pwnc

13. Hysbyswyd y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol o'r Rheoliadau hyn, drwy'r rhestr o ddeddfwriaeth sydd ar y gweill, ar 15 Mehefin 2006 (HSS(2)-10-06(p.2a), eitem rhif: HSS 23 (06)) ac mae wedi parhau ar y rhestr ers hynny. Dynodwyd y Rheoliadau ar gyfer craffu manwl a'u rhaglennu ar gyfer cyfarfod y Pwyllgor ar 15 Tachwedd 2006.

Gweithdrefn Argymelledig

14. Yn amodol ar safbwyntiau'r Pwyllgor Busnes, rwyf yn argymell bod y Rheoliadau hyn yn mynd ymlaen i'r Cyfarfod Llawn o dan y weithdrefn Safonol fel bod Aelodau'r Cynulliad yn cael pob cyfle i archwilio a thrafod y newidiadau arfaethedig.

Cydymffurfiad

15. Bydd y ddeddfwriaeth arfaethedig (cyn belled ag y bo'n berthnasol):

- yn rhoi sylw priodol i'r egwyddor o gyfle cyfartal i'r holl bobl (Deddf Llywodraeth Cymru 1998 Rhan 120);
- yn gydnaws â chynllun y Cynulliad ar gyfer datblygiad cynaliadwy (Rhan 121);
- yn gydnaws â chyfraith y Gymuned (Rhan 106);
- yn gydnaws â deddfwriaeth hawliau dynol y Cynulliad (Rhan 107); a
- yn gydnaws â unrhyw rwymedigaethau rhyngwladol sy'n rhwymo Llywodraeth y DU a'r Cynulliad (Rhan 108).

16. Cymeradwywyd y wybodaeth yn y Memorandwm hwn gan yr Adran Gwasanaethau Cyfreithiol.

17. Cyfreithiwr Drafftio – Neil Buffin Est. 1561

18. Pennaeth Cangen – Carolyn Poulter Est. 3014

19. Swyddog Polisi Drafftio – Karen Morgan Est. 3858

BRIAN GIBBONS AC **HYDREF 2006**
GWEINIDOG DROS IECHYD A GWASANAETHAU CYMDEITHASOL

ARFARNIAD RHEOLIADOL

Gwasanaeth Iechyd Gwladol, Cymru

RHEOLIADAU'R GWASANAETH IECHYD GWLADOL (PRESGRIPSIYNAU AM DDIM A FFIOEDD AM GYFFURIAU A THECLYNNAU) (CYMRU) 2007

Pwrpas ac effaith bwriadedig y mesur

1. Effaith bwriadedig yr Offeryn yw sicrhau fod yr holl gleifion sydd â ffurflen bresgripsiwn Gymreig, sy'n ei chyflwyno ar gyfer derbyn cyffuriau mewn fferyllfa Gymreig yn derbyn eu meddyginiaeth am ddim ar bwynt cyflwyno'r presgripsiwn. Bydd cleifion sy'n cyflwyno ffurflenni presgripsiwn Saesneg ynghyd â cherdyn hawl dilys yn derbyn yr un buddiannau. Hefyd ni fydd unrhyw daliadau ar gyfer wigiau a theclynau a roddir i gleifion Cymreig o dan yr un amodau.

Asesiad Risg

2. Dadleuwyd ers amser maith nad yw cleifion ar incymau isel yn casglu eitemau ar eu presgripsiynau oherwydd na allant fforddio gwneud hynny. Hefyd mae llawer o grwpiau cleifion, nad ydynt ar hyn o bryd wedi'u heithrio o'r ffioedd ar sail feddygol, ond sydd ag achos dros ddadlau y dylent fod. Er mwyn rhoi sylw i'r rhain a phryderon eraill, mae Llywodraeth Cynulliad Cymru yn ymroddedig i ddiddymu'r holl ffioedd presgripsiwn erbyn Ebrill 2007. Mae'r Gorchymyn yn cynrychioli'r cam olaf yn y broses honno, gyda gostyngiadau eraill wedi digwydd yn Hydref 2004, Ebrill 2005 ac Ebrill 2006. Y risg o beidio gwneud y Rheoliadau hyn yw y bydd yr anawsterau sydd gan gleifion yn parhau i fodoli.

Opsiynau

Opsiwn 1: 'Gwneud Dim'

3. Byddai cost presgripsiynau a thystysgrifau rhagdaliad yn aros yr un fath. Os nad yw'r dyddiadau bwriadedig yn cael eu cwrdd, yna ni fydd yr ymrwymiad maniffesto yn cael ei gyflenwi i gleifion Cymreig.

Opsiwn 2: 'Gwneud y Ddeddfwriaeth'

4. Bydd gweithredu'r Rheoliadau hyn yng Nghymru yn caniatáu i bresgripsiynau gael eu rhoi am ddim i bawb sy'n cymhwyso. Bydd y Rheoliadau hyn yn dod â buddiannau iechyd tymor hir i'r bobl hynny nad ydynt yn gallu fforddio talu am bob eitem ar eu presgripsiwn ar hyn o bryd, a bydd o fudd i'r cyhoedd yn gyffredinol.

Buddiannau

5. Dylai diddymu'r ffi a roddir i gleifion am eu meddyginiaeth helpu i'w rhwystro rhag bod yn ddetholiadol ynghylch pa gynnyrch y maent yn ei ddewis, sy'n dod â buddiannau iechyd tymor hirach. Gobeithir hefyd y bydd hyn yn gwella cydymffuriad cleifion gyda'u meddyginiaeth.

Costau

6. Amcangyfrifir y bydd y gost o weithredu'r Rheoliadau hyn yn £14.8m ar gyfer 2007-08. Mae darpariaeth eisoes wedi ei wneud ar gyfer hyn yn llinell wariant presgripsiynu cyffuriau BILI, Bel 0020 BaulLI ac Ymddiriedolaethau a Chyllidebau Canolog - Gwariant Refeniw. Amcangyfrifir bod yr amcangyfrif cyfanswm cost flynyddol 2007-08 i ariannu'r gostyngiadau ffioedd presgripsiwn yn llawn sy'n cael ei weithredu gan hyn a'r Offerynnau Statudol blaenorol (Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Theclynnau) (Cymru) (Diwygiad) 2004) a (Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd am Gyffuriau a Theclynnau) (Cymru) (Diwygiad) 2005) yn £29.5 miliwn, o'i gymharu â'r amcangyfrifon gwreiddiol yn 2002-03 o £32.2m. Roedd y wybodaeth wreiddiol yn seiliedig ar yr amcangyfrif gorau ar yr amser yn 2002/03, ond mae'r ffigyrau newydd yn seiliedig ar yr ad-daliadau gwirioneddol i BaulLI i'w had-dalu am golled incwm yn eu cyllideb presgripsiynu Cyffuriau.
7. Mae Llywodraeth Cynulliad Cymru wedi rhoi ymrwymiad yn "Cymru: Gwlad Well" i ddiddymu'r holl newidiadau presgripsiwn erbyn Ebrill 2007. Dyma'r cam olaf yn y broses honno; mae'r gostyngiad cyntaf a'r ail wedi digwydd yn Hydref 2004 ac Ebrill 2005, a'r trydydd yn Ebrill 06.

Asesiad Cystadleuaeth

8. Bydd unrhyw effaith cystadleuol negyddol sy'n codi o'r diwygiad arfaethedig yn cael ei gyfyngu i fferyllfeydd Saesnig ar y ffin a allai golli busnes gan gleifion Cymreig, ond mae'n debygol fod hyn wedi digwydd eisoes oherwydd y gostyngiadau yn y ffi.

Ymgynghoriad

GYDA RHANDDEILIAID

9. Dyma'r rhan olaf yn y rhaglen y cytunwyd arni i ddiddymu'r ffi presgripsiwn. Roedd y penderfyniad i fabwysiadu gostyngiad graddol yn deillio o'r ymgynghoriadau cychwynnol gyda'r grŵp rhanddeiliaid, yn cynnwys cynrychiolwyr o Fferylliaeth Gymunedol Cymru, Cymdeithas Feddygol Prydain (GPC Cymru), y Coleg Fferylliaeth Frenhinol, the Cymdeithas Cynghorau Iechyd Cymuned Cymru (CHCs), Atebion Iechyd Cymru, Byrddau Iechyd Lleol, y Prif Ymgynghorydd Fferyllol a'r Gwasanaeth Iechyd Cyhoeddus Cenedlaethol. Cynhaliwyd cyfarfodydd dilynol gyda'r sefydliadau hyn i drafod elfennau o weithrediad y polisi.

GYDA'R PWYLLGOR PWNC

10. Hysbyswyd y Rheoliadau hyn i'r Pwyllgor Iechyd a Gwasanaethau Cymdeithasol, drwy'r rhestr o ddeddfwriaeth sydd ar y gweill, ar 15 Mehefin 2006 (HSS(2)-10-06(p.2a), eitem rhif: HSS 23 (06)) ac mae wedi parhau ar y rhestr ers hynny. Dynodwyd y Rheoliadau ar gyfer craffu manwl a'u rhaglennu ar gyfer cyfarfod y Pwyllgor ar 15 Tachwedd 2006.

Adolygiad

11. Bydd effaith y Rheoliadau hyn yn cael ei fonitro a'i adolygu drwy gasglu data dosbarthu cyffuriau ar bresgripsiwn gan Atebion Iechyd Cymru.

Crynodeb

Bydd y diwygiad arfaethedig yn rhoi presgripsiynau am ddim i'r holl gleifion yng Nghymru.