

Education and Training Committee, 5 March 2015

Extension of prescribing rights and use of exemptions from medicines legislation

Executive summary and recommendations

Introduction

The government is proposing to amend legislation to extend independent and supplementary prescribing rights and the use of exemptions to four professions regulated by the HCPC. Specifically the amendments would allow for:

- independent prescribing by paramedics and radiographers;
- supplementary prescribing by dietitians; and
- the use of exemptions in legislation by orthoptists to sell, supply and administer medicines.

This paper provides background information on the project, led by NHS England; the relevant prescribing, supply and administration mechanisms; the implications of the proposed changes for the HCPC; and next steps to be taken once amendments to legislation are made.

Decision

This paper is to note; no decision is required.

Background information

See paper.

Resource implications

Resource requirements associated with development and publication of a new set of standards; assessment of new training programmes; and delivery of a major project to enable annotation of orthoptists' entries on the Register have been accounted for in planning for the 2015-16 financial year.

Financial implications

The financial implications include the cost of delivering a major project to enable annotation of orthoptists' entries on the Register. This has been accounted for in planning for the 2015-16 financial year.

Appendices

None.

Date of paper

23 February 2015

Extension of prescribing rights and use of exemptions from medicines legislation

1. Introduction

- 1.1 NHS England, working alongside the Department of Health, Medicines and Healthcare Products Regulatory Agency (MHRA) and the devolved administrations, is currently undertaking a project with the aim of amending legislation to allow for:
- independent prescribing by paramedics and radiographers;
 - supplementary prescribing by dietitians; and
 - the use of exemptions in legislation to sell, supply and administer medicines by orthoptists.
- 1.2 This paper provides background information on the NHS England project and the relevant mechanisms; the implications of the proposed changes for the HCPC; and an update on next steps to be taken once amendments to legislation are made.

2. Background to the project

- 2.1 Scoping work was carried out beginning in 2009 to establish whether there was evidence of service and patient need to support extending prescribing and medicines administration and supply mechanisms available to the allied health professions (AHPs).
- 2.2 In 2013, amendments to legislation came into effect to extend independent prescribing to registered chiropodists / podiatrists and physiotherapists who have completed approved training.
- 2.3 The current project began in October 2014 and the Executive is participating on the project advisory board. The project has also included substantial involvement by the relevant professional bodies – the College of Paramedics, the Society and College of Radiographers, the British Dietetic Association and the British and Irish Orthoptic Society – who have been responsible for producing the relevant practice guidance and outcome curriculum frameworks.
- 2.4 The intention is for the changes to apply across the whole of the UK, meaning that legislative amendments will need to be made by Parliament and subsequently in the devolved administrations.

- 2.5 A public consultation on the changes is due to be published in late February 2015 and to conclude around eight weeks later. At the time of writing, the legislative amendments are expected in early 2016, following approval by the Commission on Human Medicines (CHM) and agreement by Ministers.

3. About prescribing and the use of exemptions

- 3.1 Prescribing and medicines supply and administration mechanisms are governed by the Medicines Act 1968 and subsequent regulations. The Human Medicines Regulations 2012 consolidated much of previous amendments, including the regulations covering these mechanisms.

Independent prescribing

- 3.2 Independent prescribing involves the assessment of patients with undiagnosed and diagnosed conditions and to make decisions about clinical management to include the prescribing of medicines, without the need to refer to another clinician. It is possible in legislation to restrict independent prescribing by a profession in respect of certain conditions or a specific formulary.
- 3.3 Out of the professions regulated by the HCPC, only chiropodists / podiatrists and physiotherapists can currently undertake training in order to become independent prescribers. Current proposals would extend this to radiographers and paramedics.

Supplementary prescribing

- 3.4 Supplementary prescribing involves a partnership between an independent prescriber (a doctor) and the supplementary prescriber to implement a patient-specific clinical management plan (CMP) with the patient's agreement. The supplementary prescriber can only prescribe medicines which are specified in the CMP.
- 3.5 Chiropodists / podiatrists, physiotherapists and radiographers have been able to undertake training in order to become supplementary prescribers since 2005. Current proposals would extend this to dietitians.

Use of exemptions to sell, supply and administer medicines

- 3.6 Medicines legislation includes certain 'exemptions' to enable members of some professions to sell, supply and/or administer certain named medicines without the normal requirement for a prescription.
- 3.7 At present, chiropodists / podiatrists who have undertaken relevant training (now incorporated in all pre-registration programmes) may use exemptions to administer from a discrete list of medicines, including local anaesthetics; and to supply from a list of other prescription-only medicines. Likewise, registered paramedics can administer certain prescription-only medicines on their own initiative for the immediate, necessary treatment of sick or injured persons.

- 3.8 Current proposals would enable orthoptists, following appropriate training, to use exemptions to sell, supply or topically administer certain prescription-only medicines on their own initiative during the normal course of their practice.

4. Implications of the proposed changes for the HCPC

- 4.1 The pieces of work outlined below have been accounted for in the 2015/16 annual work plans for relevant departments of the Executive.

Annotation of the Register

- 4.2 Medicines legislation requires an individual to have an appropriate annotation on the Register in order to act as an independent or supplementary prescriber, or to use exemptions for the sale, supply and/or administration of prescription-only medicines.
- 4.3 The current registration system already allows for annotation of chiropodist / podiatrist and physiotherapist entries to indicate qualifications in independent and supplementary prescribing; and for annotation of radiographer entries to indicate qualifications in supplementary prescribing.
- 4.4 A relatively simple change to IT systems would be required to enable the entries of registrants in the relevant professions to be annotated as necessary in future. Financial and resource costs for this major project have been included in budget planning for the 2015/16 financial year.

Setting standards

- 4.5 The HCPC has produced standards for prescribing¹ which set out the requirements for programmes delivering training in independent and supplementary prescribing; as well as what an individual should know, understand and be able to do in order to prescribe.
- 4.6 The standards for prescribing were published in August 2013 and we do not intend to review them at this stage. As they are generic (not profession-specific), the standards would apply equally to independent prescribing by paramedics and radiographers and supplementary prescribing by dietitians without the need for amendment.
- 4.7 If legislative changes are made to introduce new exemptions for the sale, supply and administration of medicines by orthoptists, the HCPC will be required to produce new standards covering the post-registration programmes providing training for orthoptists, and the skills, knowledge and understanding necessary to be able to use these exemptions.

¹ Standards for prescribing: <http://www.hcpc-uk.org/aboutregistration/standards/standardsforprescribing/>

- 4.8 Draft standards for use of exemptions by orthoptists are being developed by the Executive with input from stakeholders involved in the project led by NHS England. These will be further refined over the coming months.
- 4.9 The new standards would be subject to a full public consultation, as well as approval by the Education and Training Committee and the Council. We would not undertake a consultation until the changes have received approval from the CHM and ministerial commitment.

Approval of education and training programmes

- 4.10 The HCPC approves and monitors training programmes in independent and supplementary prescribing and 'conversion' courses (allowing someone already qualified as a supplementary prescriber to become an independent prescriber), using the standards for prescribing. The process would be the same for any new programmes or programmes wanting to extend their intake to include other professions, following the proposed changes.
- 4.11 Existing prescribing programmes wanting to extend their intake to include new professions would be able to commence once the legislative amendments are in place (expected early 2016).
- 4.12 As the use of exemptions for sale, supply and administration of medicines is not currently included in pre-registration education and training for orthoptists, we expect that new post-registration programmes will be developed by education providers. These programmes would undergo the normal approval and annual monitoring processes, assessed against the forthcoming standards.
- 4.13 Once the legislation is in place, these new programmes would be able to request an approval visit, with the first courses commencing around nine months later.

5. Next steps

- 5.1 The table below indicates the planned next steps as well as relevant external events and corresponding timescales. The timescales are subject to change, particularly in light of the general election this year and other related variables.

NHS England consultation on legislative proposals	February-April 2015
NHS England to seek approval from Commission for Human Medicines	May/June 2015
Draft standards for orthoptists exemptions and consultation document to ETC and Council	June or September 2015
Ministerial approval of legislative changes	Autumn 2015

Public consultation on draft standards for orthoptists exemptions	October 2015-January 2016 (TBC)
Legislative amendments in place	January 2016 (expected)
Approved prescribing programmes can commence (with new professions)	January 2016
Consultation analysis and proposed standards for orthoptists exemptions to ETC and Council	March 2016
Publication of standards for orthoptists exemptions	June 2016
Approval visits to orthoptist programmes commence	July 2016
First approved programmes for orthoptists commence (earliest possible scenario)	October 2016