

**HEALTH AND SOCIAL SERVICES PORTFOLIO
SUBORDINATE LEGISLATION PROGRAMME 2003/04**

**HSS(2)-05-03(p.5a)
HEALTH AND SOCIAL CARE**

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2003 - 2004

	NAME/WORKING TITLE	PURPOSE	PROJECTED MONTH LEGISLATION TO BE MADE	1.STANDING ORDER 2. PROCEDURE – STANDARD OR EXECUTIVE 3. WALES / UK OR EUROPE
HSS 1(03)	NHS (England and Wales) (National Blood Authority) (Establishment and Constitution) (Amendment) Order 2003	Establishing the National Blood Authority	Not Known	1. SO 23 2. Standard 3. England and Wales
HSS 3(03)	NHS (Pharmaceutical Services) amend (Wales) Regulations 2003	Pharmacist Reward Scheme - intended effect is to reduce prescription fraud by encouraging pharmacists to identify and report fraudulent prescription forms by simplifying the current reward scheme and an increase in their reward payment, introducing one combined retention and reporting reward payment	December 2003 Previously July 2003	1. SO 22 2. Standard 3. UK Considered by the Committee on 8/10/03.
HSS 4(03)	Care Standards Act 2000 (Commencement No.12) (Wales) Order 2003	The Care Standards Act 2000 makes provision for the Welsh Assembly government to set regulations for safeguarding and promoting the welfare of vulnerable people in a wide range of settings. The Act provides the primary legislative powers to enable the National Assembly to reform the current regulatory	Autumn	1. SO 22 2. 3.

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		system and act as regulator for a comprehensive range of social care and independent healthcare settings in Wales. The Act gives the Assembly powers to make regulations governing the conduct of services regulated under the Act and to issue national minimum standards applicable to those services, to which the regulatory authorities and providers must have regard.		
HSS 5(03)	Care Standards Act 2003 (Nurses Agencies) (Wales) Regulations 2003 (to be removed)	The Nurses Agencies (Wales) Regulations 2003 are made under the Care Standards Act 2000 and apply to nurses agencies in Wales only. These regulations will allow the Care Standards Inspectorate for Wales to register and inspect establishments and agencies, including nurse agencies and to govern the conduct of the establishments and agencies	Was made 1st October Previously July 2003	1. SO 22 2. 3.
HSS 7(03)	NHS (Primary Care) Act 1997 (Commencement) (Wales) Order 2003	Commences section 41(10) and paragraph 28 of Schedule 2 of the Act to enable Dental Practice Board to be directed to provide for the functions of health bodies in respect of the recovery of charges and issue and recovery of penalty charges under the NHS Act 1977	November 2003 Previously December 2003	1. SO 22 2. 3.

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HSS 8(03)	Community Health Council (Wales) Regulations 2004 (Identified for further consideration 16/07/03 and 08/10/03)	Strengthen CHCs in Wales and give them important new functions and set up a new All-Wales Statutory Body for CHC	December 2003	1. SO 22 2. Standard 3. Wales
HSS 9(03)	Carmarthenshire, Ceredigion and Mid Wales and North Glamorgan NHS Trusts Amendment Orders (Identified for further consideration 16/07/03)	To increase the number of Non-Executive Directors for these NHS Trusts by one additional member to bring the Establishment Orders into line with the number of Non-Executive Directors on the Trust Boards	January 2004 at the earliest Previously December 2003	1. SO 22 2. Standard 3. Wales
HSS 10 (03)	NHS (Local Pharmaceutical Schemes) (Wales) Regs 2003 (Identified for further consideration 08/10/03)	To enable a Local Health Board to negotiate different local arrangements for the provision of community pharmacy services, outside the restrictions of the existing legal framework in part II of the NHS Act Previously To enable a Local Health Board to consider whether it is necessary or desirable to grant an application for the provision of local pharmaceutical services	April 04	1. SO 22 2. Standard 3. Wales (Regulations already made in England)
HSS 11 (03)	Adult Placement Schemes (Wales) Regulations 2003 (Identified for further consideration 08/10/03)	To introduce a regulatory regime for adult placements schemes. Adult placements offer people aged 18+ an alternative and highly flexible form of	December 2003	1. SO 22 2. Standard 3. Wales

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		<p>accommodation and support - an opportunity to live or stay in an ordinary domestic setting as part of an adult placement carers family.</p> <p>An adult placement scheme is a scheme which is responsible for recruiting, assessing, training and supporting, and arranging payments to adult placement carers; for taking referrals, matching and placing service users with adult placement carers, and for supporting and monitoring the placement. In Wales such schemes are operated by local authorities.</p> <p>Adult placement carers are regulated under the Care Homes (Wales) Regulations 2002. These regulations will introduce a regulatory framework for adult placement schemes using powers in the Care Standards Act 2002.</p> <p>Adult Placement Schemes are presently covered by National Assembly Section 7 Policy and Practice Guidance issued in August 2002.</p>		
HSS	National Minimum Standards	To introduce national minimum standards	December 2003	1. SO 27

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12 (03)	for Adult placements schemes 2003 (Identified for further consideration 08/10/03)	for adult placement schemes		2. Standard 3. Wales
HSS 13 (03)	Domiciliary Care Agencies (Wales) Regulation 2003 (Identified for further consideration 16/07/03 and 08/10/03)	Regulatory framework for Domiciliary Care Agencies under the CSA 2000	February 2004	1. SO 22 2. Standard 3. Wales
HSS 14 (03)	The Adoption and Children Act 2002 (Independent Review Officers) (Amendment) (Wales) Regulations 2003	The regulations will require all local authorities to appoint Independent Reviewing Officers in place to chair	March 2004	1. SO22 2. Standard 3. UK
HSS 15 (03)	The Childminding and Day Care (Amendment) (Wales) Regulations 2003 (Identified for further consideration 08/10/03)	Use of Executive Procedure in respect of amendments to The Childminding and Day Care Regulations 1. Manager's suitability for childcare 2. No longer require employment history or financial references from volunteers 3. Financial viability of childcare providers will no longer be regulated Use of Executive Procedure in respect of new regulations to provide for the power of waiver for CSIW if applicants for	November 2003	1. SO 22 2. Executive 3. Wales

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		registration as childminders or day care providers would otherwise be automatically disqualified. Use of Executive Procedure to amend the supporting National Minimum Standards, the deadline for obtaining Level 3 qualification to be put back to April 2008.		
HSS 16 (03)	The Adoption and Children Act 2002 (Advocacy for Complaints) (Wales) Regulations 2004	The regulations amend the Children Act 1989 and require local authorities to introduce advocacy services for looked after children, care leavers and children in need making a complaint under sections under the Children Act.	March 2004	1. SO 22 2. Standard 3. UK
HSS 17 (03)	The Childminding and Day Care (Suspension of Registration) (Wales) Regulations 2004 (Identified for further consideration 08/10/03)	To enable the Inspectorate to suspend the registration of childcare setting pending an investigation, as an alternative to immediate cancellation	April 2004	1. SO 22 2. Standard 3. Wales
HSS 19 (03)	The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Amendment) (Wales) Regulations 2004		January 2004	1. SO 22 2. 3.
HSS 20	Childcare in Schools (Wales) Regulations 2004	To make provision for the registration and inspection of childcare provided by the	April 2004	1. SO 22 2. Standard

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(03)	(Identified for further consideration 08/10/03)	governing bodies of schools		3. Wales
HSS 22 (03)	The National Health Service (Amendments Concerning Supplementary and Independent Nurse Prescribing) (W) Regs 2003 (to be removed)	The intended effect of this instrument is to enable the introduction of supplementary prescribing for nurses and pharmacists. Supplementary prescribing would involve partnerships allowing professionals to treat more complex conditions such as chronic disease and mental illness, after an initial assessment of the patient by a Doctor (or Dentist), and through an agreed written individual Clinical Management Plan for the patient's condition.	Was made on 10 October 2003 Previously July 2003	1. SO 22 2. Standard 3. UK
HSS 23 (03)	The National Assistance (Assessment of Resources) (Wales) Amendment No 2 Regulations 2003 (to be removed)	To provide for a new disregard in the financial assessment for residential care charges in order to acknowledge the introduction of Pension Credit and Savings Credit	Was made 2 October 2003	1. SO22 2. Executive 3.
HSS 24 (03)	The Children (Performances) (Amendments) (Wales) Regulations 2003	To remove current limits on the number of performances a child may undertake each year in film, TV or theatre; and to make some other aspects of regulation of such performances less restrictive.	December 2003	1. SO 22 2. Standard 3. Wales
HSS 25 (03)	Private and Voluntary Healthcare (Amendment) (Wales) Regulations 2004	Brings into force powers to lay down National Minimum Standards for Independent Medical Agencies	Not known	1. SO 22 2. 3.

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HSS 26 (03)	Independent Medical Agencies National Minimum Standards	Lays down the National Minimum Standards for Independent Medical Agencies	Not known	1. SO 27 2. 3.
HSS 27 (03)	Small Care Homes for Older People National Minimum Standards (Identified for further consideration 08/10/03)	Lays down the National Minimum Standards for Small Care Homes for older people	March 2004	1. SO 27 2. Standard 3. Wales
HSS 28 (03)	Small Care Homes for Younger Adults National Minimum Standards (Identified for further consideration 08/10/03)	Lays down the National Minimum Standards for Small Care Homes for younger adults	March 2004	1. SO 27 2. Standard 3. Wales
HSS 30 (03)	Amendment to directions issued to health authorities and NHS trusts to fund implementation of national institute for clinical excellence (NICE) technology appraisal guidance	To reflect the organisational changes introduced into the NHS in Wales from April 03. To exempt the NICE guidance about patient education models for Diabetes from the direction	Sept/October 03	1. SO27 2. 3.
HSS 31 (03)	The Health Professions Wales (Establishment, Membership, Constitution and Functions) Order 2003 (Identified for further	Providing for the Establishment of Health Professions Wales as an Assembly Sponsored Public Body and the transfer of staff, property, assets and liabilities. Transfer of staff and assets will require a	November /December	1. SO27 2. Standard 3. Wales

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	consideration 08/10/03)	separate order		
HSS 32 (03)	Health and Social Care Act 2001 (Commencement No 4) (Wales) Order 2003	This commencement order provides the legal basis for the Minister for Health and Social Services (or delegated official) to order the transfer of employees, and the effect of such a transfer order upon the employee's contract of employment, to another partner organisation through a formal s31 (of the Health Act 1999) partnership arrangement.	Unknown	1. 2. 3.
HSS 33 (03)	The National Assistance (Assessment of Resources) (Wales) Regulations 2004 (Identified for further consideration 16/07/03)	To provide for an increase in the capital limits which form part of the assessment of an individual's ability to contribute to their care costs	February 2004	1. SO22 2. Standard 3. Wales
HSS 34 (03)	The National Assistance (Sums for Personal Requirements) (Wales) Regulations 2004 (Identified for further consideration 16/07/03 and 08/10/03)	To revise the personal expenses allowance for everyone in residential care or nursing homes receiving help to meet costs from local authorities	February 2004	1. SO22 2. Standard 3. Wales
HSS 35 (03)	New Pharmacy Contract (Identified for further consideration 08/10/03)	Major change to the pharmacy contract, subject to agreement with the professionals	April 04	1. SO22 2. Standard 3. UK
HSS	Rurality changes to	Changes regarding control of entry rules	April 04	1. SO22

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36 (03)	Pharmaceutical Services Regs	around controlled areas		2. Standard 3. UK
HSS 37 (03)	Tamiflu	Schedule 11 of the General Medical Services Regulations.	April 04	1. SO22 2. Standard 3. UK
HSS 38 (03)	Appliance Contractors (changes to the contract) Pharmaceutical Services Regulations	Amendments to the appliance contractors contract and reduce opportunities for fraud and abuse.	April 04	1. SO22 2. Standard 3. UK
HSS 39 (03)	Repeat Dispensing	To introduce a repeat dispensing option for GPs to use with minimum disruption to existing systems and without increasing the potential for fraud or misuse	April 04	1. SO22 2. Standard 3. UK
HSS 42 (03)	CSA 2000 – various commencement orders	To effect the roll out of registration of social care workers	March 2003	1. SO22 2. Standard 3. Wales
HSS 43 (03)	CSA 2000 – regulations and commencement order	To effect the registration of student social workers	Feb 2004	1. SO22 2. Standard 3. Wales
HSS 44 (03)	Health Professions Order Consequential Amendments	Amendments required to NHS (Professions Supplementary to Medicine) Reg 1974 and NHS (Speech Therapists) Reg 1974.	Not Known awaiting advice	1. 2. 3.
HSS 45 (03)	The Adoption Support Services (Transitional Provisions) (Wales) Regulations 2003	To establish a framework of adoption support services under the Adoption and Children Act 2002	February 2004 Previously December 2003	1. SO22 2. Standard 3. Wales

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	(Identified for further consideration 08/10/03)			
HSS 46 (03)	Adoption Agencies (Independent Review of Determinations) (Wales) Regulations 2004 (Identified for further consideration 08/10/03)	To establish a mechanism for the independent review of determinations by adoption panels on assessment of adopters.	February 2004 Previously January 2004	1. SO22 2. Standard 3. Wales
HSS 47 (03)	The Wales Centre for Health Constitution, Membership and Procedures Regulations 2003 and also the Functions Regulations 2003. Previously The Wales Centre for Health (Constitution, Membership and Functions Procedures) Regulations 2003 (Identified for further consideration 08/10/03)	To provide for the establishment of the Wales Centre for Health as an Assembly Sponsored Public Body with effect from 1 April 2005. Previously To establish the Wales Centre for Health as an Assembly Sponsored Public Body	July 2004	1. SO22 2. Standard 3. Wales
HSS 48 (03)	Healthy Start (Identified for further consideration 08/10/03)	Primary Legislation will enable Wales to prescribe food stuff for which the vouchers can be exchanged. Primary Legislation not yet made.	Autumn 2004	1. 2. 3.
HSS 49	Domiciliary Care Agencies (Wales) National Minimum	Lays down the national minimum standards for domiciliary care agencies	February 2004	1. SO27 2. Standard

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(03)	Standards			3. Wales
HSS 50 (03)	The National Health Service Wales. Local Government Wales. Health and Social Care Act 2001 (Commencement No 4) (Wales) Order 2003	The commencement of s48 of the Health and Social care Act 2001 provides the legal basis for the transfer of employees, and the effect of such a transfer upon the employee's contract of employment ,to another partner organisation through a formal s 31 (of the Health Act 1999) partnership arrangement.	December 2003	1. 2. Executive 3. Wales
HSS 51 (03)	The National Health Service Bodies and Local Authority Partnership Arrangements (Amendment) (Wales) Regulations 2003	Amendment will allow Welsh local authorities to place non-executive members on the joint management committees overseeing partnership (as per s 31 Health Act 1999) projects.	December 2003	1. 2. 3.
HSS 52 (03)	Community care (Delayed Discharges) Act 2003	The commencement order would require that certain community care services where currently local authorities have a discretion to charge are provided free by local authorities for a limited period to assist in the process of a safe discharge from hospital.		1. 2. 3.
HSS 53 (03)	Reimbursement of generic medicines – Amendment to the Pharmaceutical Services Regulations	Amendments required to changes the arrangements for the reimbursement and supply of generic medicines on the NHS	April 2004	1. SO22 2. Standard 3. UK
HSS	National Health Service	Amendments required to reduce	July 2004	1. SO22

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54 (03)	(Charges for Drugs and Appliances) (Amendment) (Wales) Regulations 2003	prescription charges to £5 and introduce free wigs and fabric supports for people aged under 25 years	(CIF October 2004)	2. Standard 3. Wales