

STATES OF JERSEY



Jersey

DRAFT HEALTH INSURANCE (AMENDMENT OF LAW – CONTRACTS FOR ADMINISTRATION OF VACCINES) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 30th October 2023
by the Minister for Social Security
Earliest date for debate: 12th December 2023**

STATES GREFFE

REPORT

Background

The [Government Plan 2024-2027](#) includes proposals for the ongoing funding of the vaccination programme through the Health Insurance Fund. This is explained on page 88 of the Government Plan as follows:

“As the central funding for Covid-19 costs comes to a close, the opportunity has been taken to review the organisation and delivery of a range of vaccination services, including an ongoing Covid-19 vaccination programme to targeted groups. Details of the new service will be finalised in coming months and the Health Insurance Law will be amended to allow these costs to be met from the Fund. Legislation to this end will be lodged to allow for debate immediately after the Government Plan debate,”

These Regulations make these adjustments.

Regulations

Part 3A of the [Health Insurance \(Jersey\) Law 1974](#) provides for a range of health services to be funded via contracts from the Health Insurance Fund. At present the Law allows for contracts for the supply of vaccines in Article 20C. Article 20D allows for this part of the Law to be amended by Regulations.

The Regulations provide for new articles which reproduce the existing right to enter into contracts for medical services and create a new right to enter into contracts for vaccination services. Regulation 1 replaces Articles 20A, 20B and 20C with new articles.

The new Article 20A extends the existing provision to provide for a definition of vaccination services. The administration of vaccines must be undertaken in line with the current requirements of the [Medicines Law](#). Articles 20B and 20C provide for contracts in respect of medical services and vaccination services respectively. Articles 20CA, 20CB and 20CC provide very similar rights in respect of contracts for medical services and vaccination services as are currently provided in respect of medical services contracts.

Regulation 2 gives the name of the Regulations and allows for them to come into force 7 days after they are approved.

Financial and staff considerations

There are no financial and/or staff implications arising from this decision, however, the estimated cost of the vaccination services is £2 million per year. This cost is provided for in the Health Insurance Fund estimates set out on page 87 of the Government plan report.

EXPLANATORY NOTE

The Health Insurance (Amendment of Law – Contracts for Administration of Vaccines) (Jersey) Regulations 202-, if made, will amend the Health Insurance (Jersey) Law 1967 (the “1967 Law”) to further provide for the Minister to enter into contracts for the administration of vaccines.

Regulation 1 substitutes Articles 20A, 20B and 20C of the 1967 Law with new Articles 20A, 20B, 20C, 20CA, 20CB and 20CC.

- Article 20A is an interpretation provision, and introduces the definition “vaccination service” as a service relating to the administration of vaccines under Article 57 of the Medicines (Jersey) Law 1995 (which specifies the people who may administer prescription medication). The definition “medical service”, previously part of Article 20B, is also included here.
- Article 20B provides that the Minister may enter into contracts relating to medical services with general medical practices, pharmacists or retail pharmacies.
- Article 20C provides that the Minister may enter into contracts for the supply of vaccines and for the provision of a vaccination service.
- Article 20CA provides that contracts made under Articles 20B or 20C may contain certain terms in respect of standards, descriptions of practitioners or patients, variation of terms, payments, information gathering and rights of entry or inspection.
- Article 20CB provides that information that raises issues regarding fitness to practise obtained in the exercise of rights of entry or inspection must be processed in the manner described.
- Article 20CC provides that the provision of the above Articles do not limit the Minister’s power to make contracts under the States of Jersey Law 2005, and do not require any person to process data in a manner inconsistent with the Data Protection (Jersey) Law 2018.

Regulation 2 gives the citation and provides that the Regulations come into force 7 days after they are made.



Jersey

DRAFT HEALTH INSURANCE (AMENDMENT OF LAW – CONTRACTS FOR ADMINISTRATION OF VACCINES) (JERSEY) REGULATIONS 202-

Contents

Regulation

1	Articles 20A to 20C of the Health Insurance (Jersey) Law 1967 substituted.....	5
2	Citation and commencement	8



Jersey

DRAFT HEALTH INSURANCE (AMENDMENT OF LAW – CONTRACTS FOR ADMINISTRATION OF VACCINES) (JERSEY) REGULATIONS 202-

Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES make these Regulations under Article 20D of the [Health Insurance \(Jersey\) Law 1967](#) –

1 Articles 20A to 20C of the [Health Insurance \(Jersey\) Law 1967](#) substituted

For Articles 20A (extended meaning of “medical service”), 20B (performance and governance of medical services – contracts) and 20C (supply of vaccines – contracts) of the [Health Insurance \(Jersey\) Law 1967](#) there is substituted –

“20A Interpretation of Part 3A

In this Part –

“Data Protection Law” means the [Data Protection \(Jersey\) Law 2018](#);

“medical service” includes –

- (a) a service, other than a vaccination service, that may be performed by a health care professional engaged in a registrable occupation as an employee of a general medical practice or of a person lawfully conducting a retail pharmacy business; and
- (b) a service, other than a vaccination service, that may be performed by a pharmacist practising in their own right or as an employee of a person lawfully conducting a retail pharmacy business;

“Medicines Law” means the [Medicines \(Jersey\) Law 1995](#);

“vaccination service” means a service relating to the administration of a medicinal product that is a vaccine under Article 57 of the Medicines Law.

20B Medical services – contracts

- (1) The Minister may enter into contracts with general medical practices, pharmacists or persons lawfully conducting retail pharmacy businesses –
 - (a) for the provision of a medical service; and
 - (b) for purposes associated with the delivery of a medical service.

- (2) The terms of a contract may require the contractor to comply with directions published by the Minister as to the drugs, medicines or other substances that can or cannot be ordered for patients in the provision of a medical service to which the contract applies.

20C Supply and administration of vaccines – contracts

- (1) The Minister may enter into contracts for the supply of vaccines.
- (2) The Minister may enter into contracts –
 - (a) for the provision of a vaccination service; and
 - (b) for purposes associated with the delivery of a vaccination service.
- (3) The terms of a contract under paragraph (2) may require the contractor to use vaccines supplied under a contract entered into under paragraph (1).

20CA Performance and governance of contracts

- (1) This Article applies to contracts entered into under Article 20B or 20C.
- (2) The terms of a contract may specify –
 - (a) the manner in which, and the standards to which, a medical service or a vaccination service must be provided;
 - (b) the descriptions or classes of persons who may perform a medical service or a vaccination service;
 - (c) the power of the Minister to vary the terms of a contract (including a power to suspend or terminate any obligation of the contractor under a contract);
 - (d) the circumstances in which, and the manner in which, the contract may be terminated;
 - (e) powers of, and arrangements for, enforcement; and
 - (f) arrangements for the adjudication of disputes.
- (3) A contract may provide for the rights of patients to choose the persons from whom they receive a medical service or a vaccination service provided under the contract.
- (4) The terms of a contract may specify the descriptions or classes of patient to whom a medical service or a vaccination service will be provided, including the circumstances in which a contractor –
 - (a) must or may accept a person as a patient to whom a medical service or a vaccination service is provided under the contract;
 - (b) may decline to accept a person as a patient to whom a medical service or a vaccination service is provided under the contract; or
 - (c) may terminate the contractor’s responsibility for a patient to whom a medical service or a vaccination service is provided under the contract.
- (5) The terms of a contract may, in relation to payments –
 - (a) provide for payments to be made to the contractor by reference to compliance with standards or the achievement of levels of performance;
 - (b) provide for payments to be made in respect of the provision, by the contractor, of the services of –

- (i) persons approved under Part 5,
 - (ii) appropriate practitioners under Article 57 of the Medicines Law, or
 - (iii) other health care professionals;
- (c) provide that the whole or part of a payment is subject to conditions, and that payments are payable to the contractor only if the Minister is satisfied as to certain conditions.
- (6) The terms of a contract may, in relation to information gathering –
 - (a) require the contractor to make to the Minister returns data concerning health as defined in Article 1(1) of the Data Protection Law;
 - (b) require that any information required to be provided relating to patients is pseudonymised as defined in Article 3 of the Data Protection Law.
- (7) The terms of a contract may specify that the Minister, or an officer authorised by the Minister for the purpose, has –
 - (a) rights of entry and inspection of the contractor’s premises; and
 - (b) rights of inspection of documents (including clinical records) that are in the possession or control of the contractor.
- (8) In this Article “payments” includes fees, allowances, reimbursements, loans and repayments.

20CB Information obtained from exercise of rights of entry or inspection

- (1) This Article applies to information obtained in the exercise of rights of entry and inspection referred to in Article 20CA(7).
- (2) If the information raises an issue regarding the fitness to practise of an approved medical practitioner, it must be passed to –
 - (a) the Minister, for use only for the purposes of the discharge of the Minister’s functions in connection with approved medical practitioners under Part 5;
 - (b) the responsible officer, for use only for the purposes of the discharge of that officer’s functions under an Order made under Article 10C of the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#);
 - (c) a person maintaining and governing the performers list, for use only for the purposes of the discharge of that person’s functions under Regulations made under Article 27A; and
 - (d) the Minister for Health and Social Services, for use only for the purposes of the discharge of that Minister’s functions under the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#).
- (3) If the information raises an issue regarding the fitness to practise of a pharmacist it must be passed to the Minister for Health and Social Services, for use only for the purposes of the discharge of that Minister’s functions under the [Pharmacists and Pharmacy Technicians \(Registration\) \(Jersey\) Law 2010](#).
- (4) If the information raises an issue regarding the fitness to practise of a health care professional it must be passed to the Attorney General, for use only for the purposes of the discharge of the Attorney General’s functions under the [Health Care \(Registration\) \(Jersey\) Law 1995](#).

20CC Application of [States of Jersey Law 2005](#) and Data Protection Law

- (1) The provisions of this Part do not limit the Minister’s power to enter into agreements conferred by Article 26 of the [States of Jersey Law 2005](#).
- (2) Nothing in a contract made under this Part requires or empowers any person to process personal data, including special category data, in a manner that is inconsistent with the Data Protection Law and the enactments made under it.”.

2 Citation and commencement

These Regulations may be cited as the Health Insurance (Amendment of Law – Contracts for Administration of Vaccines) (Jersey) Regulations 202- and come into force 7 days after they are made.