Prescribing legally and ethically

A CPD open learning programme for non-medical prescribers
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About this learning programme

Welcome to this open learning programme, *Prescribing legally and ethically*, which forms part of the CPPE continuing professional development (CPD) series for non-medical prescribers. For those of you who have already qualified as a non-medical prescriber, then this CPD series will act as a refresher; much of the content should be familiar to you and will have been covered in your non-medical prescribing course. However, if you are not qualified or are in training to become a prescriber, we hope this programme supports your learning.

To ensure you practise safely and legally you need to stay up to date with the changes that occur both to healthcare-related legislation and evidence-based practice. By working through this programme you will become familiar with current legal and ethical issues, and learn the best way to ensure you stay up to date.

Throughout each section, as well as presenting the learning with the aim of refreshing your knowledge, we challenge you to think about your role as a non-medical prescriber, to reflect on your own practice and the issues you should be considering. At the end of each section, we will ask you to consider three key learning points that you want to take forward in your practice and remind you to complete the relevant entries in your CPD portfolio.

**Equity and excellence: Liberating the NHS**

In July 2010, the Government published the health White Paper, *Equity and excellence: Liberating the NHS*. This sets out the Government’s vision for the future of the NHS. Many of the proposed changes outlined in the White Paper, are long-term in nature and subject to consultation.

The main proposals contained within the White Paper can be summarised as follows:

- primary care trusts and strategic health authorities are to be abolished
- responsibility for commissioning will be devolved to GP commissioning consortia who will decide local priorities for purchasing healthcare within a framework established by a new NHS Commissioning Board
- the NHS Commissioning Board will be responsible for commissioning dentistry, community pharmacy and primary ophthalmic services, as well as national and regional specialised services.
- local authorities will take on responsibility for public health.

This is only a brief summary of the proposed changes; read the document in full via the Department of Health website: [http://www.dh.gov.uk](http://www.dh.gov.uk) (Gateway reference 14385).

As many of the proposed changes are still at the consultation and planning stage, this programme describes the NHS structure as it is at the time of writing, but organisations and processes will be in a state of constant change as these reforms evolve. It is important that you keep yourself up to date with these changes and any revisions that occur.

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Legal and ethical issues are paramount for non-medical prescribers. The programme covers five key areas:

- legal and policy context for non-medical prescribing
- consent and mental capacity
- ethics and codes of practice
- clinical negligence
- regulation of medicines.

This programme is one part of a three-part series; the content of the other two programmes in the series is summarised below.
Target audience

This programme is aimed at all non-medical prescribers working in any area of practice, and is applicable to independent and supplementary prescribers. It may also help you if you are considering undertaking a prescribing course or are currently undergoing training.

You may be:
- a qualified prescriber who uses their skills daily
- a qualified prescriber who uses their skills infrequently
- a qualified prescriber who wants to expand their skills or remit into a different clinical area
- a prescriber who has not prescribed since qualification.
- a student considering doing a prescribing course or already undertaking one.

The programme is about giving you the confidence and ability to prescribe safely. Some sections will appear more relevant to you than others but we would encourage you to complete all the sections. You may think your knowledge is up-to-date in a specific area, but it is worth completing all the sections in case you have missed an important update since you qualified or since you last completed any CPD in this area.

This programme is written about prescribing in England. Legislation, policy documents and guidelines are often different for Northern Ireland, Wales and Scotland. However, there is quite a lot of common ground and it is hoped that the programme will be of general relevance across the UK.

Learning style adopted in this programme

This programme considers how you can keep up to date with ethical, but especially legal issues as a non-medical prescriber and encourages you to develop your own system for doing so. You can work through the programme in its entirety or, if you prefer, use selected exercises, case studies and information to address specific learning needs that you have identified.

This programme contains enough information to give you a comprehensive overview of legal and ethical issues. However, if you wish to deepen your understanding of the topics we suggest that you read selected references in full.

Learning objectives

- Understand the policy background for non-medical prescribing and how it may be affected by future legislation.
- Describe the stages of the policy process and reflect on how these affect the implementation of non-medical prescribing in your local setting.
- Understand the concept of consent, when consent is required and how to identify when people are not able to give consent, and what to do in those situations.
- Understand the various ethical frameworks and how they affect decision-making in your prescribing practice.
• Reflect on the consequences of not prescribing to certain groups of people from an ethical perspective.

• Understand what constitutes clinical negligence and the legal implications for non-medical prescribing practice.

• Apply important principles of case law to your prescribing practice.

• Apply clinical governance principles and understand why record-keeping, the evidence base and risk assessment reduce your risk of being found clinically negligent.

**Working through this programme**

We would advise you to work flexibly with this programme to suit your style of learning. We have designed the programme for self-study, so you should complete all the exercises, practice points and case studies, and you should also find it useful to talk to colleagues about some issues as you work through the programme.

**Maintaining your CPD portfolio**

At the end of each section there is a prompt to take action to make an entry in your CPD portfolio, supporting advance of both practice and skills. Your portfolio has several purposes; to provide evidence of your competence, to help you to record your plans and actions, and to give you the opportunity for structured reflection and evaluation, therefore developing you as a prescriber.

Your goal as a non-medical prescriber is safe, effective prescribing practice. You must be able to demonstrate that you have remained up-to-date with evidence-based practice and best practice guidelines. You need to be able to show that you fulfil all the competencies appropriate to your practice, so your portfolio needs to be robust and contain a wide range of documents as a continuous record of your CPD.

To ensure you achieve and maintain competency in your role you could keep your CPD portfolio up to date, ideally following on from the portfolio you developed during your prescribing course and showing when and how you have met all the prescribing competencies. A comprehensive CPD portfolio is an indicator of good professional practice. There is no specific requirement regarding content or style, but it should contain records or copies of:

• audits
• clinical management plans
• courses attended
• evidence for the knowledge and skills framework (if you are employed by the NHS)*
• your personal or service formulary
• meetings with mentors
• other learning undertaken
• presentations or lectures given
• peer review or clinical supervision

* January 2011
• reflection on practice
• significant events
• your personal development plan.

(*Non-medical prescribers employed by the NHS will also need a folder relating to the knowledge and skills framework (KSF), so it makes practical sense for you to combine the two. The NHS KSF, on which the development review process is based, is designed to:
• identify the knowledge and skills that individuals need to carry out their role efficiently and effectively
• help guide their development
• provide a fair and objective framework
• provide the basis of pay progression in the service.)

Throughout the programmes in this CPD series there are opportunities for taking action to support both the development of practice and skills. All of the programmes have adopted the National Prescribing Centre (NPC) prescribing competencies, developed for non-medical prescribers (see http://www.npc.co.uk) enabling practice and skills to work together and to provide a structure that helps the recording of and reflection on practice.

You should also use your CPD portfolio as a tool to identify your learning needs throughout the programme, and to record evidence to demonstrate to yourself, your supervisor and your employer that your ongoing learning needs are being met.

Your portfolio cannot be assessed by CPPE. It is your responsibility to use it and maintain it according to your needs.

Successful completion of the programme will enable you to reflect on your practice and revalidate a range of competencies for non-medical prescribing, ensuring that you continue to be fit to practise.

The following documents provide further information about the CPD requirements for your profession:


Online resources

Some of the references in this programme are to material which is only available online, and we assume that you have access to a computer connected to the internet. If you do not wish to retype all the web addresses into your browser you may find it helpful to download this programme from the CPPE website as a PDF document containing live web links. Log on to: http://www.cppe.ac.uk/openlearning select open learning portfolio, scroll down to find the learning programme title, and click the download icon.

Where we think it will be helpful we have provided the URL to take you directly to an article or specific part of a website. However, we are also aware that web links can change (eg, the Department of Health links) so in some cases we have provided the URL for the organisation’s home page only. If you have difficulty accessing any web links, please go to the organisation’s home page and use appropriate key words to search for the relevant item.

Note on NICE guidance: To find any of the NICE guidelines or technology appraisals mentioned in this programme visit the NICE website at: http://www.nice.org.uk On their home page, click on ‘Find guidance’ and then enter the relevant topic in ‘Search NICE guidance’.

Note on articles: If you have difficulty locating an article on the internet, search via: http://www.google.co.uk by typing in the title, author, date and name of the journal. It can also be helpful if you add in, at the end of the search criteria, the website where you think the information may be, eg, dh.gov.uk

You may prefer to use the NHS Evidence website to search at: http://www.evidence.nhs.uk/default.aspx

Reflective questions

Take a few minutes to answer these questions before working through the programme; they will help you identify your specific learning needs.

1. What is the legal standing of non-medical prescribing?

2. What are the main differences between supplementary and independent prescribing?
3. What are the legal requirements of a clinical management plan?

4. What is the Bolam test?

5. List the four principles of the common ethical framework?

6. Do all non-medical prescribers have the same regulator?

7. What are the key principles behind obtaining consent?

8. What is the Mental Capacity Act 2005?

9. What triggered the development of the Safeguarding Vulnerable Groups Act 2006?
10. What is the role of the Commission on Human Medicines?

11. What is the difference between unlicensed and off-label prescribing?

12. Can an independent non-medical prescriber prescribe unlicensed medicines?

In attempting to answer these questions you should be able to assess any areas where you need to learn more. You will find the answers to these questions as you work through the programme. Return to this activity once you have completed the programme to see how much you have learnt; at that stage you should be able to answer all of the questions with confidence.
Before moving on to the first section of this programme, use the questions below to develop an action plan.

**Reflective questions**

**Planning**

Are you confident in your approach to working legally and ethically?

Was there an instance recently when you could have done better (legally and/or ethically)?

Is there any aspect of the legal and ethical framework that you want to apply more rigorously in your day-to-day practice?

What do you want to learn from this programme?

Think about your specific learning needs in relation to this programme and how confident you felt when answering the questions set out above. Write down at least three topics that you want to learn more about as part of your continuing professional development. You will be able to return to this at the end of the programme to see whether you have been able to meet your learning needs.

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