

# ACMD

## Advisory Council on the Misuse of Drugs

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Rt Hon Chris Philp MP  
Minister of State for Crime, Policing and Fire  
2 Marsham Street  
London  
SW1P 4DF

30 June 2023

Dear Minister,

**RE: ACMD Advice: NHS England proposals to permit the electronic prescribing of Schedule 2 and 3 controlled drugs**

The Advisory Council on the Misuse of Drugs (ACMD) has been consulted on a proposed change to the Misuse of Drugs Regulations 2001 to permit electronic prescribing of Schedule 2 and 3 controlled drugs within secondary care and the health and justice system. These proposals, including the proposed legislative change in Annex A, were presented to the ACMD by NHS England who have sought agreement from the All-England Chief Pharmacists Group and Health & Justice Pharmacy Advisory Group. The Chief Pharmaceutical Officers of England, Scotland and Wales have been advised of the development of this proposal and it also has support from the Home Office and Department for Health and Social Care.

Currently, when using electronic prescribing systems to prescribe Schedule 2 and 3 controlled drugs for discharge from hospital or in the outpatient setting, the prescription must be printed on to paper and signed in ink by the prescriber. This creates an additional step and there may be instances where the original prescriber is not always available and, consequently, another practitioner may be contacted to “legalise” the prescription. This process can lead to potential delays in patient care and also cause a split in responsibility for the medicines prescribed whereby the originator of the prescription and prescriber of the majority of medicines is different from the prescriber or signatory for the controlled drug.

The NHS-England proposal seeks to remove the requirement for a paper copy of the prescription, signed in ink by the prescriber, for the dispensing of a controlled drug from the dispensing pharmacy in all circumstances.

Electronic prescribing of Schedule 2 and 3 controlled drugs in NHS primary care settings has been operational since 2019. The ACMD have been given assurances by NHS England that the existing security of electronic prescribing systems is sufficient to ensure the electronic prescribers authorisation is attributable and auditable. NHS England have confirmed the proposals would apply to staff working in third sector healthcare organisations.

The ACMD has reviewed and is supportive of the proposal. The ACMD has been assured that hospitals and health and justice settings will also add additional layers of security to ensure the appropriate controls over the use of advanced electronic signatures. The ACMD has concluded appropriate safeguards in the proposal would not facilitate an increased risk of diversion, illicit supply and misuse of controlled drugs.

The ACMD believes this proposal would also actively reduce the overall risks of diversion and misuse in these settings.

The ACMD has come to the following recommendations:

### **Recommendation 1**

The ACMD recommends to the Home Office that the Misuse of Drugs Regulations 2001 are amended to allow electronic prescribing of Schedule 2 and 3 Controlled Drugs within secondary care and the Health & Justice System.

**Lead**– Home Office.

**Measure of outcome**– Change to the Misuse of Drugs Regulations 2001.

### **Recommendation 2**

The ACMD recommends NHS England evaluate the impact of the proposed changes to the Misuse of Drugs Regulations 2001 to allow electronic prescribing of Schedule 2 and 3 Controlled Drugs within secondary care and the Health & Justice System.

**Lead**– NHS England.

**Measure of outcome**– Evaluation of proposed changes to the Misuse of Drugs Regulations 2001.

Yours sincerely,



**Professor Owen Bowden-Jones**  
Chair of the ACMD



**Professor Roger Knaggs**  
Chair of the ACMD Technical Committee

## **Annex A**

The definition of an “electronic prescription form” (r.15(4)) in the Misuse of Drugs Regulations 2001 to be amended to:

(4) In this regulation, “electronic prescription form” has the same meaning as in the National Health Service (Pharmaceutical and Local Pharmaceutical) Regulations 2013; or

(4A) data created in an electronic form for the purpose of ordering a drug or appliance, which –

(a) is compatible with the systems used by an organisation providing NHS or other publicly funded healthcare services (or a person exercising its functions) for the purposes of authorising the supply of a medicine for a patient in the care of that organisation

(b) is signed with a prescriber's advanced electronic signature;

(c) is transmitted as a secure electronic communication within the organisation; and

(d) does not indicate that the drug or appliance ordered may be provided more than once;