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 SUBORDINATE LEGISLATION
 

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**WG21-75**
**THE NATIONAL HEALTH SERVICE (WALES) ACT  
2006**
**Directions to Local Health Boards as to the Statement of  
Financial Entitlements (Amendment) (No. 2) Directions 2021**
*Made**31 August 2021**Coming into force**1 September 2021*

The Welsh Ministers in exercise of the powers conferred on them by sections 45 and 203(9) and (10) of the National Health Service (Wales) Act 2006<sup>(a)</sup>, and after consulting in accordance with section 45(4) of that Act with the bodies appearing to them to be representative of persons to whose remuneration these Directions relate, give the following Directions.

**Title and application**

**1.**—(1) The title of these Directions is the Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 2) Directions 2021.

- (2) These Directions are given to Local Health Boards.  
(3) These Directions come into force on 1 September 2021.

**Amendments to the Statement of Financial Entitlements**

**2.**—(1) The Directions to Local Health Boards as to the Statement of Financial Entitlements Directions 2013<sup>(b)</sup> which came into force on 11 June 2013, as amended by the Directions listed in Annex J at the Schedule to these Directions, are further amended as follows.

- (2) In Part 4 – Payments for Specific Purposes—
- (a) in the heading of Section 10 after “**PROGRAMME**” insert “— **ZOSTAVAX®**”;
- (b) in paragraph 10.1, in the first place it occurs, for “Shingles” substitute “Zostavax®”;
- (c) after paragraph 10.1 insert—

**“Administration of the Zostavax® vaccine**

**10.1A.** Contractors must offer the Zostavax® vaccine to immunocompetent eligible patients who can receive it.”;

- (d) in paragraph 10.2 (including the heading) for “Shingles” substitute “Zostavax®”;
- (e) in paragraph 10.2(a) for “vaccines” substitute “vaccine”;
- (f) in paragraph 10.2(b) after “Group” insert “)”;;

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(a) 2006 c.42.

(b) Directions to Local Health Boards as to the Statement of Financial Entitlements Directions 2013 (2013 No.8).

(g) for paragraph 10.6 substitute—

“**10.6.** The contractor must submit claims after administering the Zostavax® vaccine at a frequency to be agreed between the LHB and the contractor (which must be a frequency which provides for the claim to be submitted within 6 months of administering the vaccination), or if agreement cannot be reached, within 14 days of the end of the month during which the vaccine was administered. Any amount payable falls due on the next date, following the expiry of 14 days after the claim is submitted, when the contractor’s Payable GSMP falls due.”;

(h) omit—

- (i) sub-paragraph 10.8(ca),
- (ii) paragraph 10.10 (including the heading),
- (iii) paragraph 10.11, and
- (iv) paragraph 10.12;

(i) after section 10 insert—

**“Section 10A: SHINGLES IMMUNISATION PROGRAMME — SHINGRIX®**

**General**

**10A.1.** Vaccines and immunisations are classified as an Additional Service. Section 10A makes provision in respect of payments to be made in respect of the administration by a contractor to provide the Shingrix® vaccine as part of the Shingles Immunisation Programme.

**Administration of the Shingrix® vaccine**

**10A.2.** The Shingrix® vaccine is to be offered to all those who are eligible for Shingles vaccination but are clinically contraindicated to receive the live vaccine Zostavax® due to their immunocompromised status.

**10A.3.** The vaccine should be offered to those becoming eligible at 70 years old and to unvaccinated individuals in their 70s who have not yet reached their 80th birthday.

**10A.4.** Shingrix® requires a 2 dose schedule, with the second dose administered from 2 months (up to 6 months) following the first dose.

**Payment for administration of the Shingrix® vaccine**

**10A.5.** A contractor may claim a payment in respect of each registered patient of the contractor in the sum of—

- (a) £20.06, where the patient—
  - (i) has received two doses of the Shingrix® vaccine; and
  - (ii) had attained the age of 70 year on or after 1 September 2021 but had not yet attained the age of 80 (“the Target Age Group”). Where an individual has turned 80 years of age following their first dose, a second dose should be provided to complete the two-dose schedule for Shingrix®; or
- (b) £10.03, where—
  - (i) a patient in the Target Age Group has received a single dose of the the Shingrix® vaccine, but
  - (ii) that patient is unable to receive a second dose of the Shingrix® vaccine due to circumstances beyond that patient’s, or the contractor’s, control, and
  - (iii) when making a claim the contractor provides, to the satisfaction of the LHB, the reasons why that patient has been unable to receive a second dose.

### Eligibility for payment

**10A.6.** A contractor is only eligible to make a claim for a payment under this Section in circumstances where the following conditions are met—

- (a) the contractor is contracted to provide vaccine and immunisations as part of additional services;
- (b) the patient in respect of whom the payment is claimed was on the contractor's list of registered patients at the time the vaccines were administered;
- (c) the contractor administers the vaccines to the patient in respect of whom the payment is claimed;
- (d) the patient in respect of whom the payment is claimed falls within the Target Age Group referred to in paragraph 10A.5 when the vaccine is administered or where an individual has turned 80 years of age following their first dose and receives a second dose of the Shingrix® vaccine;
- (e) the contractor does not receive any payment from any other source in respect of the vaccines (if the contractor does receive any such payment in respect of any patient from any other source, the LHB must give serious consideration to recovering any payment made under this Section in respect of that patient pursuant to paragraphs 19.1 and 19.2 (overpayments and withheld amounts); and
- (f) the contractor submits the claim within 6 months of administering the second vaccine.

**10A.7.** The LHB may set aside the requirement that the contractor submit the claim within 6 months of administering the second vaccine if it considers it is reasonable to do so.

**10A.8.** A contractor may only claim up to a maximum payment of £20.06 per registered patient in any financial year under this Section.

### Claims for payment

**10A.9.** The contractor is to submit claims in respect of the final completing course of the vaccine after they have been administered at a frequency to be agreed between the LHB and the contractor (which must be a frequency which provides for the claim to be submitted within 6 months of administering the final completing vaccination), or if agreement cannot be reached, within 14 days of the end of the month during which the final completing course of the vaccine was administered. Any amount payable falls due on the next date, following the expiry of 14 days after the claim is submitted, when the contractor's Payable GSMP falls due.

**10A.10.** The LHB must ensure that the receipt and payment in respect of any claims are properly recorded and that each such claim has a clear audit trail.

### Conditions attached to payment

**10A.11.** A claim for payment under the provisions of this Section is only payable by the LHB if the contractor satisfies the following conditions—

- (a) the contractor must supply the LHB with the following information in respect of each patient for which a payment is claimed—
  - (i) the name of the patient;
  - (ii) the date of birth of the patient;
  - (iii) the NHS number, where known, of the patient;
  - (iv) confirmation that the patient has received the vaccines in accordance with paragraphs 10A.2 to 10A.5; and
  - (v) the dates on which the vaccine was administered by the contractor,

but where the patient objects to details of that patient's name or date of birth being supplied to the LHB, the contractor need not supply such information to the LHB but must supply the patient's NHS number;

- (b) the contractor must provide appropriate information and advice to the patient about the vaccine and immunisation;
- (c) the contractor must record in the patient's records, kept in accordance with paragraph 72 of Schedule 6 to the 2004 Regulations, any refusal of an offer of the Shingrix® vaccine;
- (d) where the Shingrix® vaccine is administered, the contractor must record in the patients records, kept in accordance with paragraph 72 of Schedule 6 to the 2004 Regulations, those matters set out in paragraph 4(2)(d) of Schedule 2 to the 2004 Regulations;
- (e) the contractor must ensure that any health care professional who performs any clinical service in connection with the administration of the Shingrix® vaccine has such clinical experience and training as are necessary to enable that health care professional to properly perform such services and that such health care professionals are trained in the recognition and initial treatment of anaphylaxis;
- (f) the contractor must make available to the LHB any information which the LHB does not have but needs, and the contractor either has or could be reasonably expected to obtain, in order to form its opinion on whether the contractor is eligible for payment under the provisions of this Section;
- (g) the contractor must make any returns required of it (whether computerised or otherwise) to the Exeter Registration System, and do so promptly and fully; and
- (h) all information provided pursuant to or in accordance with this paragraph must be accurate.

**10A.12.** If the contractor breaches any of these conditions, the LHB may, in appropriate circumstances, withhold payment of all or any part of any payment due under this Section.”



**Signed by Frances Duffy, Director, Primary Care and Health Science under the authority of the Minister for Health and Social Services, one of the Welsh Ministers**

**Date: 31 August 2021**

## SCHEDULE

Direction 2

## ANNEX J – AMENDMENTS

**Amendments to the Directions to the Local Health Boards as to the Statement of Financial Entitlements Directions 2013, which came into force on 11 June 2013**

- (a) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2013 (2013 No.60), which were made on 30 September 2013;
- (b) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2014 (2014 No.3), which were made on 16 June 2014;
- (c) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 2) Directions 2014 (2014 No.17), which were made on 27 June 2014;
- (d) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 3) Directions 2014 (2014 No.24), which were made on 30 September 2014;
- (e) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2015 (2015 No.7), which were made on 31 March 2015;
- (f) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment No 2) Directions 2015 (2015 No.14), which were made on 01 April 2015;
- (g) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment No 3) Directions 2015 (2015 No.15), which were made on 20 April 2015;
- (h) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment No 4) Directions 2015 (2015 No.19), which were made on 25 June 2015;
- (i) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No.5) Directions 2015, which were made on 30 September 2015;
- (j) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2016, which were made on 30 March 2016;
- (k) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 2) Directions 2016, which were made on 11 April 2016;
- (l) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 3) Directions 2016, which were made on 13 July 2016;
- (m) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 4) Directions 2016 (2016 No.19), which were made on 16 August 2016;
- (n) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No.5) Directions 2016 which were made on 15 December 2016;
- (o) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 6) Directions 2017 which were made on 31 January 2017;
- (p) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2017 which were made on 27 April 2017;
- (q) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No.2) Directions 2017 which were made on 9 August 2017;
- (r) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No.3) Directions 2017 which were made on the 28 September 2017;
- (s) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2018 which were made on the 14 June 2018;

- (t) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 2) Directions 2018 which were made on 19 November 2018;
- (u) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2019 which were made on 29 March 2019;
- (v) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 2) Directions 2019 which were made on 28 June 2019;
- (w) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 3) Directions 2019 which were made on 29 August 2019;
- (x) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 4) Directions 2019 which were made on 30 September 2019;
- (y) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 5) Directions 2019 which were made on 14 October 2019;
- (z) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2020 which were made on 24 March 2020;
- (aa) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 2) Directions 2020 which were made on 22 June 2020;
- (bb) The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 3) Directions 2020 which were made on 15 July 2020;
- (cc) Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 4) Directions 2020 which were made on 16 September 2020;
- (dd) Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 5) Directions 2020 which were made on 2 November 2020; and
- (ee) The Directions to the Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2021 which were made on 19 April 2021.