STATUTORY INSTRUMENTS

2018 No. 283

NATIONAL HEALTH SERVICE, ENGLAND
SOCIAL CARE, ENGLAND

The Responsibilities and Standing Rules, and Care and Support (Miscellaneous Amendments) Regulations 2018

Made - - - - *1st March 2018*

Laid before Parliament *5th March 2018*

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 3B(1), 6E and 272(8) of the National Health Service Act 2006(**1**)and sections 12(1), 22(6) and 125(7) and (8) of the Care Act 2014(**2**).

Citation and commencement

1.—(1) These Regulations may be cited as the Responsibilities and Standing Rules, and Care and Support (Miscellaneous Amendments) Regulations 2018.

(2) Save as provided in paragraphs (3) and (4), these Regulations come into force on 1st April 2018.

(3) Regulation 2—

(a) paragraphs (2)(a) and (d) and (3), come into force on 1st October 2018;

(b) paragraph (4)(a), comes into force on 1st April 2019;

(c) paragraph (4)(c), (d) and (e), comes into force on 1st April 2020.

(4) Regulations 3 and 4 come into force on 1st October 2018.

Amendment of the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012

2.—(1) The National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012(**3**) are amended as follows.

(**1**) 2006 c. 41. Section 6E was inserted by section 20 of the Health and Social Care Act 2012 (c. 7).
(**2**) 2014 c. 23.
(**3**) S.I. 2012/2996.

(2) In regulation 20 (interpretation), in paragraph (1), in the definition of—

(a) "Fast Track Pathway Tool"(**4**) for "28th November 2012" substitute "1st March 2018";

(b) "flat rate payment" for "£155.05" substitute "£158.16";

(c) "high band payment" for "£213.32" substitute "£217.59";

(d) "National Framework"(**5**) for "28th November 2012" substitute "1st March 2018";

(e) "nursing care by a registered nurse" (which is included in the definition of "nursing care"), for "section 49(2) of the Health and Social Care Act 2001" substitute "section 22(8) of the Care Act 2014";

(f) "regulated activity" for "2010" substitute "2014".

(3) In regulation 21 (duty of relevant bodies: assessment and provision of NHS continuing healthcare)—

(a) in paragraph (4)(a), for "28th November 2012" substitute "1st March 2018"(**6**);

(b) in paragraph (5)(a)(ii), for "28th November 2012" substitute "1st March 2018"(**7**);

(c) in paragraph (13), in the definition of "multi-disciplinary team", in paragraph (b) for "persons for community care services" substitute "an adult's needs for care and support".

(4) In Schedule 4 (services for rare and very rare conditions)—

(a) after paragraph 20, insert—

"**20A.** Alpha 1 antitrypsin services.";

(b) after paragraph 36, insert—

"**36A.** Clinical genomic services.";

(c) after paragraph 57, insert—

"**57ZA.** Gonadal tissue cryopreservation services for children and young people at high risk of gonadal failure due to treatment or disease.";

(d) after paragraph 92, insert—

"**92A.** Psychological medicine inpatient services for severe and complex presentations of medically unexplained physical symptoms.";

(e) after paragraph 104, insert—

"**104A.** Specialist adult haematology services.";

(f) omit paragraph 112;

(g) after paragraph 140A, insert—

(**4**) The "Fast Track Pathway Tool" can be found at www.gov.uk/government/uploads/system/uploads/attachment_data/file/684827/NHS_continuing_healthcare_fast_track_pathway_tool_-_October_2018_revised.odt. Hard copies may be obtained from NHS Continuing Healthcare Team, 3rd Floor North, 39 Victoria Street, Westminster, SW1H 0EU.

(**5**) The "National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care" can be found at www.gov.uk/government/uploads/system/uploads/attachement_data/file/684817/National_Framework_for_CHC_and_FNC_-_October_2018_Revised.pdf. Hard copies may be obtained from NHS Continuing Heathcare Team, 3rd Floor North, 39 Victoria Street, Westminster, SW1H 0EU.

(**6**) This provision amends the reference to the document called the "NHS Continuing Healthcare Checklist" so that it refers to the 2018 version of that document. The 2018 version can be found at www.gov.uk/government/uploads/system/uploads/attachment_data/file/684820/NHS_continuing_healthcare_checklist_-_October_2018_revised.odt. Hard copies may be obtained from NHS Continuing Healthcare Team, 3rd Floor North, 39 Victoria Street, Westminster, SW1H 0EU.

(**7**) This provision amends the reference to the document called the "Decision Support Tool for Continuing Healthcare" so that it refers to the 2018 version of that document. The 2018 version can be found at www.gov.uk/government/uploads/system/uploads/attachement_date/file/684830/NHS_continuing_healthcare_decision_support_tool_-_October_2018_revised.odt. Hard copies may be obtained from NHS Continuing Healthcare Team, 3rd Floor North, 39 Victoria Street, Westminster, SW1H 0EU.