STATUTORY INSTRUMENTS

2017 No. 908

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) Regulations 2017

Made - - - -	*11th September 2017*
Laid before Parliament	*13th September 2017*
Coming into force - -	*6th October 2017*

The Secretary of State, in exercise of the powers conferred by sections 85(1), 89(1), (2)(a) to (c) and (3)(a), 94(1) and (8)(a) and 272(7) and (8) of the National Health Service Act 2006(**1**), makes the following Regulations.

PART 1

General

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) Regulations 2017.

(2) They come into force on 6th October 2017.

(3) In these Regulations—

"the GMS Contracts Regulations" means the National Health Service (General Medical Services Contracts) Regulations 2015(**2**); and

"the PMS Agreements Regulations" means the National Health Service (Personal Medical Services Agreements) Regulations 2015(**3**).

(**1**) 2006 c.41. The National Health Service Act 2006 ("the Act") was amended by the Health and Social Care Act 2012 (c.7). Section 89 was amended by section 202(2) of, and paragraph 34 of Schedule 4 to the Act and section 94 was amended by paragraph 38 of Schedule 4 to the Act. *See* section 275(1) of the Act for the meaning given to "prescribed" and "regulations". The powers exercised in making these Regulations are exercisable by the Secretary of State in relation to England only, by virtue of section 271(1) of the Act.

(**2**) S.I. 2015/1862, as amended by S.I. 2016/211 and 875

(**3**) S.I. 2015/1879, as amended by S.I. 2016/211 and 875.

PART 2

Amendment of the GMS Contracts Regulations

Insertion of new regulations 74B to 74F into the GMS Contracts Regulations

2. After regulation 74A of the GMS Contracts Regulations (provision of information - GP access data)(**4**) insert—

"**National Diabetes Audit**

74B.—(1) A contractor must record any data required by the Board for the purposes of the National Diabetes Audit(**5**) in accordance with paragraph (2).

(2) The data referred to in paragraph (1) must be appropriately coded by the contractor and uploaded onto the contractor's computerised clinical systems in line with the requirements of guidance published by NHS Employers(**6**) for these purposes.

(3) The contractor must ensure that the coded data is uploaded onto its computerised clinical systems and available for collection by the Health and Social Care Information Centre(**7**) at such intervals during each financial year as are notified to the contractor by NHS Digital.

Information relating to indicators no longer in the Quality and Outcomes Framework

74C. A contractor must allow the extraction from the contractor's computerised clinical systems by the Health and Social Care Information Centre of the information specified in the Table relating to clinical indicators which are no longer in the Quality and Outcomes Framework(**8**) at such intervals during each financial year as are notified to the contractor by NHS Digital.

(**4**) Regulation 74A was inserted by S.I. 2016/875.

(**5**) The National Diabetes Audit is part of the National Health Service Commissioning Board's (known as "NHS England") clinical priority programme on diabetes. It measures the effectiveness of diabetes healthcare provided against clinical guidelines and quality standards issued by the National Institute for Health and Care Excellence (NICE) in England and Wales. The National Diabetes Audit monitors how many patients are meeting the NICE clinical guidance standards for diabetes care and treatment, compares how GP practices are performing compared to similar practices throughout England or to local practices, and identifies trends in the relationships between patient characteristics and their care and outcomes.

(**6**) NHS Employers, which is part of the NHS Confederation, is an independent representative body of NHS workforce leaders. *See* section 2 of the guidance entitled "2017/18 General Medical Services (GMS) Contract" published by NHS Employers which is available at: http://www.nhsemployers.org/gms201718. Hard copies of this guidance may be obtained by post from NHS Employers, 2 Brewery Wharf, Kendall Street, Leeds, LS10 1JR.

(**7**) The Health and Social Care Information Centre (known as NHS Digital)) is a body corporate established under section 252(1) of the Health and Social Care Act 2012 (c.7).

(**8**) The Quality and Outcomes Framework (QOF) is provided for in Section 4 and Annex D of the General Medical Services Statement of Financial Entitlements Direction 2013 which were signed on 27th March 2013 (as amended). Participation by contractors in the QOF is voluntary. However, contractors which participate in the QOF are required to accomplish the specified tasks or achieve the specified outcomes which are included in the QOF as "indicators" in return for payments which are measured against their achievements in respect of particular indicators. The General Medical Services Statement of Financial Entitlements 2013 is available at: https://www.gov.uk/government/publications/nhs-primary-medical-services-directions-2013. Hard copies may be obtained by post from the General Practice Team, Quarry House, Quarry Hill, Leeds LS2 7UE.

Table

Quality and Outcomes Framework – indicators no longer in the Quality and Outcomes Framework

Indicator ID	*Indicator Description*
Clinical domain	
CHD003	The percentage of patients with coronary heart disease whose last measured total cholesterol (measured in the preceding 12 months) is 5 mmol/l or less
CKD002	The percentage of patients on the CKD register in whom the last blood pressure reading (measured in the preceding 12 months) is 140/85 mmHg or less
CKD004	The percentage of patients on the CKD register whose notes have a record of a urine albumin:creatinine ratio (or protein:creatinine ratio) test in the preceding 12 months
NM84	The percentage of patients on the CKD register with hypertension and proteinuria who are currently treated with renin-angiotensin system antagonists
DEP001	The percentage of patients aged 18 or over with a new diagnosis of depression in the preceding 1st April to 31st March, who have had a bio-psychosocial assessment by the point of diagnosis. The completion of the assessment is to be recorded on the same day as the diagnosis is recorded
DM005	The percentage of patients with diabetes, on the register, who have a record of an albumin:creatinine ratio test in the preceding 12 months
DM011	The percentage of patients with diabetes, on the register, who have a record of retinal screening in the preceding 12 months
DM016	The percentage of male patients with diabetes, on the register, who have a record of erectile dysfunction with a record of advice and assessment of contributory factors and treatment options in the preceding 12 months
EP002	The percentage of patients aged 18 or over on drug treatment for epilepsy who have been seizure free for the last 12 months recorded in the preceding 12 months
EP003	The percentage of women aged 18 or over and who have not attained the age of 55 who are taking antiepileptic drugs who have a record of information and counselling about contraception, conception and pregnancy in the preceding 12 months
HYP003	The percentage of patients aged 79 or under with hypertension in whom the last blood pressure reading (measured in the preceding 9 months) is 140/90 mmHg or less
HYP004	The percentage of patients with hypertension aged 16 or over and who have not attained the age of 75 in whom there is an assessment of physical activity, using GPPAQ, in the preceding 12 months

Indicator ID	*Indicator Description*
HYP005	The percentage of patients with hypertension aged 16 or over and who have not attained the age of 75 who score 'less than active' on GPPAQ in the preceding 12 months, who also have a record of a brief intervention in the preceding 12 months
LD002	The percentage of patients on the learning disability register with Down's Syndrome aged 18 or over who have a record of blood TSH in the preceding 12 months (excluding those who are on the thyroid disease register)
MH004	The percentage of patients aged 40 or over with schizophrenia, bipolar affective disorder and other psychoses who have a record of total cholesterol:hdl ratio in the preceding 12 months
MH005	The percentage of patients aged 40 or over with schizophrenia, bipolar affective disorder and other psychoses who have a record of blood glucose or HbA1c in the preceding 12 months
MH006	The percentage of patients with schizophrenia, bipolar affective disorder and other psychoses who have a record of BMI in the preceding 12 months
PAD003	The percentage of patients with peripheral arterial disease in whom the last measured total cholesterol (measured in the preceding 12 months) is 5 mmol/l or less
RA003	The percentage of patients with rheumatoid arthritis aged 30 or over and who have not attained the age of 85 who have had a cardiovascular risk assessment using a CVD risk assessment tool adjusted for RA in the preceding 12 months
RA004	The percentage of patients aged 50 or over and who have not attained the age of 91 with rheumatoid arthritis who have had an assessment of fracture risk using a risk assessment tool adjusted for RA in the preceding 24 months
STIA004	The percentage of patients with stroke or TIA who have a record of total cholesterol in the preceding 12 months
STIA005	The percentage of patients with a stroke shown to be non-haemorrhagic, or a history of TIA whose last measured total cholesterol (measured in the preceding 12 months) is 5 mmol/l or less
THY001	The contractor establishes and maintains a register of patients with hypothyroidism who are currently treated with levothyroxine
THY002	The percentage of patients with hypothyroidism, on the register, with thyroid function tests recorded in the preceding 12 months
Public Health Domain	
CVD-PP002	The percentage of patients diagnosed with hypertension (diagnosed after on or after 1st April 2009) who are given lifestyle advice in the preceding 12 months for smoking cessation, safe alcohol consumption and healthy diet

Indicator ID	*Indicator Description*
CON002	The percentage of women, on the register, prescribed an oral or patch contraceptive method in the preceding 12 months who have also received information from the contractor about long acting reversible methods of contraception in the preceding 12 months
SMOK001	The percentage of patients aged 15 or over whose notes record smoking status in the preceding 24 months

Information relating to alcohol related risk reduction and dementia diagnosis and treatment

74D.—(1) A contractor must allow the extraction by the Health and Social Care Information Centre(**9**) of the information(**10**) specified in—

(a) paragraph (2) in relation to alcohol related risk reduction; and

(b) paragraph (3) in relation to dementia diagnosis and treatment,

from the record that the contractor is required to keep in respect of each registered patient under regulation 67 by such means, and at such intervals during each financial year, as are notified to the contractor by the Health and Social Care Information Centre.

(2) The information specified in this paragraph is information required in connection with the requirements under paragraph 7 of Schedule 3.

(3) The information specified in this paragraph is information relating to any clinical interventions provided by the contractor in the preceding 12 months in respect of a patient who is suffering from, or who is at risk of suffering from, dementia.

NHS Digital Workforce Census

74E.—(1) A contractor must record and submit any data required by the Health and Social Care Information Centre for the purposes of the NHS Digital Workforce Census(**11**) (known as the "Workforce Minimum Data Set") in accordance with paragraph (2).

(2) The data referred to in paragraph (1) must be appropriately coded by the contractor in line with agreed standards set out in guidance published by NHS Employers(**12**) and must be submitted to the Health and Social Care Information Centre(**13**) by using the workforce

(**9**) The Health and Social Care Information Centre (known as NHS Digital) is a body corporate established under section 252(1) of the Health and Social Care Act 2012 (c.7).

(**10**) See in relation to the information which a contractor is required to allow the extraction of under this provision the document entitled "Technical Requirements for GMS Contract Changes" which is published by NHS Employers. Section 4 of this document contains requirements in respect of the coded data which a contractor is required under the contract to include in a patient's medical records in relation to alcohol dependency screening and dementia interventions. This document is available at: http://www.nhsemployers.org/gms201718. Hard copies of this guidance may be obtained by post from NHS Employers, 2 Brewery Wharf, Kendall Street, Leeds, LS10 1JR

(**11**) The NHS Digital Workforce Census is the successor to the GP Workforce Census undertaken by the Health and Social Care Information Centre (known as "NHS Digital"). In support of the commitment to provide an additional 5,000 doctors in primary care by 2020, data is collected from GP practices through the Primary Care Web Tool which is used to provide a detailed view of the General Practice workforce, including GPs and other practice staff.This information is published annually by the Health and Social Care Information Centre on its website http://www.nhsdigital.nhs.uk.

(**12**) NHS Employers, which is part of the NHS Confederation, is an independent representative body of NHS workforce leaders. *See* section 2 of the guidance entitled "2017/18 General Medical Services (GMS) Contract" published by NHS Employers which is available at: http://www.nhsemployers.org/gms201718. Hard copies of this guidance may be obtained by post from NHS Employers, 2 Brewery Wharf, Kendall Street, Leeds, LS10 1JR.

(**13**) The Health and Social Care Information Centre (known as NHS Digital) is a body corporate established under section 252(1) of the Health and Social Care Act 2012 (c.7).