OFFERYNNAU STATUDOL CYMRU

# 2006 Rhif 358 (Cy.46)

# Y GWASANAETH IECHYD GWLADOL, CYMRU

## Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Sylfaenol) (Diwygiadau Amrywiol) (Cymru) 2006

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| *Wedi'u gwneud* | - - | *14 Chwefror 2006* |
| *Yn dod i rym* | - - | *1 Mawrth 2006* |

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 28R, 28S, 28V, 28W, 28X a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(**1**) ac adran 4(5) o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990(**2**), drwy hyn yn gwneud y Rheoliadau a ganlyn:

## RHAN 1

## CYFFREDINOL

**Enwi, cychwyn, cymhwyso a dehongli**

**1.**—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Sylfaenol) (Diwygiadau Amrywiol) (Cymru) 2006 a deuant i rym ar 1 Mawrth 2006.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Yn y Rheoliadau hyn—

ystyr "Rheoliadau Contractau GMS (Cymru)" yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004(**3**); ac

ystyr "Rheoliadau Rhestri Perfformwyr (Cymru)" yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestri Perfformwyr) (Cymru) 2004(**4**).

(**1**) 1977 p.49; mewnosodwyd adrannau 28R, 28S, 28V a 28W gan adran 175(1) o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43) ("Deddf 2003"); mewnosodwyd adran 28X gan adran 179(1) o Ddeddf 2003; diwygiwyd adran 126(4) gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) ("Deddf 1990"), adran 65(2), Deddf Iechyd 1999 (p.8), Atodlen 4, paragraff 37(6) a Deddf Iechyd a Gofal Cymdeithasol 2001 (p.15), Atodlen 5, paragraff 5(13)(b).
(**2**) 1990 p.19.
(**3**) O.S. 2004/478 (Cy.48).
(**4**) O.S.2004/1020 (Cy.117) fel y'i diwygiwyd gan O.S.2005/258 (Cy.24).

# RHAN 2

## DIWYGIO RHEOLIADAU CONTRACTAU GMS (CYMRU)

**Diwygio rheoliad 2 o Reoliadau Contractau GMS (Cymru)**

**2.**—(1) Diwygier rheoliad 2(1) (dehongli) o Reoliadau Contractau GMS (Cymru) fel a ddarperir yn y paragraffau canlynol.

(2) Yn y diffiniad o "adjudicator" yn lle "paragraph 101(5)" rhodder "paragraph 99(5)".

(3) Yn y diffiniad o "bank holiday", ar ôl "proclaimed as a bank holiday" mewnosoder "in England and Wales".

(4) Yn y diffiniad o "general medical practitioner"—

(a) ar ôl "means" mewnosoder ", unless the context otherwise requires";

(b) ym mharagraff (a), hepgorer "otherwise than by virtue of paragraph 1(d) of Schedule 6 of that Order";

(c) ym mharagraff (b)(i), ar ôl "Health and Personal Social Services (Northern Ireland) Order 1978", mewnosoder "or a person who has an acquired right to practise as a general medical practitioner pursuant to regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994(**5**)"; ac

(ch) ym mharagraff (b)(ii), hepgorer "other than by virtue of having an acquired right under paragraph (1)(d) of Schedule 6 to the 2003 Order".

(5) Yn lle'r diffiniad o "GP Registrar", rhodder—

""GP Registrar" means a medical practitioner who is being trained in general practice by—

(a) until the coming into force for all purposes of article 4(5)(d) of the 2003 Order, a general medical practitioner who—

(i) has been approved for that purpose by the Joint Committee on Postgraduate Training for General Practice under regulation 7 of the National Health Service (Vocational Training for General Medical Practice) Regulations 1997(**6**), and

(ii) performs primary medical services; and

(b) from the coming into force for all purposes of that article, a general medical practitioner who is approved under that article for the purpose of providing training under article 5(1)(c)(i) of the 2003 Order, whether as part of training leading to the award of a CCT or otherwise;".

(6) Hepgorer y diffiniad o "GP Trainer".

(7) Yn y diffiniad o "immediate family member", ar ôl "spouse" mewnosoder "or civil partner".

(8) Hepgorer y diffiniad o "NCAA".

(9) Ar ôl y diffiniad o "normal hours" mewnosoder—

""NPSA" means the National Patient Safety Agency established as a Special Health Authority by the National Patient Safety Agency (Establishment and Constitution) Order 2001(**7**)

(10) Yn y diffiniad o "out of hours services", ym mharagraff (a), ar ôl "if provided" mewnosoder "by a contractor to its registered patients".

(11) Yn y diffiniad o "supplementary prescriber"—

(**5**) O.S. 1994/3130; diwygiwyd rheoliad 5 gan O.S. 1997/2817 a'i addasu gan erthygl 117 o O.S. 2004/865. Dirymir y Rheoliadau cyfan yn rhagolygol gan O.S. 2003/1250, erthygl 31(5) ac Atodlen 10, Rhan 2.
(**6**) O.S. 1997/2817 fel y'i diwygiwyd gan O.S. 1998/669 a'i addasu gan erthygl 118 o O.S. 2004/865.
(**7**) O.S. 2001/1743 fel y'i diwygiwyd gan O.S. 2003/1077 ac O.S. 2005/504.

(a) Ym mharagraff (b)(ii), hepgorer "or";

(b) Ym mharagraff (b)(iii), hepgorer "and"; ac

(c) Ar ôl paragraph (b)(iii), mewnosoder-

"(iv) the part of the register maintained by the Health Professions Council in pursuance of article 5 of the Health Professions Order 2001(**8**) relating to-

(aa) chiropodists and podiatrists;

(bb) physiotherapists; or

(cc) radiographers: diagnostic or therapeutic, or

(v) the register of optometrists maintained by the General Optical Council in pursuance of section 7 of the Opticians Act 1989(**9**), and";

(ch) Ym mharagraff (c), ar ôl "an annotation" mewnosoder "or entry".

**Diwygio rheoliad 4 o Reoliadau Contractau GMS (Cymru)**

**3.** Yn rheoliad 4 (amodau sy'n ymwneud yn unig ag ymarferwyr meddygol) o Reoliadau Contractau GMS (Cymru), ychwaneger—

"(4) In paragraph (1), (2)(a) and (3)(a), "general medical practitioner" does not include—

(a) from the coming into force of article 10 of the 2003 Order, a medical practitioner whose name is included in the General Practitioner Register by virtue of—

(i) paragraph 1(a) of Schedule 6 to that Order by virtue of the practitioner having been a restricted services principal included in a list specified in that paragraph,

(ii) paragraph 1(d) of that Schedule, or

(iii) article 11(2) of that Order because of an exemption under regulation 5(1)(d) of the regulations specified in paragraph (5);

(b) until the coming into force of article 10 of the 2003 Order, a medical practitioner who either—

(i) until the coming into force of paragraph 22 of Schedule 8 to that Order—

(aa) has an acquired right to practise as a general medical practitioner pursuant to regulation 5(1)(a) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994(**10**) only by virtue of having been a restricted services principal included in a list specified in that paragraph, or regulation 5(1)(d) of those Regulations; or

(bb) is exempt from the need to be suitably experienced by virtue of regulation 5(1)(d) of the regulations specified in paragraph (5), or

(ii) upon the coming into force of that paragraph of that Schedule to that Order, is an eligible general practitioner pursuant to that paragraph by virtue of an acquired right under the provisions listed in sub-paragraph (a)(i) to (iii).

(5) The regulations referred to in paragraph (4)(a)(iii) and (b)(i)(bb) are the National Health Service (Vocational Training for General Medical Practice) Regulations 1997(**11**),

(**8**) O.S. 2002/254 fel y'i diwygiwyd gan O.S. 2004/2033.
(**9**) 1989 p.44.
(**10**) O.S. 1994/3130 fel y'i diwygiwyd gan O.S. 1997/2817 a 2003/3148. Dirymir y Rheoliadau cyfan yn rhagolygol gan O.S. 2003/1250, erthygl 31(5) a Rhan 2 o Atodlen 10.
(**11**) O.S. 1997/2817 fel y'i diwygiwyd gan O.S. 1998/669 a 2003/3148 a'i addasu gan O.S. 2004/865, erthygl 118. Dirymir y Rheoliadau cyfan yn rhagolygol gan O.S. 2003/1250, erthygl 31(5) a Rhan 2 o Atodlen 10.

the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998(**12**) and the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998(**13**).

(6) In paragraph (4), "restricted services principal" has the same meaning as in the 2003 Order(**14**).".

**Diwygio rheoliad 5 o Reoliadau Contractau GMS (Cymru)**

**4.**—(1) Yn rheoliad 5(2)(h) (amodau cyffredinol sy'n ymwneud â phob contract) o Reoliadau Contractau GMS (Cymru) yn lle "the Criminal Procedure Act (Scotland) 1995" rhodder "the Criminal Procedure (Scotland) Act 1995".

(2) Yn rheoliad 5(2)(j) o Reoliadau Contractau GMS (Cymru) mewnosoder ar y dechrau "within the period of five years prior to signing the contract or commencement of the contract, whichever is the earlier,".

**Diwygio rheoliad 10 o Reoliadau Contractau GMS (Cymru)**

**5.** Yn rheoliad 10(2) (statws corff gwasanaeth iechyd) o Reoliadau Contractau GMS (Cymru) yn lle "body that fact, it" rhodder "body, that fact".

**Diwygio rheoliad 17 o Reoliadau Contractau GMS (Cymru)**

**6.** Yn rheoliad 17 (ymeithrio o wasanaethau ychwanegol a thu allan i oriau) o Reoliadau Contractau GMS (Cymru) yn lle "paragraph 4(8)" rhodder "paragraph 4(9)".

**Diwygio rheoliad 22 o Reoliadau Contractau GMS (Cymru)**

**7.** Yn rheoliad 22 (cyllid), o Reoliadau Contractau GMS (Cymru) ym mharagraff (1), yn lle "the Local Health Board to make payments to the contractor", rhodder, "payments to be made".

**Diwygio rheoliad 23 o Reoliadau Contractau GMS (Cymru)**

**8.** Yn rheoliad 23 (cyllid) o Reoliadau Contractau GMS (Cymru)—

(i) yn lle "Assembly's" rhodder "(Assembly's";

(ii) dileer "payments".

**Diwygio rheoliad 24 o Reoliadau Contractau GMS (Cymru)**

**9.** Yn rheoliad 24(4) (ffïoedd a thaliadau) o Reoliadau Contractau GMS (Cymru) yn lle "paragraph (e)" rhodder "paragraph 1(e)".

**Diwygio Atodlen 2 i Reoliadau Contractau GMS (Cymru)**

**10.**—(1) Diwygier Atodlen 2 (gwasanaethau ychwanegol) i Reoliadau Contractau GMS (Cymru) fel a ddarperir yn y paragraffau canlynol.

(2) Ym mharagraff 2 (sgrinio ceg y groth), yn is-baragraff (2), yn lle paragraff (a) rhodder—

(**12**) O.S. 1998/5 fel y'i diwygiwyd gan O.S. 1998/669 a O.S. yr A. 2000/23 a'i addasu gan O.S. yr A. 2004/163, erthygl 101. Dirymir y Rheoliadau cyfan yn rhagolygol gan O.S. 2003/1250, erthygl 31(5) a Rhan 2 o Atodlen 10.

(**13**) Rh.St. 1998/13 fel y'i addaswyd gan Rh.St. 2004/156, Erthygl 93. Dirymir y Rheoliadau cyfan yn rhagolygol gan O.S. 2003/1250, erthygl 31(5) a Rhan 2 o Atodlen 10.

(**14**) Amnewidiwyd y diffiniad o "restricted services principal", ar gyfer Lloegr, gan O.S. 2004/865, ar gyfer yr Alban, gan O.S. 2004/2261, ar gyfer Gogledd Iwerddon gan O.S. 2004/3038 ac ar gyfer Cymru gan O.S. 2004/1016.

"(a) the provision of any necessary information and advice to assist relevant patients in making an informed decision as to participation in the Cervical Screening Wales Programme undertaken by Velindre NHS Trust;"

(3) Ar ôl is-baragraff (2) o baragraff 2 mewnosoder—

"(2A) For the purposes of paragraph (2) "relevant patients" means female patients on the contractor's patient list who have been identified by Velindre NHS Trust as suitable candidates for a cervical screening test."

(4) Ym mharagraff 4 (brechiadau ac imiwneiddio) o Atodlen 2 i Reoliadau Contractau GMS (Cymru), ym mharagraff (2)(a), yn lle "influenza vaccination" rhodder "influenza and pneumococcal vaccinations".

**Diwygio Atodlen 6 i Reoliadau Contractau GMS (Cymru)**

**11.**—(1) Diwygier Atodlen 6 (telerau contractol eraill) i Reoliadau Contractau GMS (Cymru) fel a ddarperir yn y paragraffau canlynol.

(2) Ar ôl paragraff 1 (mangreoedd), mewnosoder—

"**Telephone services**

**1A.**—(1) From 1 April 2006 the contractor shall not be a party to any contract or other arrangements under which the number for telephone services to be used—

(a) by patients to contact the practice for any purpose related to the contract; or

(b) by any other person to contact the practice in relation to services provided as part of the health service,

starts with the digits 087, 090 or 091 or consists of a personal number, unless the service is provided free to the caller.

(2) In this paragraph, "personal number" means a telephone number which starts with the number 070 followed by a further 8 digits.".

(3) Ym mharagraff 7 (adroddiadau clinigol), ar y diwedd mewnosoder—

"(3) This paragraph does not apply in relation to out of hours services provided by a contractor on or after 1 March 2006.".

(4) Ym mharagraff 11 (safonau ar gyfer gwasanaethau y tu allan i oriau) ar ôl y gair "must" mewnosoder y geiriau "have regard to" a hepgorer y gair "meet".

(5) Ar ôl paragraff 11 (safonau ar gyfer gwasanaethau y tu allan i oriau), mewnosoder—

"**Supply of medicines etc. by contractors providing out of hours services**

**11A.**—(1) In this paragraph—

"the Charges Regulations" means the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001(**15**);

"complete course" means the course of treatment appropriate to the patient's condition, being the same as the amount that would have been prescribed if the patient had been seen during core hours;

"necessary drugs, medicines and appliances" means those drugs, medicines and appliances which the patient requires and for which, in the reasonable opinion of the contractor, and in the light of the patient's medical condition, it would not be reasonable

(**15**) O.S.2001/1358 (Cy.86). Yr offerynnau diwygio perthnasol yw O.S.2001/2539 (Cy.196), 2004/1018 (Cy.115), 2004/1605 (Cy.164), 2005/427 (Cy.44) a 2005/1915 (Cy.158).