STATUTORY RULES OF NORTHERN IRELAND

2013 No. 59

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (General Medical Services Contracts) (Amendment) Regulations (Northern Ireland) 2013

Made - - - -	*11th March 2013*
Coming into operation	*1st April 2013*

The Department of Health, Social Services and Public Safety(**1**) in conjunction with the Department of Finance and Personnel and in exercise of the powers conferred by Articles 57A, 57B, 57E, 57F, 106(b) and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(**2**) and Article 8(6) of the Health and Personal Social Services (Northern Ireland) Order 1991(**3**) hereby makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the General Medical Services Contracts (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 1st April 2013.

In these Regulations "the principal Regulations" means the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004(**4**).

Amendment of regulation 2 of the principal Regulations

2.—(1) Regulation 2 (Interpretation) shall be amended as provided in the following paragraphs.

(2) In the definition of "additional services", in sub-paragraphs (c) and (d), for "vaccinations" substitute "vaccines";

(3) In the definition of "assessment panel", for "paragraphs 31 and 35", substitute "paragraph 35";

(4) For the definition of "Board", substitute "the Board" means the Regional Board;

(**1**) See S.I. 1999/283 (N.I. 1) – Article 3(6).
(**2**) S.I. 1972/1265 (N.I. 14). Articles 57A, 57B, 57E and 57F were inserted by S.I. 2004/311 (N.I. 2) – Article 4. Article 57G was inserted by Article 8 of that Order.
(**3**) S.I. 1991/194 (N.I. 1).
(**4**) S.R. 2004 No. 140. as amended by S.R 2004/477, S.R. 2005/230, S.R. 2005/368 and S..R. 2006/319

(5) In the definition of "CCT", omit ", including any such certificate awarded in pursuance of the competent authority functions of the Postgraduate Medical Education and Training Board specified in article 20(3)(a) of that Order";

(6) In the definition of "childhood vaccinations and immunisations", for "vaccination", substitute "vaccines";

(7) In the definition of "Local Medical Committee", for "a Board", substitute "the Board";

(8) In the definition of "medical card", for "Agency", substitute "RBSO";

(9) For the definition of "the 2003 Order", substitute "the 2010 Order";

(10) "the 2010 Order" means the Postgraduate Medical Education and Training Order of Council 2010(**5**).

(11) In the definition of "prescription form", for "Agency", substitute "RBSO".

Amendment of regulation 4 of the principal Regulations

3.—(1) Regulation 4 (Conditions relating solely to medical practitioners) shall be amended as provided in the following paragraphs.

(2) For paragraph 4 substitute—

"(4) In paragraphs (1), (2)(a) and (3)(a), "general medical practitioner" does not include a medical practitioner whose name is included in the General Practitioner Register by virtue of—

(a) article 4(3) of the 2010 Order (general practitioners eligible for entry in the General Practitioner Register) because of an exemption under regulation 5(1)(d) of the one or more of the sets of Regulations specified in paragraph (5);

(b) article 6(2) of the 2010 Order (persons with acquired rights) by virtue of being a restricted services principal (within the meaning of one or more of the sets of Regulations specified in paragraph (6) included in a list specified in that article; or

(c) article 6(6) of the 2010 Order.".

(3) In paragraph (5), for "paragraph (4)(a)(iii) and (b)(i)(bb)", substitute "paragraph (4)(a)".

(4) For paragraph (6), substitute—

"(6) The Regulations referred to in paragraph (4)(b) are the General Medical Services Regulations Northern Ireland 1997, National Health Service (General Medical Services) Regulations 1992 and the National Health Service (General Medical Services) (Scotland) Regulations 1995.".

Amendment of regulation 5 of the principal Regulations

4.—(1) Regulation 5 (General conditions relating to all contracts) shall be amended as provided in the following paragraphs.

(2) in paragraph (2)(i)(ii), after "Insolvency Act 1986" insert "or Schedule 2A to the Insolvency (Northern Ireland) Order 1989(**6**);

(3) in paragraph (2)(k)(ii), after "(powers of the Court of Session to deal with management of charities)", insert "or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005(**7**) (powers of Court of Session)".

(**5**) S.I. 2010/473.
(**6**) S.I. 1989/2405 (N.I. 19).
(**7**) 2005 asp 10.

Amendment of regulation 14 of the principal Regulations

5. Regulation 14 (Duration), in paragraph (3), delete "of the Board".

Amendment of regulation 18 of the principal Regulations

6.—(1) Regulation 18 (Services generally) shall be amended as provided in the following paragraphs.

(2) After paragraph (1), insert—

"(1A) A contract—

(a) may also specify an area, other than the area referred to in paragraph 1(d), which is to be known as the outer boundary area as respects which a patient—

(i) who moves into that outer boundary area to reside; and

(ii) who wishes to remain on the contractor's list of patients,

may remain on that list if the contractor so agrees, notwithstanding that the patient no longer resides in the area referred to in paragraph (1)(d); and

(b) which specifies an outer boundary must specify that where a patient remains on the contractor's list of patients as a consequence of sub-paragraph (a) the outer boundary area is to be treated as part of the practice area for the purposes of the application of any other terms and conditions of the contract in respect of that patient.".

(3) Omit Paragraph (4)

Amendment of regulation 21 of the principal Regulations

7. In regulation 21 (Certificates), for paragraph 2, substitute—

"(2) The exception in paragraph (1)(a) does not apply where the certificate is issued in accordance with regulation 2(1) of the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976(**8**) (Evidence of incapacity for work, limited capability for work and confinement) or regulation 2(1) of the Statutory Sick Pay (Medical Evidence) Regulations (Northern Ireland) 1985(**9**) (Medical information).".

Amendment of Schedule 1 to the principal Regulations

8.—(1) Schedule 1 (Additional services) shall be amended as provided in the following paragraphs.

(2) For paragraph 4, substitute—

"**Vaccines and Immunisations**

4.—(1) This paragraph applies to a contractor whose contract includes the provision of vaccines and immunisations but does not apply in the case of the provision of—

(a) childhood immunisations; and

(b) the combined Haemophilius influenza type B and Meningitis C booster vaccine.

(2) A contractor must comply with the requirements in sub-paragraphs (3) and (4).

(3) The contractor must—

(**8**) S.R. 1976 No. 175
(**9**) S.R. 1985 No. 321

(a) offer to provide patients, all vaccines and immunisations (other than those mentioned in sub-paragraph (1)(a) and (b)) of the type and in the circumstances which are set out in the GMS Statement of Financial Entitlements;

(b) taking into account the individual circumstances of the patient, consider whether immunisation ought to be administered by the contractor or other health professional or a prescription form ought to be provided for the purpose of the patient self-administering immunisation;

(c) provide appropriate information and advice to patients about such vaccines and immunisation;

(d) record in the patient's record, any refusal of the offer referred to in paragraph (3)(a);

(e) where the offer is accepted and immunisation is to be administered by the contractor or other health professional, include in the patient's record—

(i) the patient's consent to immunisation or the name of the person who gave consent to immunisation and that person's relationship to the patient;

(ii) the batch numbers, expiry date and title of the vaccine;

(iii) the date of administration;

(iv) in the case where two vaccines are administered by injection, in close succession, the route of the administration and the injection site of each vaccine;

(v) any contraindications to the vaccine; and

(vi) any adverse reaction to the vaccine; and

(f) where the offer is accepted and the immunisation is not to be administered by the contractor or other health professional, issue a prescription form for the purpose of self-administration by the patient.

(4) The contractor must ensure that all staff involved in the administration of immunisations are trained in the recognition and initial treatment of anaphylaxis.

(5) In this paragraph "patient's record" means the record which is kept in accordance with paragraph 68 of Schedule 5.".

(3) In paragraph 5—

(a) in the heading for that paragraph and in sub-paragraph (1), for "childhood vaccinations and immunisations", substitute "childhood vaccines and immunisations";

(b) for sub-paragraph (2)(a), substitute "offer to provide to children, all vaccines and immunisations of the type and in the circumstances which are set out in the GMS Statement of Financial Entitlements";

(c) in sub-paragraph (2)(b), for "vaccinations" substitute "vaccines"; and

(d) in sub-paragraph (2)(d)—

(i) omit "vaccinations and";

(ii) in sub-paragraph (i), omit "vaccination or"; and

(iii) in sub-paragraphs (v) and (vi), in each place "vaccination or immunisation" occurs, substitute "vaccine".

Amendment of Schedule 5 to the principal Regulations

9.—(1) Schedule 5 (Other contractual terms) shall be amended as provided in the following paragraphs.

(2) After paragraph 1A (Telephone services), insert

"**Cost of relevant calls**

1B.—(1) The contractor must not enter into, renew or extend a contract or other arrangement for telephone services unless it is satisfied that, having regard to the arrangement as a whole, persons will not pay more to make relevant calls to the practice than they would to make equivalent calls to a geographical number.

(2) Where a contractor is party to an existing contract or other arrangement for telephone services under which persons making relevant calls to the practice call a number which is not a geographical number, the contractor must comply with sub-paragraph (3).

(3) The contractor must—

(a) before 1st April 2014, review the arrangement and consider whether, having regard to the arrangement as a whole, persons pay more to make relevant calls than they would to make equivalent calls to a geographical number; and

(b) if the contractor so considers, take all reasonable steps, including in particular considering the matters specified in sub-paragraph (4), to ensure that, having regard to the arrangement as a whole, persons will not pay more to make relevant calls than they would to make equivalent calls to a geographical number.

(4) The matters referred to in sub-paragraph (3)(b) are—

(a) varying the terms of the contract or arrangement;

(b) renegotiating the terms of the contract or arrangement;

(c) terminating the contract or arrangement.

(5) If, despite taking all reasonable steps referred to in sub-paragraph (3)(b), it has not been possible to ensure that, having regard to the arrangement as a whole, persons will not pay more to relevant calls to the practice than they would to make equivalent calls to a geographical number, the contractor must consider introducing a system under which if a caller asks to be called back, the contractor will do so at the contractor's expense.

(6) In this paragraph—

"existing contract or other arrangement" means a contract or arrangement that was entered into prior to 1st April 2013 and which remains in force on 1st April 2013;

"geographical number" means a number which has a geographical area code as its prefix; and

(i) made by patients to the practice for any reason related to services provided under the contract, and

(ii) made by persons, other than patients, to the practice in relation to services provided as part of the health service.".

(3) In paragraph 11 (Standards for out of hours services)—

(a) omit "From 1st January 2005,".

(4) Paragraph 11A shall be amended as follows—

(a) In the definition of "necessary drugs, medicines and appliances"—

(i) after "which" where it appears for the second time on the second line, insert "in";

(ii) after "obtain" on the fourth line, insert "them".

(b) In the definition of "out of hours performer", after "health" on the second line, insert "care".

(c) In the definition of "supply form", for "Agency", substitute "RBSO".

(5) In paragraph 17 (Refusal of applications for inclusion in the list of patients or for acceptance as a temporary resident), for paragraph 17(2), substitute—