STATUTORY RULES OF NORTHERN IRELAND

2005 No. 230

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (General Medical Services Contracts) (Miscellaneous Amendments) Regulations (Northern Ireland) 2005

Made - - - -	*29th April 2005*
Coming into operation	*1st May 2005*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred on it by Articles 15C(1)(b)(iii), 55B(7), 57A, 57B, 57E, 57F, 57G, 106 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**) and of all other powers enabling it in that behalf, in conjunction with the Department of Finance and Personnel, hereby makes the following Regulations:

PART 1

GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health and Personal Social Services (General Medical Services Contracts) (Miscellaneous Amendments) Regulations (Northern Ireland) 2005 and shall come into operation on 1st May 2005.

(2) In these Regulations –

"GMS Contracts Regulations" means the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004(**4**);

(**1**) *See* S.I.1999/283 (N.I. 1) Article 3(6)
(**2**) S.I. 1972/1265 (N.I. 14). Articles 57B, 57E, 57F and 57G were inserted by Article 4 of the Primary Medical Services (Northern Ireland) Order 2004
(**3**) S.I. 1991/194 (N.I. 1)
(**4**) S.R. 2004 No. 140, as amended by S.R. 2004 No. 477

"Primary Medical Services Performers Lists Regulations" means the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004(**5**).

PART 2

AMENDMENT OF THE GMS CONTRACTS REGULATIONS

Amendment of regulation 2 of the GMS Contracts Regulations

2.—(1) Regulation 2 (interpretation) of the GMS Contracts Regulations shall be amended as provided in the following paragraphs.

(2) After the definition of "assessment panel", insert the following definition –

""batch issue" means a form provided by the Agency and issued by a prescriber at the same time as a repeatable prescription to enable a chemist to receive payment for the provision of repeat dispensing services, and which –

(a) is generated by a computer and not signed by a prescriber,

(b) relates to a particular repeatable prescription and contains the same dates as that prescription,

(c) is issued as one of a sequence of forms, the number of which is equal to the number of occasions on which the drugs, medicines or appliances ordered on the repeatable prescription may be provided, and

(d) specifies a number denoting its place in the sequence referred to in paragraph (c);".

(3) In the definition of "general medical practitioner" –

(a) in paragraph (a), omit "otherwise than by virtue of paragraph 1(d) of Schedule 6 to that Order";

(b) in paragraph (b)(i), after "National Health Service (Scotland) Act 1978", insert "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(**6**)"; and

(c) in paragraph (b)(ii), omit "other than by virtue of having an acquired right under paragraph (1)(d) of Schedule 6 to the 2003 Order".

(4) For the definition of "GP Registrar", substitute –

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

(a) until the coming into operation 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 Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998(**7**), and

(ii) performs primary medical services; and

(b) from the coming into operation for all purposes of that Article, a general medical practitioner who is approved under that Article for the purpose of providing training

(**5**) S.R. 2004 No. 149

(**6**) S.I. 1994/3130; regulation 5 was amended by S.I. 1997/2817 and modified by Article 117 of S.I. 2004/865. The whole Regulations are prospectively revoked by S.I. 2003/1250, Article 31(5) and Schedule 10, Part 2

(**7**) S.R. 1998 No. 13

under Article 5(1)(c)(i) of the 2003 Order, whether as part of training leading to the award of a CCT or otherwise;".

(5) Omit the definition of "GP Trainer".

(6) In the definition of "independent nurse prescriber" –

(a) in paragraph (c)(i) for "Part XVIIB(i)" of the Drug Tariff substitute "Part IXB"; and

(b) in paragraph (c)(ii) for "Part XVIIB(ii)" substitute "Part IXC".

(7) In the definition of "out of hours services", in paragraph (a), after "if provided" insert "by a contractor to his registered patients".

(8) For the description of "prescription form" substitute the following –

""prescription form" means a form provided by the Agency and issued by a prescriber to enable a person to obtain pharmaceutical services and does not include a repeatable prescription;".

(9) After the definition of "relevant register", insert the following definitions –

""repeat dispensing services" means pharmaceutical services which involve the provision of drugs, medicines or appliances by a chemist in accordance with a repeatable prescription;

"repeatable prescribing services" means services which involve the prescribing of drugs, medicines or appliances on a repeatable prescription;

"repeatable prescription" means a prescription contained in a form provided by the Agency and issued by a prescriber to enable a person to obtain pharmaceutical services and which –

(a) is generated by a computer but signed by a prescriber, and

(b) indicates that the drugs, medicines or appliances ordered on that form may be provided more than once and specifies the number of occasions on which they may be provided.".

Amendment of regulation 4 of the GMS Contracts Regulations

3. In regulation 4 (conditions relating solely to medical practitioners) of the GMS Contracts Regulations, add –

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

(a) from the coming into operation 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 his 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 operation of Article 10 of the 2003 Order, a medical practitioner who either –

(i) until the coming into operation 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(**8**) only by virtue of having been a restricted services principal

(**8**) S.I. 1994/3130 as amended by S.I. 1997/2817 and 2003/3148. The whole Regulations are prospectively revoked by S.I. 2003/1250, Article 31(5) and Part 2 of Schedule 10

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 operation 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 Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998, the National Health Service (Vocational Training for General Medical Practice) Regulations 1997, and the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998.

(6) In paragraph (4), "restricted services principal" has the same meaning as in the 2003 Order(**9**).".

Amendment of regulation 17 of the GMS Contracts Regulations

4. In regulation 17 (Opt outs of additional and out of hours services) of the GMS Contracts Regulations –

(a) in sub-paragraphs (1) and (2), in each place where it occurs, "Schedule 3" should read "Schedule 2"; and

(b) in sub-paragraph (3), in the last line, "those paragraphs relate" should read "that paragraph relates".

Amendment of regulation 24 of the GMS Contracts Regulations

5. In regulation 24 (Fees and charges) of the GMS Contracts Regulations –

(a) in sub-paragraph (2)(b), after "prescription", insert "or repeatable prescription";

(b) in sub-paragraphs (3) and (4), in each place where it occurs, the reference to "paragraph (e) of Schedule 4" should read "paragraph 1(d) of Schedule 4".

Amendment of regulation 29 of the GMS Contracts Regulations

6. In regulation 29 (Additional services), in paragraph (1) –

(a) in the last line, after "into", insert "except to the extent that";

(b) in sub-paragraph 1(a), in the first line, delete "unless" and in the last line delete "and" and insert "or"; and

(c) in sub-paragraph 1(b), in the first line, delete "except to the extent that".

Amendment of paragraph 4 of Schedule 1 to the GMS Contracts Regulations

7. In paragraph 4 (Vaccinations and immunisations) of Schedule 1 to the GMS Contracts Regulations (Additional services), in paragraph (2)(c), for "influenza vaccination" substitute "influenza and pneumococcal vaccinations".

(**9**) The definition of "restricted services principal" was substituted, for England, by S.I. 2004/865 and, for Scotland, by S.I. 2004/2261

Amendment of Schedule 2 to the GMS Contracts Regulations

8. In paragraph 2 (Temporary opt outs and permanent opt outs following temporary opt outs) of Schedule 2 to the GMS Contracts Regulations (Opt Outs of Additional and Out of Hours Services) sub-paragraph (15) shall be substituted as follows –

"(15) A temporary opt out or permanent opt out commences, and a temporary opt out ends at 8am on the relevant day unless –

(a) the day is a Saturday, Sunday or a public or local holiday agreed with the Board,

in which case the opt out shall take effect on the next working day at 8am; or

(b) the Board and the contractor agree a different time.".

Amendment of Schedule 5 to the GMS Contracts Regulations

9.—(1) Schedule 5 (other contractual terms) to the GMS Contracts Regulations shall be amended as provided in the following paragraphs.

(2) In paragraph 7 (Clinical reports), at the end insert –

"(3) This paragraph does not apply in relation to out of hours services provided by a contractor on or after 1st May 2005.".

(3) In paragraph 21 (Removals from the list of patients who are violent), in sub-paragraph (6) –

(a) line 2, delete "the contractor", insert "he";

(b) in sub-paragraph (6)(a), in the second place where it occurs, delete "it", insert "him"; and

(c) in sub-paragraph (6)(b), delete "it", insert "he".

(4) In paragraph 31 (Rejection of closure notice by the Board), after sub-paragraph (8) insert –

"(8A) Subject to sub-paragraph (8B), the contractor's list of patients shall remain closed for the period specified by the assessment panel in accordance with sub-paragraph (8)(b).

(8B) The contractor's list of patients shall re-open before the expiry of the period mentioned in sub-paragraph (8A) if –

(a) the number of the contractor's registered patients falls to the number specified by the assessment panel in accordance with sub-paragraph (8)(b) as the number of registered patients which, if that number were reached, would trigger the re-opening of the contractor's list of patients; or

(b) the Board and the contractor agree that the list of patients should re-open.

(8C) If the contractor's list of patients has re-opened pursuant to sub-paragraph (8B)(a), it shall nevertheless close again if, during the period specified by the assessment panel as the period for which the list should remain closed, the number of the contractor's registered patients rises to the number specified by the assessment panel in accordance with sub-paragraph (8)(b) as the number of registered patients which, if that number were reached, would trigger the re-closure of the contractor's list of patients.

(8D) Except in cases where the contractor's list of patients is already open pursuant to paragraph (8B), the Board shall notify the contractor in writing between seven and fourteen days before the expiry of the closure period specified in paragraph (8A), confirming the date on which the contractor's list of patients will re-open.".

(5) After paragraph (39), insert –

"**Repeatable prescribing services**

39A.—(1) The contractor may only provide repeatable prescribing services to any person on its list of patients if he –