1995 No. 487

HEALTH AND PERSONAL SOCIAL SERVICES

General Medical and Pharmaceutical Services (Amendment No. 3) Regulations (Northern Ireland) 1995

Made . . . . . *21st December 1995*

Coming into operation—

Regulations 1 to 7 . . . *21st December 1995*

Regulation 8 . . . *1st January 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 56, 63(1) and (2), 106 and 107(6) of, and paragraph 8E of Part I of Schedule 11 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) and of all other powers enabling it in that behalf and in conjunction with the Department of Finance and Personnel and after consultation with such organisations as appeared to the Department to be representative of the medical and pharmaceutical professions, as required by Articles 56(5) and 63(3) of that Order, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the General Medical and Pharmaceutical Services (Amendment No. 3) Regulations (Northern Ireland) 1995.

(2) Regulations 1 to 7 shall come into operation on 21st December 1995 and regulation 8 shall come into operation on 1st January 1996.

(3) In these regulations, "the principal regulations" means the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(**b**).

Amendment of regulation 2 of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation), after the definition of "restricted services principal" insert—

" "suspended by direction of the Tribunal" means suspended as respects the provision of general medical services to patients by a direction of

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(**a**) S.I. 1972/1265 (N.I. 14); Article 56 is amended by Article 12 of S.I. 1978/1907 (N.I. 26), Article 5 of S.I. 1981/432, Article 7 of S.I. 1986/2229 (N.I. 24) and Article 29 of S.I. 1991/194 (N.I. 1); Article 63(1) is substituted by Article 14 of S.I. 1978/1907 (N.I. 26) and amended by Article 31 of S.I. 1991/194 (N.I. 1); Article 63(2) is substituted by Article 5(1) of S.I. 1986/2023 (N.I. 20) and amended by Article 3(1)(b) of S.I. 1991/194 (N.I. 1); paragraph 8E of Part I of Schedule 11 is inserted by Article 4 of S.I. 1995/2704 (N.I. 14)

(**b**) S.R. & O. (N.I.) 1973 No. 421; relevant amending regulations are S.R. 1989 No. 454, S.R. 1992 No. 232 and S.R. 1994 No. 500

the Tribunal made pursuant to paragraph 8A(2) or 8B(1) of Schedule 11 to the Order(**a**) or to any provisions in force in England and Wales or Scotland corresponding to those provisions;".

Amendment of regulation 4E of the principal regulations

3. In regulation 4E of the principal regulations (removal from the medical list), for paragraph (4) substitute—

"(4) In calculating the period of 6 months referred to in paragraph (2) the Board shall disregard—

(*a*) any period during which the doctor provided no general medical services by reason only that his registration as a medical practitioner was suspended as mentioned in Article 56(4C) of the Order(**b**) (suspension by direction or order of the Health Committee or by interim order of the Preliminary Proceedings Committee);

(*b*) any period during which the doctor was performing relevant service; and

(*c*) any period during which the doctor was suspended by direction of the Tribunal.".

Temporary provision of general medical services

4.—(1) Regulation 25 of the principal regulations (temporary provision of general medical services) shall be amended as follows.

(2) In paragraph (2) after sub-paragraph (*b*), insert—

"and where a doctor is suspended by direction of the Tribunal the Board shall, after consultation with the Local Medical Committee, make arrangements for the temporary provision of general medical services for the suspended doctor's patients with one or more doctors on the medical list (one or more of whom may be partners of the suspended doctor) or with one or more doctors appointed for the purpose, or both.".

(3) In paragraph (4), for "paragraph (10)" substitute "paragraphs (10), (14A) and (14B)".

(4) In paragraph (14), at the beginning insert "Where paragraph (14A) does not apply,".

(5) After paragraph (14), insert—

"(14A) In the case of a doctor who has been suspended by direction of the Tribunal—

(*a*) the Agency shall temporarily assign each of the suspended doctor's patients to the list of one of the doctors with whom arrangements for the temporary provision of general medical services are made for the duration of those arrangements; and

(*b*) to the extent necessary to accommodate any additional patients

(**a**) Paragraphs 8A and 8B of Part I of Schedule 11 are inserted by Article 4 of S.I. 1995/2704 (N.I. 14)
(**b**) Article 56(4C) is inserted by Article 7 of S.I. 1986/2229 (N.I. 24)

temporarily assigned under sub-paragraph (*a*), the limitation contained in regulation 22 on the number of persons who may be on a doctor's list shall not apply for the duration of those arrangements.

(14B) Where arrangements such as are referred to in paragraph (14A) are in operation when a suspension by direction of the Tribunal ceases to have effect—

(*a*) in the case where the suspended doctor continues to be included in the medical list, the Agency shall reassign to him all those patients temporarily assigned under paragraph (14A) who are still on the list of the doctor to whom they were so assigned; and

(*b*) in the case where he ceases to be included in the medical list, the arrangements referred to in paragraph (14A) shall cease to have effect (without prejudice to any new arrangements which may be made under this regulation).".

Amendment of regulation 32 of the principal regulations

5. In regulation 32 of the principal regulations (remuneration of doctors), after "may from time to time determine" insert "and publish in a Statement".

Payments to suspended doctors

6. After regulation 32 of the principal regulations (remuneration of doctors), insert the following new regulation—

"*Payments to suspended doctors*

32A.—(1) The Board and the Agency shall make payments to any doctor who is suspended by direction of the Tribunal in accordance with the Department's determination in relation to such payments.

(2) The Department shall make the determination in accordance with paragraph (3) after consultation with the organisations referred to in regulation 32 and published with the Statement referred to in regulation 32.

(3) The determination may be amended from time to time by the Department, after consultation with the organisations referred to in regulation 32 and any amendments shall also be published with the Statement referred to in regulation 32.

(4) Subject to paragraphs (5) and (6), the Department's determination shall be such as to secure that, as far as reasonably practicable, the suspended doctor receives all the payments which would have been due to him pursuant to regulation 32 had he provided such general medical services to his patients during the period of his suspension as are actually provided by the doctor who becomes responsible for them during that period by virtue of regulation 25(2)(*a*).

(5) To the extent that such payments consist of the reimbursement of expenses for which the doctor must submit a claim, the suspended doctor shall receive reimbursement only in respect of those expenses which he continues to incur during the period of his suspension.