1995 No. 56

HEALTH AND PERSONAL SOCIAL SERVICES

General Medical and Pharmaceutical Services (Amendment) Regulations (Northern Ireland) 1995

Made . . . . . *28th February 1995*

Coming into operation . . *30th March 1995*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 56, 106, and 107(6) of 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 profession, as required by Article 56(5) 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) Regulations (Northern Ireland) 1995 and shall come into operation on 30th March 1995.

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

Doctors' availability to patients

2.—(1) Schedule 1 to the principal regulations (terms of service for doctors) shall be amended in accordance with paragraphs (2) to (6).

(2) For paragraph 8A (provision of service to patients), there shall be substituted–

''*Provision of services to patients*

8A.—(1) In this paragraph, the services referred to in paragraph 8 are called the ''relevant services''.

(2) Subject to the following provisions of this paragraph, a doctor shall render the relevant services during the hours for which he is normally available pursuant to paragraph 16A (in this paragraph referred to as ''normal hours'')–

(*a*) at his practice premises; or

(**a**) S.I. 1972/1265 (N.I. 14), as amended by S.I. 1978/1907 (N.I. 26), S.I. 1981/432, S.I. 1986/2229 (N.I. 24), and S.I. 1991/194 (N.I. 1)

(**b**) S.R. & O. (N.I.) 1973 No. 421; relevant amending regulations are S.R. 1975 No. 180, S.R. 1983 No. 182, S.R. 1985 No. 69, S.R. 1989 No. 454, and S.R. 1990 No. 361

(*b*) in the case of a patient whose condition is such that, in the doctor's reasonable opinion, it would be inappropriate for the patient to attend at the practice premises, at whichever is appropriate of the places set out in sub-paragraph (5).

(3) Outside normal hours the doctor shall consider, in the light of the patient's medical condition, whether a consultation is needed, and if so, when.

(4) If, in the doctor's reasonable opinion a consultation is needed before the next time at which the patient could be seen during normal hours, he shall render the relevant services—

(*a*) at his practice premises;

(*b*) at such other place as the Board has agreed, pursuant to paragraph 16AA, and he has informed the patient, pursuant to paragraph 16AA(5), is a place where he will treat patients outside normal hours; or

(*c*) in the case of a patient whose condition is such that, in the doctor's reasonable opinion, it would be inappropriate for the patient to attend either at the practice premises or at such other place, at whichever is appropriate of the places set out in sub-paragraph (5).

(5) The places referred to in sub-paragraphs (2)(*b*) and (4)(*c*) are–

(*a*) the place where the patient was residing when he was accepted by the doctor pursuant to paragraph 4 or, as the case may be, when he was assigned to the doctor pursuant to regulation 20 or, in the case of a patient who was previously on the list of a doctor in a practice declared vacant, when the doctor succeeded to the vacancy;

(*b*) such other place as the doctor has informed the patient and the Board is the place where he has agreed to visit and treat the patient;

(*c*) some other place in the doctor's practice area.

(6) Nothing in this paragraph prevents the doctor from–

(*a*) arranging for the referral of a patient pursuant to paragraph 8(2)(*d*) without first seeing the patient, in a case where the medical condition of the patient makes that course of action appropriate; or

(*b*) visiting the patient in circumstances where this paragraph does not place him under an obligation to do so.''.

(3) After sub-paragraph (8) of paragraph 14 (which says that a deputy may treat patients at times and places other than those approved for the doctor for whom he is acting) there shall be inserted the following sub-paragraph–

''(8A) A doctor acting as a deputy for another doctor may not treat the other doctor's patients at any place approved under paragraph 16AA unless it is so approved for the other doctor.''.

(4) In paragraph 16(1) (arrangements for practice), for the words from ''surgery'' to ''practice'' there shall be substituted ''accommodation at his practice premises, having regard to the circumstances of his practice, and at any other premises at which the Board, in accordance with paragraph 16AA, has agreed he may treat his patients''.