Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Health and Personal Social Services (General Medical Services Contracts) (Amendment No. 2) Regulations (Northern Ireland) 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

2013 No. 301

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (General Medical Services Contracts) (Amendment No. 2) Regulations (Northern Ireland) 2013

Made - - - -	*19th December 2013*
Coming into operation-	*27th December 2013*

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health and Personal Social Services (General Medical Services Contracts) (Amendment No. 2) Regulations (Northern Ireland) 2013 and shall come into operation on 27th December 2013.

(2) In these Regulations "the principal Regulations" means the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004(**3**).

Commencement Information

I1 Reg. 1 in operation at 27.12.2013, see **reg. 1(1)**

Amendment of regulation 2 of the principal Regulations

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

(2) Insert the following definitions in the appropriate place—

(**1**) See S.I. 1999/283 (N.I. 1) Article 3(6).
(**2**) S.I. 1972/1265 (N.I. 14). Articles 57A, and 57E were inserted by S.I. 2004/311 (N.I. 2), Article 4.
(**3**) S.R. 2004 No. 140. as amended by S.R 2004 No. 477, S.R. 2005 No. 230, S.R. 2005 No. 368, S..R. 2006 No. 319 and S.R.2013 No. 59

""the Directive" means Directive 2011/24 EU of the European Parliament and of the Council of 9th March 2011 on the application of patients' rights in cross-border healthcare(**4**);

"visiting patient" means—

(a) an individual for whom a member State other than the United Kingdom is the member State of affiliation within the meaning of Article 3(c) of the Directive; and

(b) either—

(i) whom a contractor has accepted under paragraph 15A of Schedule 5 to provide services under regulation 15(3) and (5); or

(ii) who has been assigned to a contractor by the Board under paragraph 32A of Schedule 5 for services under regulation 15(3) and (5).".

Commencement Information

I2 Reg. 2 in operation at 27.12.2013, see **reg. 1(1)**

Amendment of regulation 15 of the principal Regulations

3.—(1) Regulation 15 (Essential services) shall be amended as provided in the following paragraphs.

(2) In paragraph (3) for "registered patients and temporary residents", substitute "registered patients, temporary residents and visiting patients".

(3) In paragraph (5) for "registered patients and temporary residents", substitute "registered patients, temporary residents and visiting patients".

Commencement Information

I3 Reg. 3 in operation at 27.12.2013, see **reg. 1(1)**

Amendment of Schedule 4 to the principal Regulations

4.—(1) Paragraph 1 (fees and charges) shall be amended as provided in the following paragraphs.

(2) In sub-paragraph (k) replace the full stop with a semi-colon.

(3) After sub-paragraph (k) insert—

"(l) when he treats a visiting patient under regulation 15(3) or (5), the contractor shall be entitled to demand and accept a fee as determined by the Department, if a receipt is provided to that patient and the contractor notifies the Board of the treatment provided;

(m) for prescribing, providing or administering any drug, medicine or appliance to a visiting patient under regulation 15(3) or (5).".

Commencement Information

I4 Reg. 4 in operation at 27.12.2013, see **reg. 1(1)**

(**4**) OJ No. L88, 4.4.2011, p 45

Amendment of Schedule 5 to the principal Regulations

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

(2) In paragraph 3 (Attendance outside practice premises) after sub-paragraph (3), insert—

"(4) Notwithstanding anything in this paragraph, the contractor shall not be required to attend on a patient or a visiting patient outside Northern Ireland.".

(3) After paragraph 15 (Application for inclusion in a list of patients) insert—

"**Application to the contractor for regulation 15(3) and (5) services**

15A.—(1) The contractor may, if his list of patients is open, accept an application for services under regulation 15(3) and (5) from a person falling within paragraph (a) of the definition of visiting patient.

(2) Subject to sub-paragraph (3), an application under sub-paragraph (1) shall be made in writing, signed by the applicant or a person authorised to sign on his behalf, and delivered to the practice premises.

(3) An application under sub-paragraph (1) may be made—

(a) on behalf of any child by either parent, or in the absence of both parents, the guardian or other adult who has care of the child; or

(b) on behalf of any adult who is incapable of making such an application, or authorising such an application to be made on their behalf, by a relative or the primary carer of that person.

(4) A contractor who accepts an application under sub-paragraph (1) shall notify the Board in writing as soon as possible.

(5) Nothing in this paragraph obliges a contractor to prioritise a person falling within paragraph (a) of the definition of visiting patient to the detriment of other persons.".

(4) After paragraph 32 (Assignment of patients to lists: open lists), insert—

"**Assignment of a person to a contractor for regulation 15(3) and (5) services**

32A.—(1) On receipt of a request for services under regulation 15(3) and (5) from a person falling within paragraph (a) of the definition of visiting patient, the Board, having regard to paragraph 34 (a), (b) and (e), shall assign that person to a contractor whose list of patients is open.

(2) A request under sub-paragraph (1) shall be made to the Board in writing.

(3) Where a person has been assigned to a contractor under sub-paragraph (1) the Board shall notify in writing as soon as possible—

(a) the contractor; and

(b) that person.

(4) Nothing in this paragraph obliges the Board to prioritise a person falling within paragraph (a) of the definition of visiting patient to the detriment of other persons.".

(5) In paragraph 40 (Restrictions on prescribing by medical practitioners), after sub-paragraph (3), insert—

"(4) In the course of treating a visiting patient under regulation 15(3) or (5), the contractor shall not order on a prescription form an appliance, drug, medicine or other substance, but may prescribe such appliance, drug, medicine or other substance for that visiting patient under a private arrangement.".