

1973. No. 416

[C]

HEALTH AND PERSONAL SOCIAL SERVICES**Services Committee**

REGULATIONS, DATED 21ST SEPTEMBER 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE HEALTH AND PERSONAL SOCIAL SERVICES (NORTHERN IRELAND) ORDER 1972.

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The Ministry of Health and Social Services (hereinafter referred to as "the Ministry"), on behalf of the Secretary of State and in exercise of the powers conferred on it by Articles 55, 56, 61, 62, 63 and 106 of and paragraph 7(5) of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1972(a) and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

(a) S.I. 1972, No. 1265 (N.I. 14).

Citation and commencement

1. These Regulations may be cited as the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

Interpretation

2.—(1) In these Regulations—

“the Agency” means the Northern Ireland Central Services Agency for the Health and Social Services established under Article 26 of the Order;

“Board” means a Health and Social Services Board constituted under Article 16 of the Order and where the context requires means the Health and Social Services Board responsible for the provision of the service which is the subject of the investigation;

“Dental Committee” means the Dental Committee constituted by the Agency under Regulation 10 of the General Dental Regulations;

“Dental Officer” means a dental officer in the employment of the Agency;

“Dental Practitioner” means a person registered in the dentists register under the Dentists Act 1957^(b);

“dispensing optician” means a person or body corporate qualified as a dispensing optician in accordance with Regulation 12 of the General Ophthalmic Regulations;

“drugs” include in the case of persons receiving general medical services, medicines, reagents and oxygen and in the case of persons receiving general dental services means such drugs and medicines as are included in a list for the time being approved by the Ministry;

“Drug Tariff” means the statement prepared by the Ministry under Regulation 42 of the General Medical and Pharmaceutical Regulations specifying the prices and standards of drugs and appliances to be provided under those Regulations;

“Form OC2” means the form approved by the Ministry and available from the Agency for use by ophthalmic medical practitioners and opticians in connection with the testing of sight and supply of glasses;

“General Dental Regulations” means the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1973^(c);

“General Medical and Pharmaceutical Regulations” means the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973^(d);

“General Ophthalmic Regulations” means the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1973^(e);

“Local Medical Committee”, “Local Dental Committee”, “Local Pharmaceutical Committee”, “Local Ophthalmic Medical Committee” and “Local Ophthalmic Optical Committee” mean the committees recognised by the Ministry under Article 55 of the Order;

(b) 1957. c. 28.

(c) S.R. & O. (N.I.) 1973, No. 418.

(d) S.R. & O. (N.I.) 1973, No. 421.

(e) S.R. & O. (N.I.) 1973, No. 417.

"Maternity medical services" means the personal medical services (other than services which involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess) provided by a general practitioner whose name is included in the obstetric list, in respect of pregnancy, confinement and the post-natal period in accordance with such arrangements and subject to such conditions as may be determined by the Ministry after consultation with appropriate organisations as may be recognised by the Minister as representing the medical profession;

"medical list" has the meaning assigned to it in Regulation 4(1) of the General Medical and Pharmaceutical Regulations;

"Medical Officer" means a doctor in the employment of the Agency;

"Medical practitioner" means a registered person within the meaning of the Medical Acts 1956 to 1969;

"obstetric list" has the meaning assigned to it in Regulation 14 of the General Medical and Pharmaceutical Regulations;

"ophthalmic medical practitioner" means a medical practitioner having the qualifications prescribed by Regulation 10 of the General Ophthalmic Regulations;

"ophthalmic optician" means a person or body corporate qualified as an ophthalmic optician in accordance with Regulation 11 of the General Ophthalmic Regulations;

"optician" means an ophthalmic optician or a dispensing optician as the context may require;

"the Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;

"practitioner" means a registered medical practitioner, an ophthalmic medical practitioner or a registered dental practitioner;

"the terms of service" means the terms of service for doctors contained in Schedule 1 to the General Medical and Pharmaceutical Regulations, the terms of service for chemists contained in Schedule 4 to the General Medical and Pharmaceutical Regulations, the terms of service for dental practitioners contained in Part I of Schedule 1 to the General Dental Regulations, or the terms of service for ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians contained in Schedule 1 to the General Ophthalmic Regulations, as the case may be;

"treatment" in relation to general medical services has the same meaning as in the General Medical and Pharmaceutical Regulations and in relation to general dental services has the same meaning as in the General Dental Regulations;

"the Tribunal" means the Tribunal constituted under Schedule 11 to the Order.

(2) In these Regulations the expression "chemist" means a person, firm or body corporate entitled to carry on the business of a pharmaceutical chemist under the Pharmacy and Poisons Acts (Northern Ireland) 1925 to 1967, who provides pharmaceutical services. The Regulations shall also apply (except so far as the context may otherwise require) to a person, firm or body corporate whose name is included in the pharmaceutical list for the purpose of supplying appliances only.

Constitution of Services Committee

3.—(1) For the purposes of these Regulations the Agency shall draw up the following panels of persons:—

- (i) a panel of medical practitioners, nominated by the Local Medical Committees;
- (ii) a panel of ophthalmic medical practitioners nominated by the Local Ophthalmic Medical Committee;
- (iii) a panel of dental practitioners nominated by the Local Dental Committees;
- (iv) a panel of chemists nominated by the Local Pharmaceutical Committee;
- (v) a panel of opticians nominated by the Local Ophthalmic Optical Committee; and
- (vi) a panel of lay persons appointed by the Agency, not being members of the Agency, or a Board, or officers of the Ministry.

(2) The Agency shall constitute a committee to be known as the Services Committee for the purpose of investigating complaints made by any person against a practitioner, chemist or optician in respect of an alleged failure to comply with the terms of service.

(3) The chairman and the deputy chairman of the Services Committee shall be appointed by the Agency from the lay members of the Agency.

(4) The terms of office of the chairman and deputy chairman shall be fixed by the Agency.

(5) The members of the Services Committee shall be appointed by the Agency and shall consist of two members drawn from the panel of lay persons, and

- (a) where the complaint is made against a medical practitioner, two members drawn from the panel of medical practitioners:

Provided that in a case relating to the provision of maternity medical services both members so appointed shall be practitioners whose names are included in the obstetric list;

- (b) where the complaint is made against an ophthalmic medical practitioner, two members drawn from the panel of ophthalmic medical practitioners;
- (c) where the complaint is made against a dental practitioner, two members drawn from the panel of dental practitioners;
- (d) where the complaint is made against a chemist, two members drawn from the panel of chemists; and
- (e) where the complaint is made against an optician, two members drawn from the panel of opticians:

Provided that the members of the Services Committee shall so far as is practicable be drawn from the Board for the area in which the practitioner, chemist or optician resides or practises.

(6) If in the opinion of the Services Committee any matter referred to it involves a question relating to a practitioner, chemist or optician whose profession is not represented on the Services Committee as constituted, the Committee shall inform the Agency who shall proceed to reconstitute the Services Committee by adding two members drawn from the panel of representatives of the profession to which the practitioner, chemist or optician who appears to be involved, belongs.

(7) If in the opinion of the chairman any member of the Services Committee is interested, or is a partner, principal, assistant or manager to a practitioner, chemist or optician who is interested, in a question referred to it, or if the practitioner, chemist or optician objects to any member on any personal or other reasonable ground specified by him, that member shall take no part in the hearing and a member drawn from the same panel of persons shall be appointed by the Agency to act in his place.

(8) Where a case has been opened before the Services Committee and the hearing is adjourned for the purpose of taking further evidence or of preparing or considering the report, a member of the Services Committee who was not present at the hearing shall not be entitled to be present or take part in the proceedings at the adjourned hearing, and it shall not be necessary for the Agency to send him notice of such hearing.

(9) The deputy chairman if the chairman is absent shall exercise and perform the powers and duties of the chairman, and shall otherwise be entitled to be present at, and take part in, the proceedings of the Services Committee, but shall not be entitled to vote.

Investigations by Services Committee

4.—(1)(a) A person desiring to make a complaint under these Regulations against a medical practitioner, an ophthalmic medical practitioner, a chemist or an optician shall, within six weeks of the event which gave rise to the complaint, give written notice to the Board stating the substance of the matter which he desires to have investigated.

(b) A person desiring to make a complaint under these Regulations against a dental practitioner shall, within six months of completion of the treatment or within six weeks after the matter which give rise to the complaint came to his notice, whichever is the sooner, give written notice to the Board stating the substance of the matter which he desires to have investigated

(c) Notwithstanding failure to give notice within the periods specified in sub-paragraphs (a) and (b) the Services Committee may investigate the matter if it is satisfied that such failure was occasioned by illness or other reasonable cause and—

- (i) in the case of a complaint against a medical practitioner, an ophthalmic medical practitioner, a chemist or an optician the complaint is made within two months after the said event, or
- (ii) in the case of a complaint against a dental practitioner the complaint is made within six months after the completion of the treatment or within two months after the matter came to the complainant's notice, whichever is the sooner, or
- (iii) the practitioner, chemist or optician as the case may be consents to the investigation taking place notwithstanding the failure to give notice in time, or
- (iv) the consent of the Board has been obtained.

(2) The Services Committee shall investigate any matters (other than any question arising under Regulations 15, 16, 17, 18, 19, 20 or 22) referred to it by the Ministry, a Board, or the Agency relating to the administration of general medical services, general dental services, pharmaceutical services or general ophthalmic services, whether or not any such matter has been raised on complaint under the foregoing provisions of this Regulation.