

TOBACCO AND PRIMARY MEDICAL SERVICES (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT – OVERVIEW

Part 2 – Primary Medical Services

Section 38 – Section 17C arrangements: persons with whom agreements can be made

54. The categories of person with whom a Health Board can contract are limited in relation to section 17C arrangements and general medical services contracts to those listed in section 17D and 17L of the 1978 Act respectively. Both sections include in the lists persons involved with the health service in Scotland, England and Wales or Northern Ireland, but the respective lists for section 17C arrangements and general medical services contracts are different.
55. **Section 38** amends the criteria for eligibility to provide primary medical services under a section 17C agreement by inserting section 17CA into the 1978 Act. Section 17CA(1) sets out that Health Boards may only make section 17C arrangements with medical practitioners, health care professionals and qualifying partnerships, limited liability partnerships or companies. Section 17CA(2) provides that a qualifying partnership or limited liability partnership is one where all partners are individuals and at least one partner is a medical practitioner or health care professional. A qualifying company is one where at least one member is a medical practitioner or health care professional, and all other members are individuals. Section 17CA(3) provides that Health Boards may only enter into a section 17C arrangement if they are satisfied that the parties have a sufficient involvement in patient care.
56. The involvement criteria in section 17CA(4) requires that all the parties to the agreement regularly perform, or are engaged in the day to day provision of, primary medical services. The details of what will be sufficient to meet this requirement will be set out in regulations (see section 17CA(5)), which will include details to cover periods of absence such as maternity leave (see section 17CA(6)).
57. Section 17CA(7) provides that regulations may be made to determine the effect on the 17C arrangement of a change in membership of the qualifying partnership.
58. Section 17CA(8) defines who is a health care professional. This includes nurses.