
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 72

The National Health Service (Personal Medical Services) (Scotland) Regulations 2001

PART IV

PATIENT LISTS

Lists of patients

9.—(1) A Health Board which enters into an agreement shall prepare and keep up to date a list of patients who receive personal medical services and that list shall be made up of—

- (a) a performer's list in respect of each performer who is, under an agreement, to have such a list; and
- (b) if, in accordance with an agreement, there is to be a pooled list, that list.

(2) Where a person is accepted by a performer for inclusion in the performer's list or, as the case may be, by a provider for inclusion in a pooled list, the Health Board shall include that person in the list of patients who receive personal medical services from the date on which it receives notification of acceptance from the performer or, as the case may be, the provider.

Removal from a list of patients who receive personal medical services

10.—(1) A person whose name is included in a performer's list or in a pooled list and who no longer wishes to receive personal medical services may at any time give notice to the Health Board that that person wishes to have their name removed from that list, and at the expiration of 14 days from the date of receipt of the notice, the Health Board shall remove the name and inform the person and the performer or, as the case may be, the provider.

(2) Where, in regard to a person whose name is included in a performer's list or a pooled list, the Health Board after due enquiry including consultation in writing with the performer or, as the case may be, the provider is satisfied, either—

- (a) that the person no longer resides in that part of the area of the Health Board where personal medical services are provided by the provider; or
- (b) that the whereabouts of the person are no longer known to the Health Board,

and that the performer or, as the case may be, the provider is no longer responsible for providing that person with personal medical services, the Health Board shall remove the name of that person from the performer's list or, as the case may be, the pooled list.

(3) Where, in accordance with the terms of an agreement, a provider notifies the Health Board in writing that the provider wishes to have any person removed from the performer's list or the pooled list the Health Board shall, subject to paragraph (5), remove that person on the earlier of—

- (a) the date on which the person is accepted by or assigned to a registered medical practitioner under the Choice of Medical Practitioner Regulations, or is accepted for inclusion in a pooled list (where the list of the registered medical practitioner or, as the case may be,

the pooled list, does not form part of the list of patients in which the person was included immediately before acceptance or assignment); or

- (b) the end of the period of eight days beginning with the day on which the Health Board receives the notification.

(4) Where, at the date on which removal would take effect under paragraph (3), a performer is treating the person at intervals of less than seven days, the Health Board shall remove that person on the earlier of—

- (a) the date on which the person is accepted by or assigned to a registered medical practitioner under the Choice of Medical Practitioners Regulations, or is accepted for inclusion in a pooled list (where the list of the registered medical practitioner or, as the case may be, the pooled list, does not form part of the list of patients in which the person was included immediately before acceptance or assignment); or
- (b) the end of the period of eight days beginning with the day on which the Health Board receives notification from the provider that the person no longer needs such treatment.

(5) Where, in the case of violence or threatened violence against a performer by a person whose name is included in a performer's list or a pooled list, which the performer has reported to the police or the Procurator Fiscal, the provider notifies the Health Board, in accordance with the terms of an agreement that the provider wishes to have the name of the person removed from the performer's list or, as the case may be, the pooled list with immediate effect, the Health Board shall remove the person on receipt of that notification and inform the person, the provider and the performer.

(6) Where a person on a performer's list or a pooled list—

- (a) dies; or
- (b) is absent from the United Kingdom for a period of more than 90 days; or
- (c) leaves the United Kingdom with the intention of being away for a period of more than 90 days; or
- (d) enlists in Her Majesty's Forces; or
- (e) is serving a prison sentence or sentences totalling in aggregate more than two years,

that person's name shall be deleted from the list as from the date on which the Health Board first received notification of the death, absence, departure, enlistment or imprisonment.

Transfer of patients from lists

11.—(1) This regulation applies to the transfer of a person from a performer's list or a pooled list to—

- (a) the list of a Part II practitioner; or
- (b) a performer's list; or
- (c) a pooled list,

where, in the case of sub-paragraphs (b) and (c), the list to which the patient transfers does not form part of the list in which that person was included immediately before transfer.

(2) Subject to paragraph (3), the Health Board shall give effect to the transfer—

- (a) on the date on which it receives notification of the acceptance of the person by the medical practitioner to whose list the patient has transferred or, in the case of a transfer to a pooled list, by the provider; or
- (b) subject to the consent of the Health Board, from such date, not being earlier than the date of that consent, as may be agreed between the performer or, in the case of a pooled list, the provider from whose list the person has transferred and the registered medical practitioner, or as the case may be, the provider who has accepted the person.

(3) Paragraph (2) shall not apply to the transfer of a person in accordance with the Choice of Medical Practitioner Regulations, to a performer's list where the performer is successor to a performer from whose performer's list the person has transferred.

(4) The Health Board shall, within 14 days of transfer, notify the person transferred, and the performer or, in the case of a pooled list, the provider from whose list the person has transferred and the Part II practitioner, the performer or, in the case of a pooled list, the provider, to whose list the person has transferred, of the transfer.