SCOTTISH STATUTORY INSTRUMENTS

2004 No. 115

NATIONAL HEALTH SERVICE

The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004

Made - - - - 10th March 2004
Laid before the Scottish
Parliament - - 11th March 2004
Coming into force 1st April 2004

THE NATIONAL HEALTH SERVICE (GENERAL MEDICAL SERVICES CONTRACTS) (SCOTLAND) REGULATIONS 2004

PART 1

General

- 1. Citation and commencement
- 2. Interpretation

PART 2

Contractors

- 3. Conditions: general
- 4. Conditions relating solely to medical practitioners
- 5. General conditions relating to all contracts
- 6. Reasons
- 7. Appeal
- 8. Prescribed period under section 17L(6) of the Act

PART 3

Pre-contract Dispute Resolution

Pre-contract disputes

PART 4

Health Service Body Status

10. Health service body status

PART 5

Contracts: Mandatory Terms

- 11. Parties to the contract
- 12. NHS contracts
- 13. Contracts with a partnership
- 14. Duration
- 15. Essential services
- 16. Additional services
- 17. Opt outs of additional and out of hours services
- 18. Services generally
- 19. Services generally
- 20. Services generally
- 21. Certificates
- 22. Finance
- 23. Finance
- 24. Fees and charges
- 25. Arrangements on termination
- 26. Other contractual terms

PART 6

Functions of Area Medical Committee

27. Functions of area medical committee

PART 7

Transitional Provisions

- 28. Commencement
- 29. Additional services
- 30. Out of hours services
- 31. Out of hours services
- 32. Out of hours services Signature

SCHEDULE 1 ADDITIONAL SERVICES

- 1. Additional services generally
- 2. Cervical screening
- 3. Contraceptive services
- 4. Vaccinations and immunisations
- 5. Childhood vaccination and immunisation
- 6. Child health surveillance
- 7. Maternity medical services
- 8. Minor surgery

SCHEDULE 2 OPT OUTS OF ADDITIONAL AND OUT OF HOURS SERVICES

- 1. Opt outs of additional services: general
- 2. Temporary opt outs and permanent opt outs following temporary opt outs
- 3. Permanent opt outs

- 4. Out of hour opt outs where the opt out notice is served after 30th September 2004
- 5. Out of hours opt out where opt out notice is served before 1st October 2004
- 6. Informing patients of opt-outs

SCHEDULE 3 LIST OF PRESCRIBED MEDICAL CERTIFICATES

SCHEDULE 4 FEES AND CHARGES

1. The contractor may demand or accept a fee or other...

SCHEDULE 5 OTHER CONTRACTUAL TERMS

PART 1 Provision of Services

- 1. Premises
- 2. Attendance at practice premises
- 3. Attendance outside practice premises
- 4. Newly registered patients
- 5. Patients not seen within 3 years
- 6. Patients aged 75 years and over
- 7. Clinical reports
- 8. Storage of vaccines
- 9. Infection control
- 10. Criteria for out of hours services
- 11. Standards for out of hours services
- 12. Duty of co-operation in relation to additional, enhanced and out of hours services
- 13. Duty of co-operation in relation to additional, enhanced and out of hours services

PART 2 Patients

- 14. List of patients
- 15. Application for inclusion in a list of patients
- 16. Temporary residents
- 17. Refusal of application for inclusion in the list of patients or for acceptance as a temporary resident
- 18. Patient preference of practitioner
- 19. Removal from the list at the request of the patient
- 20. Removal from the list at the request of the contractor
- 21. Removal from the list of patients who are violent
- 22. Removals from the list of patients registered elsewhere
- 23. Removals from the list of patients who have moved
- 24. Removals from the list of patients who have moved
- 25. Removals from the list of patients absent from the United Kingdom etc.
- 26. Removals from the list of patients accepted elsewhere as temporary residents
- 27. Removals from the list of pupils etc. of a school
- 28. Termination of responsibility for patients not registered with the contractor
- 29. Closure of lists of patients
- 30. Approval of closure notice by the Health Board
- 31. Rejection of closure notice by the Health Board
- 32. Assignment of patients to lists: open lists
- 33. Assignment of patients to lists: closed lists
- 34. Factors relevant to assignments
- 35. Assignments to closed lists: determinations of the assessment panel
- 36. Assignments to closed lists: NHS dispute resolution procedure relating to determinations of the assessment panel
- 37. Assignments to closed lists: assignments of patients by a Health Board

PART 3 Prescribing and Dispensing

- 38. Prescribing
- 39. Prescribing
- 40. Restrictions on prescribing by medical practitioners
- 41. Restrictions on prescribing by supplementary prescribers
- 42. Interpretation of paragraphs 38 to 41
- 43. Excessive prescribing
- 44. Provision of dispensing services
- 45. Provision of drugs, medicines and appliances for immediate treatment or personal administration

PART 4 Persons who perform services

- 46. Qualifications of performers
- 47. Qualifications of performers
- 48. Qualifications of performers
- 49. Qualifications of performers
- 50. Conditions for employment and engagement
- 51. Conditions for employment and engagement
- 52. Conditions for employment and engagement
- 53. Conditions for employment and engagement
- 54. Training
- 55. Training
- 56. Terms and conditions
- 57. Arrangements for GP Registrars
- 58. Independent nurse prescribers and supplementary prescribers
- 59. Signing of documents
- 60. Level of skill
- 61. Appraisal and assessment
- 62. Sub-contracting of clinical matters
- 63. Sub-contracting of out of hours service
- 64. Withdrawal and variation of approval under paragraph 63
- 65. Withdrawal and variation of approval under paragraph 63

PART 5 Records, Information, Notifications and Rights of Entry

- 66. Patient records
- 67. Access to records for the purpose of the Quality Information Preparation Scheme
- 68. Confidentiality of personal data
- 69. Practice leaflet
- 70. Provision of information
- 71. Inquiries about prescriptions and referrals
- 72. Reports to a medical officer
- 73. Annual return and review
- 74. Notifications to the Health Board
- 75. Notifications to the Health Board
- 76. Notifications to the Health Board
- 77. Notice provisions specific to a contract with a company limited by shares
- 78. Notice provisions specific to a contract with persons practising in partnership
- 79. Notification of deaths
- 80. Notifications to patients following variation of the contract
- 81. Entry and inspection by the Health Board

PART 6 Complaints

- 82. Complaints procedure
- 83. Making of complaints

- 84. Making of complaints
- 85. Period for making complaints
- 86. Further requirements for complaints procedures
- 87. Co-operation with investigations
- 88. Provision of information about complaints

PART 7 Dispute Resolution

- 89. Local resolution of contract disputes
- 90. Dispute resolution: non-NHS contracts
- 91. NHS dispute resolution procedure
- 92. Determination of dispute
- 93. Interpretation of Part 7

PART 8 Variation and Termination of Contracts

- 94. Variation of a contract: general
- 95. Termination by agreement
- 96. Termination by the contractor
- 97. Late payment notices
- 98. Termination by the Health Board: general
- 99. Termination by the Health Board for breach of conditions in regulation 4
- 100. Termination by the Health Board for the provision of untrue etc. information
- 101. Other grounds for termination by the Health Board
- 102. Other grounds for termination by the Health Board
- 103. Termination by the Health Board: remedial notices and breach notices
- 104. Termination by the Health Board: additional provision specific to contracts with a partnership and companies limited by shares
- 105. Contract sanctions
- 106. Contract sanctions and the dispute resolution procedure
- 107. Termination and the NHS dispute resolution procedure
- 108. Consultation with the area medical committee
- 109. Where the contractor changes from being an individual to a partnership
- 110. Where the contractor changes from being a partnership to an individual

PART 9 MISCELLANEOUS

- 111. Clinical governance
- 112. Insurance
- 113. Insurance
- 114. Gifts
- 115. Compliance with legislation and guidance
- 116. Third party rights

SCHEDULE 6 OUT OF HOURS SERVICES

- 1. Temporary arrangements for transfer of obligations and liabilities in relation to certain out of hours services
- 2. Application for approval of an out of hours arrangement
- 3. Effect of approval of an arrangement with a transferee out of hours service provider
- 4. Review of approval
- 5. Immediate withdrawal of approval other than following review
- 6. Termination of an out of hours arrangement

SCHEDULE 7

SCHEDULE 8 INFORMATION TO BE INCLUDED IN PRACTICE LEAFLETS

- 1. The name of the contractor.
- 2. In the case of a contract with a partnership—
- 3. In the case of a contract with a company—

- 4. The full name of each person performing services under the...
- 5. In the case of each health care professional performing services...
- 6. Whether the contractor undertakes the teaching or training of health...
- 7. The contractor's practice area, by reference to a sketch diagram,...
- 8. The address of each of the practice premises.
- 9. The contractor's telephone and fax numbers and the address of...
- 10. Whether the practice premises have suitable access for all disabled...
- 11. How to register as a patient.
- 12. The right of patients to express a preference of practitioner...
- 13. The services available under the contract.
- 14. The opening hours of the practice premises and the method...
- 15. The criteria for home visits and the method of obtaining...
- 16. The consultations available to patients under paragraphs 5 and 6...
- 17. The arrangements for services in the out of hours period...
- 18. If the services in paragraph 17 are not provided by...
- 19. The telephone number of NHS 24 and details of the...
- 20. The method by which patients are to obtain repeat prescriptions....
- 21. If the contractor is a dispensing contractor the arrangements for...
- 22. How patients may make a complaint or comment on the...
- 23. The rights and responsibilities of the patient, including keeping appointments....
- 24. The action that may be taken where a patient is...
- 25. Details of who has access to patient information (including information...
- 26. The name, address and telephone number of the Health Board... Explanatory Note