

1994 No. 117

HEALTH AND PERSONAL SOCIAL SERVICES**General Medical and Pharmaceutical Services
(Amendment) Regulations (Northern Ireland) 1994***Made*

28th March 1994

Coming into operation

1st April 1994

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 56, 63, 106 and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(a) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel and after consultation with such organisations as appeared to the Department to be representative of the Medical and Pharmaceutical professions, as required by Articles 56(5) and 63(3) of that Order, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the General Medical and Pharmaceutical Services (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 1st April 1994.

(2) In these regulations, “the principal regulations” means the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(b).

Amendment of regulation 20 of the principal regulations

2. In regulation 20 of the principal regulations (assignment of persons to a doctor), in paragraph (2) after “list” there shall be inserted “and, where the application relates only to a specified person who has previously been removed from the list of the doctor, the circumstances of that removal.”.

Amendment of regulation 23 of the principal regulations

3.—(1) In paragraph (1) of regulation 23 of the principal regulations (application by a doctor for removal of persons from his list) after “Regulation 22(3)” there shall be inserted “and subject to paragraphs (3) to (6)”.

(a) S.I. 1972/1265 (N.I. 14), as amended by S.I. 1978/1907 (N.I. 26), S.I. 1981/432, S.I. 1986/2023 (N.I. 20), S.I. 1986/2229 (N.I. 24), S.I. 1988/2249 (N.I. 24), and S.I. 1991/194 (N.I. 1)

(b) S.R. & O. (N.I.) 1973 No. 421, relevant amending regulations are S.R. 1975 No. 180, S.R. 1983 No. 182, S.R. 1988 No. 395, S.R. 1989 No. 454, S.R. 1991 No. 97 and S.R. 1992 No. 200

- (2) After paragraph (2) there shall be added the following paragraphs:
- “(3) Where—
- (a) a person on a doctor’s list has committed an act of violence against the doctor or has behaved in such a way that the doctor has feared for his safety; and
- (b) the doctor has reported the incident to the police,
- the doctor may notify the Agency that he wishes to have that person removed from his list with immediate effect.
- (4) Notification under paragraph (3) may be given by any means including telephone or fax, but if not given in writing shall subsequently be confirmed in writing within 7 days (and for this purpose a faxed notification is not a written one).
- (5) The time at which the doctor notifies the Agency shall be the time at which he makes the telephone call or sends or delivers the notification to the Agency.
- (6) Where pursuant to paragraph (3) a doctor has notified the Agency that he wishes to have a person’s name removed from his list with immediate effect, he shall take all reasonable steps to inform the person concerned.”.

Amendment of regulation 26 of the principal regulations

4. In regulation 26 of the principal regulations (doctors’ lists), after paragraph (7) there shall be added the following paragraphs—

- “(7A) Where a doctor has requested the Agency to remove a person from his list in accordance with paragraphs (1) and (2) of regulation 23, the removal shall take effect from the date mentioned in paragraph (1) of that regulation.
- (7B) Where a doctor has requested the Agency to remove a person from his list with immediate effect in accordance with paragraphs (3) to (6) of regulation 23—
- (a) the removal shall take effect at the time mentioned in paragraph (5) of that regulation; and
- (b) on receipt of the notification mentioned in paragraph (3) of regulation 23, the Agency shall—
- (i) in writing, acknowledge it and also give notice of the removal to the person concerned, and
- (ii) take all reasonable steps to assign the person to another doctor before the end of the next working day, or as soon as possible thereafter, and regulation 20 shall apply to such an assignment as if the person had applied for an assignment in accordance with that regulation.”.

Insertion of new regulation 36A into the principal regulations

5. After regulation 36 of the principal regulations there shall be inserted the following regulation—

“Additional professional services

36A.—(1) A chemist may, in addition, undertake to provide additional professional services.

- (2) In these regulations, “additional professional services” means—
- (a) publishing a leaflet (“practice leaflet”) which shall include—
- (i) a list of the pharmaceutical services which the chemist has undertaken to provide and for which his name is included in the pharmaceutical list,
 - (ii) the name, address and telephone number of the premises from which he provides those services and the hours in each day of the week during which he provides those services from those premises,
 - (iii) the arrangements made by the chemist to provide, or such arrangements as the chemist has made with other chemists to provide, pharmaceutical services to any person who needs those services in an emergency or outside of the normal hours during which the chemist provides pharmaceutical services;
 - (iv) the procedure by which any person may comment upon the provision of pharmaceutical services undertaken by the chemist; and
- (b) displaying such health promotion leaflets, posters and publications as the Board may, in consultation with the Local Pharmaceutical Committee, approve.”.

Amendment of regulation 40 of the principal regulations

6. In regulation 40 (prices and standards of drugs and appliances) in paragraph (1)(d), after “appliances” there shall be added “and additional professional services”.

Amendment of Schedule 1 to the principal regulations

7. In Schedule 1 to the principal regulations (terms of service for doctors)—

- (a) in paragraph 3 (persons for whose treatment a doctor is responsible), for sub-paragraph (5) there shall be substituted the following sub-paragraph—
- “(5) Where a doctor—
- (a) refuses to accept a person who applies in accordance with regulation 19 for acceptance as a patient for the purposes of receiving general medical services other than maternity medical services and who is not included in the list of any other doctor practising in that area; or
 - (b) refuses to accept as a temporary resident a person to whom regulation 27 applies; or
 - (c) has requested the removal with immediate effect of a person from his list in accordance with paragraphs (3) to (6) of regulation 23,

he shall on request give that person any immediately necessary treatment until the expiry of the period of 14 days beginning with the date when that person was refused acceptance (or, as the case may be, with the date when he requested the immediate removal of that person from his list), or until that person has been accepted by or assigned to another doctor, whichever occurs first.”;

- (b) in paragraph 14 (deputies, assistants and partners),
 - (i) in sub-paragraph (10), the words from “, whether” to “assistant,” shall be omitted, and
 - (ii) in sub-paragraph (11) for the words from “A doctor” to “shall be” there shall be substituted “Where a doctor, whose name is included in the medical list, is acting as deputy to another doctor whose name is also included in that list, the deputy alone is”.

Amendment of Schedule 4 to the principal regulations

8. In Schedule 4 (terms of service for chemists)—

- (a) in paragraph 4 after sub-paragraph (4) there shall be inserted the following sub-paragraph—

“(4A) A chemist who has undertaken to provide additional professional services within the meaning of regulation 36A shall, on request, permit the Board or another person on its behalf at any reasonable time to inspect the premises from which those services are provided for the purpose of satisfying itself that those services are being provided in accordance with the undertaking.”;

- (b) in paragraph 8 after sub-paragraph (4)(b) there shall be inserted the following sub-paragraph—

“(c) The Agency shall make such payments, if any, as are provided for by the Drug Tariff to chemists who provide additional professional services within the meaning of regulation 36A.”.

Sealed with the Official Seal of the Department of Health and Social Services on 25th March 1994.

(L.S.)

Joan Dixon

Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel on 28th March 1994.

(L.S.)

F. G. McConnell

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973, (“the principal regulations”).

The regulations make provision for the Central Services Agency to remove a person from a doctor’s list of patients with immediate effect where requested to do so by a doctor as a result of an act of actual or threatened violence. The doctor is to remain responsible for immediately necessary treatment for a period of 14 days or until the person is transferred to the list of another doctor, if that happens sooner (regulations 2, 3, 4, and 7(a)).

The regulations also provide that where a doctor engages as a deputy another doctor who is himself on the medical list, that deputy alone is responsible, under the terms of service contained in Schedule 1 to the principal regulations, for his acts and omissions and those of any person employed by him or acting on his behalf (regulation 7(b)(ii)). A consequential amendment is effected by regulation 7(b)(i).

Regulation 5 inserts a new regulation 36A to enable chemists who wish to do so to undertake to provide “additional professional services” (for which they would receive extra remuneration) consisting of publishing a practice leaflet and displaying health promotion material. Regulations 6 and 8 make minor consequential amendments enabling payment to be made for these services and empowering Boards to inspect premises for the purpose of monitoring the services provided.