

1995 No. 56

HEALTH AND PERSONAL SOCIAL SERVICES**General Medical and Pharmaceutical Services
(Amendment) Regulations (Northern Ireland) 1995***Made* 28th February 1995*Coming into operation* 30th March 1995

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 56, 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 profession, as required by Article 56(5) 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) 1995 and shall come into operation on 30th March 1995.

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

Doctors’ availability to patients

2.—(1) Schedule 1 to the principal regulations (terms of service for doctors) shall be amended in accordance with paragraphs (2) to (6).

(2) For paragraph 8A (provision of service to patients), there shall be substituted—

“Provision of services to patients

8A.—(1) In this paragraph, the services referred to in paragraph 8 are called the “relevant services”.

(2) Subject to the following provisions of this paragraph, a doctor shall render the relevant services during the hours for which he is normally available pursuant to paragraph 16A (in this paragraph referred to as “normal hours”)—

(a) at his practice premises; or

(a) S.I. 1972/1265 (N.I. 14), as amended by S.I. 1978/1907 (N.I. 26), S.I. 1981/432, S.I. 1986/2229 (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. 1985 No. 69, S.R. 1989 No. 454, and S.R. 1990 No. 361

(b) in the case of a patient whose condition is such that, in the doctor's reasonable opinion, it would be inappropriate for the patient to attend at the practice premises, at whichever is appropriate of the places set out in sub-paragraph (5).

(3) Outside normal hours the doctor shall consider, in the light of the patient's medical condition, whether a consultation is needed, and if so, when.

(4) If, in the doctor's reasonable opinion a consultation is needed before the next time at which the patient could be seen during normal hours, he shall render the relevant services—

(a) at his practice premises;

(b) at such other place as the Board has agreed, pursuant to paragraph 16AA, and he has informed the patient, pursuant to paragraph 16AA(5), is a place where he will treat patients outside normal hours; or

(c) in the case of a patient whose condition is such that, in the doctor's reasonable opinion, it would be inappropriate for the patient to attend either at the practice premises or at such other place, at whichever is appropriate of the places set out in sub-paragraph (5).

(5) The places referred to in sub-paragraphs (2)(b) and (4)(c) are—

(a) the place where the patient was residing when he was accepted by the doctor pursuant to paragraph 4 or, as the case may be, when he was assigned to the doctor pursuant to regulation 20 or, in the case of a patient who was previously on the list of a doctor in a practice declared vacant, when the doctor succeeded to the vacancy;

(b) such other place as the doctor has informed the patient and the Board is the place where he has agreed to visit and treat the patient;

(c) some other place in the doctor's practice area.

(6) Nothing in this paragraph prevents the doctor from—

(a) arranging for the referral of a patient pursuant to paragraph 8(2)(d) without first seeing the patient, in a case where the medical condition of the patient makes that course of action appropriate; or

(b) visiting the patient in circumstances where this paragraph does not place him under an obligation to do so."

(3) After sub-paragraph (8) of paragraph 14 (which says that a deputy may treat patients at times and places other than those approved for the doctor for whom he is acting) there shall be inserted the following sub-paragraph—

"(8A) A doctor acting as a deputy for another doctor may not treat the other doctor's patients at any place approved under paragraph 16AA unless it is so approved for the other doctor."

(4) In paragraph 16(1) (arrangements for practice), for the words from "surgery" to "practice" there shall be substituted "accommodation at his practice premises, having regard to the circumstances of his practice, and at any other premises at which the Board, in accordance with paragraph 16AA, has agreed he may treat his patients".

(5) In paragraph 16A (doctors' availability to patients), in sub-paragraphs (11), (18), and (21), for "28 days" there shall be substituted "30 days".

(6) After paragraph 16A(24), there shall be inserted—

"Availability to patients outside normal hours

16AA.—(1) Subject to the provisions of this paragraph, a doctor may apply to the Board for approval to treat patients at premises other than his practice premises outside the hours for which he is normally available pursuant to paragraph 16A (in this paragraph referred to as "normal hours").

(2) An application under sub-paragraph (1) shall be made in writing and shall state the address of the premises.

(3) An application under sub-paragraph (1) shall not be approved by the Board unless it is satisfied that, having regard to the fact that the premises are for the treatment of patients outside normal hours and to all other relevant circumstances, the premises to which the application relates are likely to be reasonably convenient to the doctor's patients.

(4) Sub-paragraphs (8) to (13) of paragraph 16A shall apply to an application under sub-paragraph (1) as they apply to an application under paragraph 16A(1).

(5) Where the Board determines an application under sub-paragraph (1) by granting approval (with or without conditions), the doctor shall inform his patients by displaying a notice at his practice premises, stating the address of the premises for which approval has been granted.

(6) A doctor may apply to the Board for a variation of any approval granted under this paragraph, and any such application shall be made and determined as if it were the first application for the purposes of this paragraph.

(7) Where it appears to the Board that premises which it has approved under this paragraph may no longer be reasonably convenient to the doctor's patients, it may give notice to the doctor that it proposes to review the terms of the approval.

(8) On any review under sub-paragraph (7), the Board shall allow the doctor a period of 30 days, beginning with the date on which he receives the notice, within which to make representations to the Board about its proposals.

(9) After considering any representations made in accordance with sub-paragraph (8), the Board may determine to—

(a) continue its approval;

(b) continue its approval subject to such new or varied conditions as it sees fit to impose; or

(c) withdraw its approval.

(10) The Board shall notify the doctor in writing of its determination under sub-paragraph (9); and where it determines to withdraw its approval or to continue it subject to new or varied conditions, it shall include with

the notice a statement in writing of the reasons for its determination and of the doctor's right of appeal under sub-paragraph (11).

(11) A doctor may, within the period of 30 days beginning with the date on which he receives the notice referred to in sub-paragraph (10), appeal in writing to the Department against the withdrawal of approval or against any condition imposed pursuant to sub-paragraph (9); and sub-paragraphs (12) and (13) of paragraph 16A shall apply to any such appeal as they apply to an appeal under that paragraph."

(7) In Schedule 1H to the principal regulations (information to be included in practice leaflets), after paragraph 9 there shall be inserted—

"9A. The address of any premises approved under paragraph 16AA of Schedule 1 at which patients may be invited to attend for treatment outside the hours for which the doctor is normally available pursuant to paragraph 16A of Schedule 1."

Fees

3.—(1) Schedule 1 to the principal regulations (terms of service for doctors) shall be amended as follows.

(2) In paragraph 17(1) (which prohibits a doctor from charging a fee except for the services listed in that paragraph), at the end there shall be added—

"(q) for prescribing or providing drugs for malaria chemoprophylaxis."

Sealed with the Official Seal of the Department of Health and Social Services on 28th February 1995.

(L.S.)

Joan Dixon

Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel on 28th February 1995.

(L.S.)

J. Caldwell

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").

Regulation 2 amends doctors' terms of service to enable doctors to treat patients at premises other than their practice premises outside their normal hours of availability. They must first obtain approval of the relevant Health and Social Services Board and must inform their patients of the address of any such premises. The premises must be proper and sufficient, and may be inspected by the Board. Regulation 2 also amends doctors' terms of service to say that a deputy doctor may not treat patients at any premises approved under the new provision unless the doctor for whom he is acting has obtained the necessary approval. An amendment is included to standardise the time limits within which a doctor may appeal to the Department against any decision of the Board in connection with his availability to patients. (Regulation 2(5)).

Regulation 3 amends doctors' terms of service to add providing or prescribing drugs against developing malaria to the list of services for which a doctor may charge a fee.