

SCHEDULE 5

OTHER CONTRACTUAL TERMS

PART 2

PATIENTS

Removal from the list at the request of the contractor

20.—(1) Subject to paragraph 21, a contractor which has reasonable grounds for wishing a patient to be removed from his list of patients which do not relate to the applicant's race, gender, social class, marital status, age, religion, political opinion, sexual orientation, appearance, disability, medical condition, or whether or not the applicant has dependants shall –

- (a) notify the Board in writing that he wishes to have the patient removed; and
- (b) subject to sub-paragraph (2), notify the patient of his specific reasons for requesting removal.

(2) Where in the reasonable opinion of the contractor –

- (a) the circumstances of the removal are such that it is not appropriate for a more specific reason to be given; and
- (b) there has been an irrevocable breakdown in the relationship between the patient and the contractor,

the reason given under sub-paragraph (1) may consist of a statement that there has been such a breakdown.

(3) Except in the circumstances specified in sub-paragraph (4), a contractor may only request a removal under sub-paragraph (1), if, within the period of 12 months prior to the date of his request to the Board, he has warned the patient that he is at risk of removal and explained to him the reasons for this.

(4) The circumstances referred to in sub-paragraph (3) are that –

- (a) the reason for removal relates to a change of address;
- (b) the contractor has reasonable grounds for believing that the issue of such a warning would –
 - (i) be harmful to the physical or mental health of the patient, or
 - (ii) put at risk the safety of one or more of the persons specified in sub-paragraph (5); or
- (c) it is, in the opinion of the contractor, not otherwise reasonable or practical for a warning to be given.

(5) The persons referred to in sub-paragraph (4) are –

- (a) the contractor, where he is an individual medical practitioner;
- (b) in the case of a contract with two or more individuals practising in partnership, a partner in that partnership;
- (c) in the case of a contract with a company, a legal and beneficial owner of shares in that company;
- (d) a member of the contractor's staff;
- (e) a person engaged by the contractor to perform or assist in the performance of services under the contract; or

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- (f) any other person present –
 - (i) on the practice premises, or
 - (ii) in the place where services are being provided to the patient under the contract.
- (6) The contractor shall record in writing –
 - (a) the date of any warning given in accordance with sub-paragraph (3) and the reasons for giving such a warning as explained to the patient; or
 - (b) the reason why no such warning was given.
- (7) The contractor shall keep a written record of removals under this paragraph which shall include –
 - (a) the reason for removal given to the patient;
 - (b) the circumstances of the removal; and
 - (c) in cases where sub-paragraph (2) applies, the grounds for a more specific reason not being appropriate,and shall make this record available to the Board on request.
- (8) A removal requested in accordance with sub-paragraph (1) shall, subject to sub-paragraph (9), take effect from –
 - (a) the date on which the Board receives notification of the registration of the person with another provider of essential services (or their equivalent); or
 - (b) the eighth day after the Board receives the notice referred to in sub-paragraph (1)(a),whichever is the sooner.
- (9) Where, on the date on which the removal would take effect under sub-paragraph (8), the contractor is treating the patient at intervals of less than seven days, the contractor shall notify the Board in writing of the fact and the removal shall take effect –
 - (a) on the eighth day after the Board receives notification from the contractor that the person no longer needs such treatment; or
 - (b) on the date on which the Board receives notification of the registration of the person with another provider of essential services (or their equivalent),whichever is the sooner.
- (10) The Board shall notify in writing –
 - (a) the patient; and
 - (b) the contractor,that the patient's name has been or will be removed from the contractor's list of patients on the date referred to in sub-paragraph (8) or (9).