
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 230

The Health and Personal Social Services (General Medical Services Contracts) (Miscellaneous Amendments) Regulations (Northern Ireland) 2005

PART 2

AMENDMENT OF THE GMS CONTRACTS REGULATIONS

Amendment of regulation 2 of the GMS Contracts Regulations

2.—(1) Regulation 2 (interpretation) of the GMS Contracts Regulations shall be amended as provided in the following paragraphs.

(2) After the definition of “assessment panel”, insert the following definition –

““batch issue” means a form provided by the Agency and issued by a prescriber at the same time as a repeatable prescription to enable a chemist to receive payment for the provision of repeat dispensing services, and which –

- (a) is generated by a computer and not signed by a prescriber,
- (b) relates to a particular repeatable prescription and contains the same dates as that prescription,
- (c) is issued as one of a sequence of forms, the number of which is equal to the number of occasions on which the drugs, medicines or appliances ordered on the repeatable prescription may be provided, and
- (d) specifies a number denoting its place in the sequence referred to in paragraph (c);”.

(3) In the definition of “general medical practitioner” –

- (a) in paragraph (a), omit “otherwise than by virtue of paragraph 1(d) of Schedule 6 to that Order”;
- (b) in paragraph (b)(i), after “National Health Service (Scotland) Act 1978”, insert “or a person who has an acquired right to practise as a general medical practitioner pursuant to regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994(1)”; and
- (c) in paragraph (b)(ii), omit “other than by virtue of having an acquired right under paragraph (1)(d) of Schedule 6 to the 2003 Order”.

(4) For the definition of “GP Registrar”, substitute –

“GP Registrar” means a medical practitioner who is being trained in general practice by –

- (a) until the coming into operation for all purposes of Article 4(5)(d) of the 2003 Order, a general medical practitioner who –

(1) S.I.1994/3130; regulation 5 was amended by S.I. 1997/2817 and modified by Article 117 of S.I. 2004/865. The whole Regulations are prospectively revoked by S.I. 2003/1250, Article 31(5) and Schedule 10, Part 2

- (i) has been approved for that purpose by the Joint Committee on Postgraduate Training for General Practice under regulation 7 of the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998(2), and
- (ii) performs primary medical services; and
- (b) from the coming into operation for all purposes of that Article, a general medical practitioner who is approved under that Article for the purpose of providing training under Article 5(1)(c)(i) of the 2003 Order, whether as part of training leading to the award of a CCT or otherwise;”.
- (5) Omit the definition of “GP Trainer”.
- (6) In the definition of “independent nurse prescriber” –
 - (a) in paragraph (c)(i) for “Part XVIIIB(i)” of the Drug Tariff substitute “Part IXB”; and
 - (b) in paragraph (c)(ii) for “Part XVIIIB(ii)” substitute “Part IXC”.
- (7) In the definition of “out of hours services”, in paragraph (a), after “if provided” insert “by a contractor to his registered patients”.
- (8) For the description of “prescription form” substitute the following –

““prescription form” means a form provided by the Agency and issued by a prescriber to enable a person to obtain pharmaceutical services and does not include a repeatable prescription;”.
- (9) After the definition of “relevant register”, insert the following definitions –

““repeat dispensing services” means pharmaceutical services which involve the provision of drugs, medicines or appliances by a chemist in accordance with a repeatable prescription;

“repeatable prescribing services” means services which involve the prescribing of drugs, medicines or appliances on a repeatable prescription;

“repeatable prescription” means a prescription contained in a form provided by the Agency and issued by a prescriber to enable a person to obtain pharmaceutical services and which –

 - (a) is generated by a computer but signed by a prescriber, and
 - (b) indicates that the drugs, medicines or appliances ordered on that form may be provided more than once and specifies the number of occasions on which they may be provided.”.

Amendment of regulation 4 of the GMS Contracts Regulations

3. In regulation 4 (conditions relating solely to medical practitioners) of the GMS Contracts Regulations, add –

- “(4) In paragraph (1), (2)(a) and (3)(a), “general medical practitioner” does not include –
 - (a) from the coming into operation of Article 10 of the 2003 Order, a medical practitioner whose name is included in the General Practitioner Register by virtue of –
 - (i) paragraph 1(a) of Schedule 6 to that Order by virtue of his having been a restricted services principal included in a list specified in that paragraph,
 - (ii) paragraph 1(d) of that Schedule, or
 - (iii) Article 11(2) of that Order because of an exemption under regulation 5(1)(d) of the regulations specified in paragraph (5);
 - (b) until the coming into operation of Article 10 of the 2003 Order, a medical practitioner who either –

- (i) until the coming into operation of paragraph 22 of Schedule 8 to that Order –
 - (aa) has an acquired right to practise as a general medical practitioner pursuant to regulation 5(1)(a) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994⁽³⁾ only by virtue of having been a restricted services principal included in a list specified in that paragraph, or regulation 5(1)(d) of those Regulations; or
 - (bb) is exempt from the need to be suitably experienced by virtue of regulation 5(1)(d) of the regulations specified in paragraph (5), or
- (ii) upon the coming into operation of that paragraph of that Schedule to that Order, is an eligible general practitioner pursuant to that paragraph by virtue of an acquired right under the provisions listed in sub-paragraph (a)(i) to (iii).

(5) The regulations referred to in paragraph (4)(a)(iii) and (b)(i)(bb) are the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998, the National Health Service (Vocational Training for General Medical Practice) Regulations 1997, and the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998.

(6) In paragraph (4), “restricted services principal” has the same meaning as in the 2003 Order⁽⁴⁾.”.

Amendment of regulation 17 of the GMS Contracts Regulations

4. In regulation 17 (Opt outs of additional and out of hours services) of the GMS Contracts Regulations –

- (a) in sub-paragraphs (1) and (2), in each place where it occurs, “Schedule 3” should read “Schedule 2”; and
- (b) in sub-paragraph (3), in the last line, “those paragraphs relate” should read “that paragraph relates”.

Amendment of regulation 24 of the GMS Contracts Regulations

5. In regulation 24 (Fees and charges) of the GMS Contracts Regulations –

- (a) in sub-paragraph (2)(b), after “prescription”, insert “or repeatable prescription”;
- (b) in sub-paragraphs (3) and (4), in each place where it occurs, the reference to “paragraph (e) of Schedule 4” should read “paragraph 1(d) of Schedule 4”.

Amendment of regulation 29 of the GMS Contracts Regulations

6. In regulation 29 (Additional services), in paragraph (1) –

- (a) in the last line, after “into”, insert “except to the extent that”;
- (b) in sub-paragraph 1(a), in the first line, delete “unless” and in the last line delete “and” and insert “or”; and
- (c) in sub-paragraph 1(b), in the first line, delete “except to the extent that”.

(3) S.I. 1994/3130 as amended by S.I. 1997/2817 and 2003/3148. The whole Regulations are prospectively revoked by S.I. 2003/1250, Article 31(5) and Part 2 of Schedule 10

(4) The definition of “restricted services principal” was substituted, for England, by S.I. 2004/865 and, for Scotland, by S.I. 2004/2261

Amendment of paragraph 4 of Schedule 1 to the GMS Contracts Regulations

7. In paragraph 4 (Vaccinations and immunisations) of Schedule 1 to the GMS Contracts Regulations (Additional services), in paragraph (2)(c), for “influenza vaccination” substitute “influenza and pneumococcal vaccinations”.

Amendment of Schedule 2 to the GMS Contracts Regulations

8. In paragraph 2 (Temporary opt outs and permanent opt outs following temporary opt outs) of Schedule 2 to the GMS Contracts Regulations (Opt Outs of Additional and Out of Hours Services) sub-paragraph (15) shall be substituted as follows –

“(15) A temporary opt out or permanent opt out commences, and a temporary opt out ends at 8am on the relevant day unless –

- (a) the day is a Saturday, Sunday or a public or local holiday agreed with the Board, in which case the opt out shall take effect on the next working day at 8am; or
- (b) the Board and the contractor agree a different time.”.

Amendment of Schedule 5 to the GMS Contracts Regulations

9.—(1) Schedule 5 (other contractual terms) to the GMS Contracts Regulations shall be amended as provided in the following paragraphs.

(2) In paragraph 7 (Clinical reports), at the end insert –

“(3) This paragraph does not apply in relation to out of hours services provided by a contractor on or after 1st May 2005.”.

(3) In paragraph 21 (Removals from the list of patients who are violent), in sub-paragraph (6) –

- (a) line 2, delete “the contractor”, insert “he”;
- (b) in sub-paragraph (6)(a), in the second place where it occurs, delete “it”, insert “him”; and
- (c) in sub-paragraph (6)(b), delete “it”, insert “he”.

(4) In paragraph 31 (Rejection of closure notice by the Board), after sub-paragraph (8) insert –

“(8A) Subject to sub-paragraph (8B), the contractor’s list of patients shall remain closed for the period specified by the assessment panel in accordance with sub-paragraph (8)(b).

(8B) The contractor’s list of patients shall re-open before the expiry of the period mentioned in sub-paragraph (8A) if –

- (a) the number of the contractor’s registered patients falls to the number specified by the assessment panel in accordance with sub-paragraph (8)(b) as the number of registered patients which, if that number were reached, would trigger the re-opening of the contractor’s list of patients; or
- (b) the Board and the contractor agree that the list of patients should re-open.

(8C) If the contractor’s list of patients has re-opened pursuant to sub-paragraph (8B)(a), it shall nevertheless close again if, during the period specified by the assessment panel as the period for which the list should remain closed, the number of the contractor’s registered patients rises to the number specified by the assessment panel in accordance with sub-paragraph (8)(b) as the number of registered patients which, if that number were reached, would trigger the re-closure of the contractor’s list of patients.

(8D) Except in cases where the contractor’s list of patients is already open pursuant to paragraph (8B), the Board shall notify the contractor in writing between seven and fourteen days before the expiry of the closure period specified in paragraph (8A), confirming the date on which the contractor’s list of patients will re-open.”.

(5) After paragraph (39), insert –

“Repeatable prescribing services

39A.—(1) The contractor may only provide repeatable prescribing services to any person on its list of patients if he –

- (a) satisfies the conditions in sub-paragraph (2); and
- (b) has notified the Board of his intention to provide repeatable prescribing services in accordance with sub-paragraphs (3) and (4).

(2) The conditions referred to in sub-paragraph (1)(a) are –

- (a) the contractor holds a contract with a Board
- (b) the contractor has access to computer systems and software which enable him to issue repeatable prescriptions and batch issues; and
- (c) the practice premises at which the repeatable prescribing services are to be provided are located in an area of the Board in which there is also located the premises of at least one chemist who has undertaken to provide, or has entered into an arrangement to provide, repeat dispensing services.

(3) The notification referred to in sub-paragraph (1)(b) is a notification, in writing, by the contractor to the Board that he –

- (a) wishes to provide repeatable prescribing services; and
- (b) intends to begin to provide those services from a specified date; and
- (c) satisfies the conditions in sub-paragraph (2).

(4) The date specified by the contractor pursuant to sub-paragraph (3)(b) must be at least ten days after the date on which the notification specified in sub-paragraph (1) is given.

(5) Nothing in this paragraph requires a contractor or prescriber to provide repeatable prescribing services to any person.

(6) A prescriber may only provide repeatable prescribing services to a person on a particular occasion if –

- (a) that person has agreed to receive such services on that occasion; and
- (b) the prescriber considers that it is clinically appropriate to provide such services to that person on that occasion.

(7) The contractor may not provide repeatable prescribing services to any patient of his to whom –

- (a) he is authorised or required by the Board to provide dispensing services under paragraph 44; or
- (b) any of the persons specified in sub-paragraph (8) is authorised or required by the Board under regulation 12 of the Pharmaceutical Regulations to provide pharmaceutical services.

(8) The persons referred to in sub-paragraph (7) are –

- (a) in the case of a contract with an individual medical practitioner, that medical practitioner;
- (b) in the case of a contract with two or more individuals practising in partnership, any medical practitioner who is a partner;
- (c) in the case of a contract with a company, any medical practitioner who is a legal and beneficial shareholder in that company; or

- (d) any medical practitioner employed by the contractor.

Repeatable prescriptions

39B.—(1) A prescriber who issues a repeatable prescription must at the same time issue the appropriate number of batch issues.

(2) A prescriber who has provided repeatable prescribing services to a person must, as soon as is practicable, notify that person, and make reasonable efforts to contact the chemist providing repeat dispensing services to that person, if –

- (a) he makes any change to the type, quantity, strength or dosage of drugs, medicines or appliances ordered on that person’s repeatable prescription; or
- (b) he considers that it is no longer appropriate or safe for that person to receive the drugs, medicines or appliances ordered on his repeatable prescription, or no longer appropriate or safe for him to continue to receive repeatable prescribing services.

(3) If a prescriber provides repeatable prescribing services to a person in respect of whom he has previously issued a repeatable prescription which has not yet expired (for example, because that person wishes to obtain the drugs, medicines or appliances from a different chemist), the prescriber must make reasonable efforts to notify the chemist which has in its possession the repeatable prescription which is no longer required.

(4) If a prescriber has issued a repeatable prescription in respect of a person, and (before the expiry of that repeatable prescription) it comes to his notice that that person has been removed from the list of patients of the contractor on whose behalf the prescription was issued, that prescriber must –

- (a) notify that person; and
- (b) make reasonable efforts to notify the chemist who has been providing repeat dispensing services to that person, that the repeatable prescription should no longer be used to obtain or provide repeat dispensing services.”

(6) In paragraph 45 (terms relating to the provision of dispensing services), in sub-paragraph (8) –

- (a) in paragraph (a), for “(3)(a)” substitute “(2)(a) of paragraph 45 of Schedule 5 to the GMS Regulations”;
- (b) in paragraph (b), for “(5)” substitute “(4) of that paragraph”; and
- (c) in paragraph (d), for “medical practitioner” substitute “contractor”.

(7) In paragraph 48 (qualifications of performers), in sub-paragraph (2) for paragraph (c) substitute –

- “(c) a GP Registrar who has applied to a Board to have his name included in its primary medical services performers list until the first of the following events arises –
 - (i) the Board notifies him of its decision on that application; or
 - (ii) the end of a period of two months, starting with and including the date on which his vocational training scheme began.”;

and at the end, add –

“(3) In this paragraph, “vocational training scheme” has the meaning given in regulation 2 of the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004(5).”.

(8) In paragraph 59 (Arrangements for GP Registrars), in sub-paragraph (1), omit “for the purpose of being trained by a GP Trainer with the agreement of the Department and”.

(9) In paragraph 61 (Signing of documents), in sub-paragraph (2)(b), after “prescription forms” insert “and repeatable prescriptions”.

(10) In paragraph 66 (Withdrawal and variation of approval under paragraph 65), for sub-paragraph (2) substitute –

“(2) A notice served under sub-paragraph (1) shall take effect on the date on which it is received by the contractor.”

(11) In paragraph 71 (Practice leaflet), in sub-paragraph (a) for “Schedule 7”, substitute “Schedule 8”.

(12) In paragraph 72 (Provision of information), at the end insert –

“(3) The contractor shall produce the information requested, or, as the case may be, allow access to it –

(a) by such date as has been agreed as reasonable between the contractor and the Board; or

(b) in the absence of such agreement, within 28 days of the request being made.”.

(13) In paragraph 73 (Inquiries about prescriptions and referrals), in sub-paragraph (1)(a), after “prescription form” insert “or repeatable prescription”.

(14) In paragraph 75 (Annual return and review) after sub-paragraph (1), insert –

“(1A) Subject to Article 50 (annual returns and reviews) of the General Medical Services Transitional and Consequential Provisions (No. 2) (Northern Ireland) Order 2004(6), one such return may be requested by the Board at any time during each financial year in relation to such period (not including any period covered by a previous annual return) as may be specified in the request.

(1B) The contractor shall submit the completed return to the Board –

(a) by such date as has been agreed as reasonable between the contractor and the Board; or

(b) in the absence of such agreement, within 28 days of the request being made;”.

(15) In paragraph 83 (Entry and inspection by the Board), in sub-paragraph (3), after “the Board may, if” insert “he or”.

(16) In paragraph 90 (Provision of information about complaints) –

(a) renumber the existing provision as sub-paragraph (1); and

(b) after that provision, insert –

“(2) This paragraph does not apply in relation to out of hours services provided by a contractor on or after 1st May 2005.”.

(17) In paragraph 93 (Dispute resolution procedure)

(a) in sub-paragraph (6), after “the matter” insert “under dispute”; and

(b) in sub-paragraph (9)(a), for “he” substitute “it”.

(18) In paragraph 114 (Insurance), in sub-paragraph (3)(b) for “an employee of his in connection with clinical services which that employee” substitute “a person employed or engaged by him in connection with clinical services which that person”.

(19) In paragraph 116 (Gifts), the unnumbered paragraph after sub-paragraph (2)(f) shall be numbered “(g)”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Amendment of Schedule 8 of the GMS Contracts Regulations

10. In Schedule 8 (information to be included in practice leaflets), after item 19 insert –

“**19A.** If the contractor offers repeatable prescribing services, the arrangements for providing such services.”