
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 434

The Health and Personal Social Services
(Primary Medical Services Performers Lists)
(Amendment) Regulations (Northern Ireland) 2008

Insertion of regulation 10A to the principal Regulations

11. After regulation 10 (Removal from the primary medical services performers list of medical practitioners not performing primary medical services) insert—

“Contingent removal from the primary medical services performers list

10A.—(1) In an efficiency or a fraud case, a Board may decide to contingently remove a performer from its primary medical services performers list.

(2) If a Board decides to contingently remove the performer in accordance with paragraph (1), it must impose such conditions as it may decide, having regard to the requirements of Article 57G(3B) of the Order (preventing fraud or prejudice to the efficiency of the service).

(3) If the Board determines that the performer has failed to comply with a condition imposed by the Board under paragraph (2) it may decide to—

- (a) vary the conditions imposed;
- (b) impose new conditions; or
- (c) remove the performer from the primary medical services performers list.

(4) Where a Board is considering the removal of a performer from the primary medical services performers list for breach of a condition, it shall give the performer—

- (a) notice of any allegation against the performer;
- (b) notice of the grounds for the action it is considering;
- (c) the opportunity to make written representations to it within 28 days of the date of the notification under sub-paragraph (b); and
- (d) the opportunity for an oral hearing before it, if the performer requests one within the 28 day period mentioned in sub-paragraph (c).

(5) If there are no representations within the period specified in paragraph 4(c), the Board shall decide the matter and, within 7 days of making that decision, notify the performer of—

- (a) that decision and the reasons for it (including any facts relied upon); and
- (b) any right of appeal under regulation 13 (Appeal to the Department).

(6) If there are representations the Board must take them into account before reaching its decision and shall then, within 7 days of making it, notify the performer of—

- (a) that decision and the reasons for it (including any facts relied upon); and
- (b) any right of appeal under regulation 13 (Appeal to the Department).

(7) If the performer requests an oral hearing, this must take place before the Board reaches its decision, and it must then, within 7 days of making that decision, notify the performer of—

- (a) that decision and the reason for it (including any facts relied upon); and
- (b) any right of appeal under regulation 13 (Appeal to the Department).

(8) When the Board notifies the performer of any decision, it shall inform the performer that, if an appeal is to be made under regulation 13, it must be made within the period of 28 days beginning with the date on which it gave the performer notice of its decision and shall explain how to exercise any such right.

(9) The Board shall also notify the performer of his right to have the decision reviewed in accordance with regulation 12B.

(10) Where the Board determines that a performer—

- (a) may be included in the primary medical services performers list, but subject to conditions imposed under this regulation; or
- (b) is to be subject to conditions while remaining included in the primary medical service performers list,

the performers name may be included, or continue to be included, in that list during the period under which an appeal may be brought to the Department pursuant to regulation 13, or if an appeal is brought, until such times as that appeal has been decided, provided the performer agrees in writing to be bound by the conditions imposed until the time for the appeal has expired or the appeal is decided.”.