

EXECUTIVE NOTE

The National Health Service (Primary Medical Services Performers Lists) (Scotland) Amendment Regulations 2007 SSI/2007/207

The above instrument was made in exercise of the powers conferred by sections 17P, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978 (“the Act”). The instrument is subject to negative resolution procedure.

Background

The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (“the 2004 Regulations”) set out the arrangements whereby registered medical practitioners who wish to perform primary medical services as General Practitioners may apply for and gain admission to the performers list of any Health Board in whose area they wish to practice. The 2004 Regulations specify the manner in which an application is to be made and the requirements which are placed on those who gain admission to a performers list. Medical practitioners may be disqualified from such lists by direction of the NHS Tribunal.

Policy Objectives

The instrument amends the 2004 Regulations as follows.

Regulation 2 of the 2004 Regulations contains a definition of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001 (“the 2001 Regulations”). As the 2001 Regulations are being consolidated, the instrument replaces the definition of the 2001 Regulations with a definition of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2007 (“the 2007 Regulations”) which will come into force on 1 April 2007.

Regulation 2 of the 2004 Regulations also contains definitions of the three conditions for disqualification by the NHS Tribunal. In the main body of the 2004 Regulations, however, reference is made to “a condition for disqualification” (see regulation 7(4)) but that expression is not defined. The instrument inserts such a definition to replace the three separate definitions. This solution was undertaken in the Executive’s response to the SLC’s letter of 21 March 2006 about SSI/2006/136.

The opportunity is being taken to insert in Regulation 2 of the 2004 Regulations a definition of the Postgraduate Medical Education and Training Board which is referred to in other definitions eg that of “GP Trainer”.

Regulation 3 of the 2004 Regulations generally provides that only those doctors who have gained admission to a performers list may perform primary medical services while regulations 3(2) and (3) provide exceptions for doctors who have provisional registration and for GP Registrars who are undertaking a temporary posting as part of their training. The instrument adds another category – that of doctors who are temporarily placed with a GP

practice as part of their post – registration supervised clinical programme. Such doctors must inform the relevant Health Board when they take up the posting and provide evidence to support that they are undergoing such a programme.

The opportunity is being taken to correct a minor omission in the 2004 Regulations. Regulation 2(4) of the instrument inserts “the” between “of” and “Act” in regulation 7(4).

Schedule 1 to the 2004 Regulations sets out the information, declarations and undertakings which must be included in an application for inclusion in a primary medical services performers’ list. Paragraph 3(f) is amended so that the reference to a prescription form in the making of a declaration for charge exemption is omitted. This follows the introduction of electronic prescribing as declarations will be made in other ways. The paragraph is also amended so that a reference to the relevant provisions of the 2001 Regulations is replaced with those of the 2007 regulations.

Consultation

The Scottish General Practitioners Committee and NHS Education for Scotland have been consulted and are content.

Financial Effects

The instrument will have no financial effects. It alters slightly the procedures which are already carried out by Health Boards to maintain the performers lists.

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