

EXECUTIVE NOTE

THE NATIONAL HEALTH SERVICE (GENERAL MEDICAL SERVICES CONTRACTS, PRIMARY MEDICAL SERVICES SECTION 17C AGREEMENTS AND PRIMARY MEDICAL SERVICES PERFORMERS LISTS) (SCOTLAND) AMENDMENT REGULATIONS 2010

SSI 2010/93

1. The above instrument was made in exercise of the powers conferred by sections 17E, 17K, 17L(1), 17N, 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

2. The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004 (“the 2004 Contracts Regulations”) set out the framework for the provision of general medical services under contracts between Health Boards and contractors. The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004 (“the 2004 Agreements Regulations”) set out the requirements for the provision of primary medical services under agreements in accordance with Section 17C of the Act between Health Boards and providers. The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (“the 2004 Performers Lists 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 perform these services.

Policy Objectives

3. The purpose of the instrument is to amend the Regulations listed above to reflect changes to reserved legislation. These changes are the introduction of a new medical certificate by Department for Work and Pensions (DWP), and the abolishing of the Postgraduate Medical Education and Training Board and transferring its functions to the General Medical Council being introduced by the Department for Health.
4. The instrument amends references to medical certificates in the 2004 Contracts Regulations and the 2004 Agreements Regulations to ensure that contractors/providers will continue to provide the medical certificates, in their new format, free of charge. This instrument also makes changes to extend the group of DWP employees who may request information from a contractor/provider related to medical certificates. These amendments are required as a result of the introduction of the Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2010 (SI 2010/137). That instrument makes provision to allow a General Practitioner to consider not only whether their patient is unfit for work but also whether their patient may be able to work with appropriate support if available and also streamlines the procedure where the certificate is based on the report of another health care professional.
5. This instrument also makes minor amendments to the 2004 Contracts Regulations and 2004 Performers Lists Regulations in relation to the changes being introduced by the

Department of Health to postgraduate medical training. The amendments in this instrument are required due to the changes to the framework for registration of General Practitioners which are introduced by the Postgraduate Medical Education and Training Order of Council 2010 (SI 2010/473). This instrument amends the 2004 Contracts Regulations to preserve the current situation whereby certain persons are not to be considered General Practitioners for the purposes of eligibility for holding a general medical services contract. It also updates a reference to a repealed enactment in the 2004 Performers Lists Regulations.

Consultation

6. The Scottish General Practitioners Committee of the British Medical Association has been consulted and is content. .

Financial Effects

7. The amendments will have no appreciable financial effects.

FRANK STRANG
Scottish Government Health Department
March 2010