



Health and Social Care (Community Health and Standards) Act 2003

2003 CHAPTER 43

PART 4

DENTAL AND MEDICAL SERVICES

Primary dental and medical services: supplementary

179 Persons performing primary medical and dental services

(1) In the 1977 Act, after section 28W (as inserted by section 175 above) insert—

“28X Persons performing primary medical and dental services

- (1) Regulations may provide that a health care professional of a prescribed description may not perform any primary medical service for which a Primary Care Trust or Local Health Board is responsible unless he is included in a list maintained under the regulations by a Primary Care Trust or Local Health Board.
- (2) Regulations may provide that a health care professional of a prescribed description may not perform any primary dental service for which a Primary Care Trust or Local Health Board is responsible unless he is included in a list maintained under the regulations by a Primary Care Trust or Local Health Board.
- (3) For the purposes of this section—
 - (a) “health care professional” means a person who is a member of a profession regulated by a body for the time being mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002;

Status: This is the original version (as it was originally enacted).

- (b) a Primary Care Trust or Local Health Board is responsible for a medical or dental service if it provides the service, or secures its provision, by or under any enactment.
- (4) Regulations under this section may make provision in relation to lists under this section and in particular as to—
- (a) the preparation, maintenance and publication of a list;
 - (b) eligibility for inclusion in a list;
 - (c) applications for inclusion (including provision as to the Primary Care Trust or Local Health Board to which an application must be made, and for the procedure for applications and the documents to be supplied on application);
 - (d) the grounds on which an application for inclusion may or must be granted or refused;
 - (e) requirements with which a person included in a list must comply (including the declaration of financial interests and gifts and other benefits);
 - (f) suspension or removal from a list (including provision for the grounds for, and consequences of, suspension or removal);
 - (g) circumstances in which a person included in a list may not withdraw from it;
 - (h) payments to be made in respect of a person suspended from the list (including provision for the amount of the payment, or the method of calculating the payment, to be determined by the Secretary of State or National Assembly for Wales, or a person appointed by him or it);
 - (i) the criteria to be applied in making decisions under the regulations;
 - (j) appeals against decisions made by a Primary Care Trust or Local Health Board under the regulations; and
 - (k) disclosure of information about applicants for inclusion, grants or refusals of applications or suspensions or removals;
- and may make any provision corresponding to anything in sections 49F to 49N below.
- (5) Regulations under this section may, in particular, also provide for—
- (a) a person's inclusion in a list to be subject to conditions determined by a Primary Care Trust or Local Health Board;
 - (b) a Trust or Board to vary the conditions or impose different ones;
 - (c) the consequences of failing to comply with a condition (including removal from the list);
 - (d) the review by a Trust or Board of decisions made by it by virtue of the regulations.
- (6) The imposition of such conditions must be with a view to—
- (a) preventing any prejudice to the efficiency of the services to which the list relates, or
 - (b) preventing fraud.
- (7) Regulations making provision as to the matters referred to in subsection (4) (k) may in particular authorise the disclosure of information—
- (a) by a Primary Care Trust or Local Health Board to the Secretary of State or the National Assembly for Wales; and

- (b) by the Secretary of State or the National Assembly for Wales to a Primary Care Trust or Local Health Board.”
- (2) In section 49M(7) of that Act, at the end there is inserted “; and regulations under this subsection may include provision of the kind referred to in section 49I(10)”.