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STATUTORY INSTRUMENTS

2015 No. 1862

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (General
Medical Services Contracts) Regulations 2015**

Made - - - - 6th November 2015
Laid before Parliament 13th November 2015
Coming into force 7th December 2015

**THE NATIONAL HEALTH SERVICE (GENERAL
MEDICAL SERVICES CONTRACTS) REGULATIONS 2015**

PART 1

General

1. Citation and commencement
2. Application
3. Interpretation
- 3A Variation of core hours while a disease is or in anticipation of a disease being imminently pandemic etc.
- 3B Amendment and withdrawal of announcements and advice in respect of pandemics etc.

PART 2

Contractors: conditions and eligibility

4. Conditions: general
5. Conditions relating solely to medical practitioners
6. General condition relating to all contracts
7. Notice of conditions not being met and reasons
8. Right of appeal

PART 3

Pre-contract dispute resolution

9. Pre-contract disputes

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PART 4

Health service body status

10. Health service body status: election
11. Health service body status: variation of contracts
12. Cessation of health service body status

PART 5

Contracts: required terms

13. Parties to the contract
14. Health service contract
15. Contracts with individuals practising in partnership
16. Duration
17. Essential services
18. Out of hours services
19. Additional services
20. Services: general
21. Membership of a CCG
22. Certificates
23. Finance
24. Fees and charges
25. Circumstances in which fees and charges may be made
26. Patient participation
27. Publication of earnings information
28. Sub-contracting
29. Variation of contracts
- 29A Variation of contracts: integrated care provider contracts
30. Variation of contracts: registered patients from outside practice area
31. Termination of a contract
32. Other contractual terms
- 32A Suspension of contract terms or of enforcement of contract terms while a disease is or in anticipation of a disease being imminently pandemic etc.

PART 6

Opt outs: additional and out of hours services

33. Opt outs: interpretation
34. Opt outs: general
35. Opt outs: additional services
36. Additional services: temporary opt outs and permanent opt outs following temporary opt outs
37. Additional services: permanent opt outs
38. Out of hours services: opt outs
39. Informing patients of opt outs

PART 7

Persons who perform services

40. Qualifications of performers: medical practitioners
41. Qualifications of performers: health care professionals
42. Conditional registration or inclusion in primary care list

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43. Clinical experience
44. Conditions for employment and engagement: medical practitioners
45. Conditions for employment or engagement: health care professionals
46. Clinical references
47. Verification of qualifications and competence
48. Training
49. Terms and conditions
50. Arrangements for GP Specialty Registrars
51. Notice requirements in respect of relevant prescribers
52. Signing of documents
53. Level of skill
54. Appraisal and assessment

PART 8

Prescribing and dispensing

55. Prescribing: general
56. Orders for drugs, medicines or appliances
57. Electronic prescriptions
58. Nomination of dispensers for the purposes of electronic prescriptions
59. Repeatable prescribing services
60. Repeatable prescriptions
- 60A Prescribing for electronic repeat dispensing
61. Restrictions on prescribing by medical practitioners
62. Restrictions on prescribing by supplementary prescribers
63. Bulk prescribing
64. Excessive prescribing
65. Provision of drugs, medicines and appliances for immediate treatment or personal administration

PART 9

Prescribing and dispensing: out of hours services

66. Supply of medicines etc. by contractors providing out of hours services

PART 10

Records and information

67. Patient records
68. Summary Care Record
69. Electronic transfer of patient records between GP practices
70. Clinical correspondence: requirement for NHS number
- 70A Use of fax machines
71. Patient online services : appointments and prescriptions
- 71ZA Patient online services: provision of online access to coded information in medical record and prospective medical record
- 71ZB Patient online services: provision of online access to full digital medical record
- 71A Patient access to online services
72. Confidentiality of personal data: nominated person
73. Requirement to have and maintain an online presence
- 73A Requirement to maintain profile page on NHS website
74. Provision of information

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- 74A Provision of information: GP access data
- 74B National Diabetes Audit
- 74C Information relating to indicators no longer in the Quality and Outcomes Framework
- 74D Information relating to alcohol related risk reduction and dementia diagnosis and treatment
- 74E NHS Digital Workforce Collections
- 74F Information relating to overseas visitors
- 74G Medicines and Healthcare products Regulatory Agency Central Alerting System
- 74H Collection of data relating to appointments in general practice
- 75. Inquiries about prescriptions and referrals
- 76. Provision of information to a medical officer etc.
- 77. Annual return and review
- 78. Practice leaflet

PART 11

Complaints

- 79. Complaints procedure
- 80. Co-operation with investigations

PART 12

Dispute resolution

- 81. Local resolution of contract disputes
- 82. Dispute resolution: non-NHS contracts
- 83. NHS dispute resolution procedure
- 84. Determination of the dispute
- 85. Interpretation of this Part

PART 13

Functions of a Local Medical Committee

- 86. Functions of a Local Medical Committee

PART 14

Miscellaneous

- 87. Clinical governance
- 88. Friends and Family Test
- 89. Co-operation with the Board
- 90. Co-operation with the Secretary of State and Health Education England
- 91. Insurance
- 92. Public liability insurance
- 93. Gifts
- 94. Compliance with legislation and guidance
- 95. Third party rights

PART 15

General transitional provision and saving, consequential amendments and revocations

- 96. General transitional provision and saving

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97. Consequential amendments
98. Revocations
Signature

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1. Additional services: general
2. Cervical screening
3. Contraceptive services
4. Vaccines and immunisations
5. Childhood vaccines and immunisations
6. Child health surveillance
7. Maternity medical services
8. Minor surgery

SCHEDULE 2 — List of prescribed medical certificates

SCHEDULE 3 — Other contractual terms

PART 1 — Provision of services

1. Premises
 2. Telephone services
 3. Cost of relevant calls
 4. Attendance at practice premises
 5. Attendance outside practice premises
 6. Newly registered patients
 7. Newly registered patients – alcohol dependency screening
 - 7A Patients living with frailty
 8. Accountable GP
 9. Patients not seen within three years
 10. Patients aged 75 and over
 11. Patients aged 75 and over: accountable GP
 - 11A NHS e-Referral Service (e-RS)
 - 11B Direct booking by NHS 111 or via a connected service
 12. Clinical reports
 13. Storage of vaccines
 14. Infection control
 15. Duty of co-operation
 - 15A Duty of co-operation: Primary Care Networks
 16. Cessation of service provision: information requests
- PART 2 — Patients: general
17. List of patients
 18. Application for inclusion in a list of patients
 19. Inclusion in list of patients: armed forces personnel
 - 19A Inclusion in list of patients: detained persons
 20. Temporary residents
 21. Refusal of applications for inclusion in list of patients or for acceptance as temporary resident
 22. Patient preference of a practitioner
 23. Removal from the list at the request of the patient
 24. Removal from the list at the request of the contractor
 25. Removal from the list of patients who are violent
 26. Removal from the list of patients registered elsewhere

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27. Removal from the list of patients who have moved
28. Removal from the list of patients whose address is unknown
29. Removal from the list of patients absent from the United Kingdom etc.
30. Removal from the list of patients accepted elsewhere as temporary residents
31. Removal from the list of pupils etc. of a school
32. Termination of responsibility for patients not registered with the contractor
 - PART 3 — Lists of patients: closure etc.
33. Application for closure of list of patients
34. Approval of an application to close a list of patients
35. Rejection of an application to close a list of patients
36. Application for an extension of a closure period
37. Re-opening of list of patients
 - PART 4 — Assignment of patients to lists
38. Application of this Part
39. Assignment of patients to list of patients: open and closed lists
40. Factors relevant to assignments
- 40A. Assignment of patients from outside practice area
41. Assignments to closed lists: composition and determinations of the assessment panel
42. Assignment to closed lists: NHS dispute resolution procedure relating to determinations of the assessment panel
43. Assignments to closed lists: assignments of patients by the Board
 - PART 5 — Sub-contracting
44. Sub-contracting of clinical matters
45. Sub-contracting out of hours services
46. Withdrawal and variation of approval under paragraph 45
47. Withdrawal or variation of approval with immediate effect
 - PART 6 — Provision of information: practice leaflet, use of NHS primary care logo, marketing campaigns and advertising private services
48. Information to be included in practice leaflets
- 48A. Use of NHS primary care logo
- 48B. Marketing campaigns
- 48C. Advertising private services
 - PART 7 — Notice requirements and rights of entry
49. Notices to the Board
50. Notice provisions specific to a contract with a company limited by shares
51. Notice provisions specific to a contract with two or more individuals practising in a partnership
52. Notice of deaths
53. Notices given to patients following variation of the contract
54. Entry and inspection by the Board
55. Entry and inspection by the Care Quality Commission
56. Entry and inspection by Local Healthwatch organisations
 - PART 8 — Variation and termination of contracts
57. Variation: general
58. Variation provisions specific to a contract with an individual medical practitioner
59. Variation provisions specific to a contract with two or more persons practising in partnership
60. Termination by agreement
61. Termination on the death of an individual medical practitioner
62. Termination by the contractor
63. Late payment notices

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64. Termination by the Board: general
65. Termination by the Board for breach of conditions in regulation 5
66. Termination by the Board for the provision of untrue etc. information
67. Other grounds for termination by the Board
68. Termination by the Board where patients' safety is seriously at risk or where there is risk of material financial loss to Board
69. Termination by the Board for unlawful sub-contracting
70. Termination by the Board: remedial notices and breach notices
71. Termination by the Board: additional provisions specific to contracts with two or more persons practising in partnership and companies limited by shares
72. Contract sanctions
73. Contract sanctions and the NHS dispute resolution procedure
74. Termination and the NHS dispute resolution procedure
75. Consultation with the Local Medical Committee

SCHEDULE 3A — Suspension and reactivation of general medical services contracts

1. Interpretation
2. Right to suspend a general medical services contract
3. Integrated care provider contracts
4. Notice of intention to suspend a general medical services contract
5. Suspension of a general medical services contract: general
6. Notice of intention to reactivate a general medical services contract
7. Right to reactivate a general medical services contract
8. Reactivation of a general medical services contract: general
9. Termination, expiry or variation of an integrated care provider contract

SCHEDULE 4 — Consequential amendments

1. Amendment of the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc) Regulations 2004
2. Amendment of the Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) Regulations 2004
3. Amendment of the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Establishment and Constitution) Order 2005
4. Amendment of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009
5. Amendment of the National Health Service (Functions of the First-tier Tribunal relating to Primary Medical, dental and Ophthalmic Services) Regulations 2010
6. Amendment of the National Health Service (Clinical Commissioning Groups) Regulations 2012
7. Amendment of the National Health Service (Performers Lists) (England) Regulations 2013
8. Amendment of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013
9. Amendment of the National Health Service (Clinical Commissioning Groups – Disapplication of Responsibility) Regulations 2013
10. Amendment of the National Health Service (Procurement, Patient Choice and Competition) (No. 2) Regulations 2013

SCHEDULE 5 — List of enactments to be revoked

1. The enactments listed in column 1 of the Table are...

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Explanatory Note

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