

## SCHEDULE 2

Regulation 3

### Amendments to the PMS Agreements Regulations

#### General

1. The PMS Agreements Regulations are amended as follows.

#### Electronic repeat dispensing

- 2.—(1) Regulation 53A(1) is amended as follows.

- (2) For the heading substitute, “Prescribing for electronic repeat dispensing”.

- (3) In paragraph (1), for “electronic repeat dispensing services” substitute “electronic repeat dispensing”.

- (4) For paragraph (2) substitute—

- “(2) In this regulation, “electronic repeat dispensing” means dispensing as part of pharmaceutical services or local pharmaceutical services which involves the provision of drugs, medicines or appliances accordance with an electronic repeatable prescription.”.

#### Restriction on use of fax machines

3. After regulation 63, insert—

##### “Use of fax machines

**63A.**—(1) Where a contractor can transmit information by electronic means (other than facsimile transmission) securely and directly to a relevant person, the contractor must not—

- (a) transmit any information to that person by facsimile transmission, or
  - (b) agree to receive any information from that person by facsimile transmission.

- (2) Paragraph (1) does not apply to any information which relates solely to the provision of clinical services or treatment to a patient under a private arrangement.

- (3) In this regulation, “relevant person” means—

- (a) an NHS body,
    - (b) another health service provider,
    - (c) a patient, or
    - (d) a person acting on behalf of a patient.”.

#### Patient access to online services

4. After regulation 64, insert—

##### “Patient online services: provision of online access to coded information in medical record and prospective medical record

**64ZA.**—(1) Where a contractor holds the medical record of a registered patient (“P”) on its computerised clinical systems, the contractor must promote and offer to P the facility to access online the information from P’s medical record which is held in coded form other than—

---

(1) Regulation 53A was inserted by [S.I. 2019/1137](#).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (a) any excepted information, or
  - (b) any information which the contractor's computerised clinical systems cannot separate from any free-text entry in P's medical record.
- (2) The contractor must, if its computerised clinical systems and redaction software allow, offer to P the facility to access online the information (other than any excepted information) entered onto P's medical record on or after the relevant date (the "prospective medical record").
- (3) If P accepts an offer made under paragraph (2), the contractor must, as soon as possible, provide P with the facility to access online P's prospective medical record.
- (4) But the contractor may—
- (a) delay providing the facility to P, if the contractor considers that providing P with it is likely to have an adverse impact on its provision of essential services;
  - (b) delay giving P online access to any information added to P's prospective medical record after the facility is provided to P, if the contractor considers that providing P with access to that information is likely to have an adverse impact on its provision of essential services.
- (5) If the contractor decides to delay providing P with access to the facility or giving P access to any information, it must notify P—
- (a) of that decision (including the period for which it anticipates access will be delayed), and
  - (b) when the facility, or that information, becomes available.
- (6) In this regulation, "relevant date" means—
- (a) 1st April 2020, where P became a registered patient before 1st October 2019;
  - (b) in any other case, 1st October 2019.
- (7) For the purposes of this regulation and regulation 64ZB, information is "excepted information" if the contractor would not be required to disclose it to P in response to a request made by P in exercise of a right under Article 15 of the GDPR.
- (8) For the purposes of paragraph (7), "GDPR" has the meaning given in section 3(10) of the Data Protection Act 2018.

#### **Patient online services: provision of online access to full digital medical record**

- 64ZB.**—(1) A contractor must provide a registered patient ("P") with the facility to access online relevant medical information if—
- (a) its computerised clinical systems and redaction software allow it to do so, and
  - (b) P requests, in writing, that it provide that facility.
- (2) In this regulation "relevant medical information" means any information entered on P's medical record other than—
- (a) any information which P can access online via a facility offered in accordance with regulation 64ZA(1) or (2), or
  - (b) any excepted information."

#### **Practice website and profile on NHS website**

5. For regulation 66 substitute—

### **“Requirement to have and maintain an online presence**

**66.**—(1) A contractor must have—

- (a) a practice website, or
- (b) an online practice profile.

(2) The contractor must publish on its practice website or profile (as the case may be) all the information which is required to be included in its practice leaflet<sup>(2)</sup>.

(3) The contractor must publish that information otherwise than by making its practice leaflet available for viewing or downloading.

(4) The contractor must review the information available on its practice website or profile at least once in every period of 12 months.

(5) The contractor must make any amendments necessary to maintain the accuracy of the information on its website or profile following—

- (a) a review under paragraph (4);
- (b) a change to—
  - (i) the address of any of the contractor’s practice premises,
  - (ii) the contractor’s telephone number,
  - (iii) the contractor’s electronic-mail address (if made available on its website or profile), or
  - (iv) any other stated means by which a patient may contact the contractor to book or amend an appointment, or to order repeat prescriptions for drugs, medicines or appliances.

(6) The requirements in this regulation are in addition to those in regulation 21 and paragraph 15(8) of Schedule 2.

(7) In these Regulations, “online practice profile” means a profile—

- (a) which is on a website (other than the NHS website<sup>(3)</sup>), or an online platform, provided by another person for use by a contractor, and
- (b) through which the contractor advertises the primary medical services it provides.

### **Requirement to maintain profile page on NHS website**

**66A.**—(1) A contractor must review the information available on its profile page on the NHS website at least once in every period of 12 months.

(2) The contractor must make any amendments necessary to maintain the accuracy of the information its profile page following—

- (a) a review under paragraph (1);
- (b) a change to—
  - (i) the address of any of the contractor’s practice premises,
  - (ii) the contractor’s telephone number,
  - (iii) the contractor’s electronic-mail address (if made available on its profile page), or

---

(2) “Practice leaflet” is defined in regulation 3 of the Regulations.

(3) The NHS website is available at: <https://www.nhs.uk/>.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (iv) any other stated means by which a patient may contact the contractor to book or amend an appointment, or to order repeat prescriptions for drugs, medicines or appliances.”.

#### **Minor and consequential amendments**

- 6.** In regulation 3(4)—
  - (a) after the definition of “Nursing and Midwifery Register”, insert—
    - ““online practice profile” has the meaning given in regulation 66(7);”;
  - (b) in the definition of “practice website”, for “any” substitute “a”.
- 7.** In regulation 21, in paragraph (1), for “(if it has one)” substitute “or online practice profile”.
- 8.**—(1) Regulation 64(5) is amended as follows.
  - (2) In the heading, after “services” insert “: appointments and prescriptions”.
  - (3) Omit paragraphs (5) and (5A).
  - (4) In paragraph (8)—
    - (a) omit “Where the contractor has a practice website”;
    - (b) for “that practice website” substitute “its practice website or online practice profile”.
  - (5) In paragraph (9), omit the definition of “newly registered patient”.
- 9.** In regulation 64A(6), after “regulation 61” insert “or regulation 64ZA(1) or (2)”.
- 10.** In regulation 67F(7)—
  - (a) in paragraph (3), for sub-paragraph (a), substitute—
    - “(a) electronically at [nhsdigital.costrecovery@nhs.net](mailto:nhsdigital.costrecovery@nhs.net);”;
  - (b) in paragraph (4)—
    - (i) in the words before sub-paragraph (a), for “Department for Work and Pensions” substitute “the NHS Business Services Authority”;
    - (ii) for sub-paragraphs (a) and (b), substitute—
      - “(a) electronically to [nhsbsa.faregistrationsohs@nhs.net](mailto:nhsbsa.faregistrationsohs@nhs.net), or
      - (b) by post in hard copy form to Cost Recovery, Overseas Healthcare Service, Bridge House, 152 Pilgrim Street, Newcastle Upon Tyne, NE1 6SN.”
- 11.**—(1) Schedule 2 is amended as follows.
  - (2) In paragraph 15—
    - (a) in sub-paragraph (8)—
      - (i) in the words before paragraph (a), omit “, by no later than 31st March 2016,”;
      - (ii) in paragraph (a), for “(if it has one)” substitute “or online practice profile”;
    - (b) omit sub-paragraph (9).
  - (3) In paragraph 44, in sub-paragraph (c), for “(if any)” substitute “or the address at which its online practice profile is available”.

(4) The definition of “practice website” was inserted by [S.I. 2019/1137](#).

(5) Relevant amending instrument is [S.I. 2019/1137](#).

(6) Regulation 64A was inserted by [S.I. 2018/844](#).

(7) Regulation 67F was inserted by [S.I. 2017/908](#).

*Document Generated: 2023-10-05*

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*