

SCHEDULE 2

Amendment of the National Health Service (Personal Medical Services Agreements) Regulations 2015

PART 4

Online and electronic services

Online services and electronic communications

6. In regulation 3, after the definition of “Nursing and Midwifery Register” insert—
““online consultation tool” has the meaning given in regulation 64ZD;”.
7. In regulation 61(1), in paragraph (2), after “60A” insert “or any information about ethnicity provided under regulation 64C”.
8. After regulation 64ZB(2) insert—

“Patient online services: providing and updating personal or contact information

64ZC.—(1) A contractor must offer and promote to its registered patients a facility for providing their personal or contact information, or informing the contractor of a change to that information, which meets the condition in paragraph (2).

(2) A facility meets the condition in this paragraph if it enables—

- (a) P, or
- (b) where P is a person to whom paragraph (3) applies, an appropriate person acting on behalf of P,

to provide the contractor with, or inform it of any change to, P’s personal or contact information in P’s medical record, either online or by other electronic means.

(3) This paragraph applies to a person if they—

- (a) are a child, or
- (b) lack the capacity to provide the contractor with their personal or contact information or to authorise a person to provide such information on their behalf.

(4) For the purposes of this regulation, P’s personal and contact information is—

- (a) their name;
- (b) their ethnicity;
- (c) their address;
- (d) their telephone number or mobile telephone number (if any);
- (e) their electronic mail address (if any).

Patient online services: provision of an online consultation tool

64ZD.—(1) A contractor must offer and promote an online consultation tool to its registered patients.

(1) Regulation 61(2) was amended by [S.I. 2020/1415](#).

(2) Regulation 64ZB was inserted by [S.I. 2020/226](#).

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- (2) An “online consultation tool” is an online facility provided using appropriate software—
 - (a) through which—
 - (i) a patient, or
 - (ii) where the patient is a person to whom paragraph (4) applies, an appropriate person acting on behalf of the patient,
may, in writing in electronic form, seek advice or information related to the patient’s health or make a clinical or administrative request, but
 - (b) which does not require the response to be given by the contractor in real time.
- (3) An online consultation tool may incorporate—
 - (a) any of the facilities which the contractor is required to offer under regulations 64 to 64ZC, or
 - (b) the communication method which the contractor is required to offer under regulation 64ZE.
- (4) This paragraph applies to a person if they—
 - (a) are a child, or
 - (b) lack the capacity to communicate with the contractor through an online facility or to authorise a person to communicate with the contractor through such a facility on their behalf.

Secure electronic communications

- 64ZE.**—(1) A contractor must—
- (a) offer and promote to its registered patients a relevant electronic communication method, and
 - (b) use the relevant electronic communication method to communicate with—
 - (i) a registered patient, or
 - (ii) where the registered patient is a person to whom paragraph (4) applies, an appropriate person acting on behalf of the patient.
- (2) But paragraph (1)(b) does not require the contractor to use the relevant electronic communication method where—
- (a) it would not be clinically appropriate to do so for the patient on that occasion, or
 - (b) it is otherwise not appropriate to the needs or circumstances of the patient.
- (3) For the purposes of this regulation, a “relevant electronic communication method” is a method of electronic communication which is provided using appropriate software and which can be used—
- (a) by the contractor to respond, in writing in electronic form, to requests made through the online consultation tool, and
 - (b) by the contractor and its registered patients or appropriate persons acting on behalf of registered patients (as the case may be) to otherwise communicate with each other, in writing in electronic form.
- (4) This paragraph applies to a person if they—
- (a) are a child, or
 - (b) lack the capacity to communicate with the contractor using the relevant electronic communication method or to authorise a person to do so on their behalf.

Video consultations

64ZF.—(1) A contractor must offer and promote to its registered patients the facility of participating in their consultations with the contractor by video conference provided using appropriate software (“video consultations”).

(2) But paragraph (1) does not require the contractor to offer a patient a video consultation where—

- (a) it would not be clinically appropriate to do so for the patient on that occasion, or
- (b) it is otherwise not appropriate to the needs or circumstances of the patient.

(3) The contractor must not be party to a contract or other arrangement under which the software mentioned in paragraph (1) is provided unless—

- (a) it is satisfied that any software which a patient needs to participate in a video consultation with the contractor’s practice is available free of charge to the patient, and
- (b) it has taken reasonable steps, having regard to the arrangement as a whole and disregarding the costs of any software, to satisfy itself that patients will not have to pay more to participate in video consultations with the contractor’s practice than they would to participate in a meeting by video conference with any other person in the contractor’s area.

Meaning of “appropriate software” for the purposes of regulations 64ZD, 64ZE and 64ZF

64ZG.—(1) For the purposes of regulations 64ZD, 64ZE and 64ZF software which is used to provide a method of communication or facility (as the case may be) is appropriate if the software meets—

- (a) the requirements in the GPIT Operating Model relevant to that software, or
- (b) requirements which are equivalent in their effect to the relevant requirements in the GPIT Operating Model.

(2) In this regulation “GPIT Operating Model” means the document published by the Board which sets out the commissioning framework for the provision of general practice digital services(3).”.

9. After regulation 67H(4) insert—

“Collection of data concerning use of online consultation tools and video consultations

67I. A contractor must submit to the Board such anonymised data relating to the use of its online consultation tool and video consultation facility as the Board may require.”.

Online presence

10. In regulation 64(5), in paragraph (8), after “on” insert “the home page (or equivalent) of”.

(3) The current version of the document is titled “Securing Excellence in Primary Care (GP) Digital Services: The Primary Care (GP) Digital Services Operating Model 2019-21” and is available at: <https://www.england.nhs.uk/publication/securing-excellence-in-primary-care-gp-digital-services-the-primary-care-gp-digital-services-operating-model-2019-21/>. The document can be obtained in alternative formats by telephone (on 0300 311 22 33), by email (England.contactus@nhs.net) or by writing to NHS England and NHS Improvement, PO Box 16738, Redditch, B97 9PT.

(4) Regulation 67H was inserted by [S.I. 2020/911](#).

(5) Regulation 64(8) was amended by [S.I. 2020/226](#).

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11. In regulation 66(6), after paragraph (5) insert—

“(5A) The contractor must also ensure there are links on its website or profile which direct people to—

(a) its online consultation tool, and

(b) the symptom checker and self-care information available on the NHS website(7).

(5B) The links mentioned in paragraph (5A) must be displayed prominently on the home page (or equivalent) of its website or profile (as the case may be).”.

(6) Regulation 66 was substituted by S.I. 2020/226.

(7) The symptom checker is currently available at: <https://www.nhs.uk/conditions/>