
WELSH STATUTORY INSTRUMENTS

2002 No. 1882

**The National Health Service (General Medical Services
Supplementary List) (Wales) Regulations 2002**

Conditional Inclusion

8.—(1) A Health Authority may determine that if a person is to be included in the supplementary list, the doctor is to be subject, while the he or she remains included in the list, to the imposition of conditions, having regard to the requirements of section 43D(5).

(2) Failure to comply with a condition may lead to the removal of the doctor from the list.

(3) Where the Health Authority is considering the removal of a doctor for breach of a condition, it shall—

- (a) give the doctor notice of any allegation against the doctor;
- (b) give the doctor notice of the grounds for the action it is considering;
- (c) give the doctor the opportunity to make written representations to the Health Authority within 28 days of the date of the notification under sub-paragraph (b);
- (d) give the doctor the opportunity to put the doctor's case at an oral hearing before the Health Authority, if the doctor requests one within the 28 day period mentioned in sub-paragraph (c).

(4) If there are no representations within the period specified in paragraph (3)(c), the Health Authority shall inform the doctor of its decision, the reasons for it (including any facts relied upon), and of any right of appeal under regulation 15.

(5) If there are representations, the Health Authority must take them into account before reaching its decision, and notifying the doctor of its decision, the reasons for it (including any facts relied upon), and of any right of appeal under regulation 15.

(6) If the doctor requests an oral hearing, this must take place before the Health Authority reaches its decision, and the Health Authority must then notify the doctor of its decision, the reasons for it (including any facts relied upon), and of any right of appeal under regulation 15.

(7) When the Health Authority notifies the doctor of any decision, it shall inform the doctor that if the doctor wishes to exercise a right of appeal, the doctor has 28 days from the date of the decision to do so, and shall tell the doctor how to do so.

(8) The Health Authority shall also notify the doctor of the doctor's right to have the decision reviewed in accordance with regulation 14.

(9) Where the Health Authority determines that the doctor may be included in the list but subject to conditions imposed under this regulation, or that a doctor is to be subject to conditions while the doctor remains included in the list, the name of the doctor may be included (or continue to be included) on the list during the period for bringing the appeal to the FHSAA pursuant to regulation 15, or if an appeal is brought, until such time as that appeal has been decided, provided the doctor agrees to be bound by the conditions imposed until the time for appeal has expired or the appeal is decided.