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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004, “the GMS Contract Regulations”, to give effect to Directive 2011/24/EU of the European Parliament and of the Council of 9th March 2011 on the application of patients’ rights in cross-border healthcare, in particular Article 4 (Responsibilities of the Member State of treatment), in domestic law.

Regulation 2 provides a definition of Visiting Patient and highlights that there are two routes by which a person exercising rights under the Directive can become a visiting patient. The first route is under Paragraph 15A of Schedule 5 of the GMS Contract Regulations, (inserted by regulation 5(3) of these Regulations), where the person exercising rights under the Directive is accepted by the contractor for services under regulation 15(3) and (5) of the GMS Regulations, that is to say “essential services”. The second route is under Paragraph 32A of Schedule (5) of the GMS Contract Regulations, (inserted by regulation 5(4) of these Regulations), where the person exercising rights under the Directive contacts the Regional Health and Social Care Board and requests assignment to a contractor for essential services.

Regulation 3 includes the visiting patient amongst the patients whom a contractor is to provide the essential services set out at regulation 15(3) and (5) of the GMS Contracts Regulations.

Regulation 4, amends Schedule 4 to ensure that the contractor can demand and accept a fee, as determined by the Department of Health Social Services and Public Safety, where treatment has been provided to a visiting patient under regulation 15(3) or (5) of the GMS Regulations.

Regulation 5 makes other amendments to Schedule 5 of the GMS Contracts Regulations, including provision that a contractor is not required to attend on a patient or a visiting patient outside Northern Ireland. Provision is also included so that in relation to a visiting patient, prescriptions are to be via a private arrangement.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health and Personal Social Services (General Medical Services Contracts) (Amendment No. 2) Regulations (Northern Ireland) 2013.