

Draft Regulations laid before the Scottish Parliament under section 25(2)(b) of the Patient Rights (Scotland) Act 2011 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No.

NATIONAL HEALTH SERVICE

**The Patient Rights (Treatment Time Guarantee)
(Scotland) Amendment Regulations 2014**

Made - - - - 2014

Coming into force

Regulation 2(5)(a) 1st October 2014

Remainder 1st April 2014

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 9(1) and (3) and 25(1) of the Patient Rights (Scotland) Act 2011⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 25(2)(b) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament⁽²⁾.

Citation and commencement

1.—(1) These Regulations may be cited as the Patient Rights (Treatment Time Guarantee) (Scotland) Amendment Regulations 2014 and come into force in accordance with paragraphs (2) and (3).

(2) With the exception of the regulation mentioned in paragraph (3), these Regulations come into force on 1st April 2014.

(3) Regulation 2(5)(a) comes into force on 1st October 2014.

Amendment of the Patient Rights (Treatment Time Guarantee) (Scotland) Regulations 2012

2.—(1) The Patient Rights (Treatment Time Guarantee) (Scotland) Regulations 2012⁽³⁾ are amended in accordance with this regulation.

(1) 2011 asp 5.

(2) Section 25(2)(b) has been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(3) S.S.I. 2012/110.

(2) In regulation 1 (citation, commencement and interpretation), in the definition of “ophthalmic medical practitioner” for “a” substitute “an ophthalmic”.

(3) In regulation 4 (calculation of waiting time – periods of time not to be counted), in paragraph (4) after “area in order to” omit “see and”.

(4) After regulation 4 insert—

“4A. Calculation of waiting time – specific practitioner and specific location

(1) The specified period in paragraph (2) does not count towards the calculation of waiting time when all of the following circumstances apply—

(a) the patient has declined an offer of an appointment for the agreed treatment within the maximum waiting time (“the original offer”) because either—

(i) the patient wants the agreed treatment to be carried out by a specific registered medical practitioner; or

(ii) the patient wants the agreed treatment to be carried out in a specific location;

(b) the responsible Health Board has agreed that, taking into account the patient’s health and wellbeing, it is reasonable and clinically appropriate to offer the patient an alternative appointment for the agreed treatment to be carried out by a specific registered medical practitioner or in a specific location (“the alternative offer”); and

(c) the responsible Health Board has advised the patient and he or she has accepted that the specified period will not count towards the calculation of waiting time.

(2) The specified period is the period between the date of the original offer and the date of the alternative offer.

(3) In this regulation—

“specific location” means a location within the area of the responsible Health Board where the original offer was for treatment outside of that area.”

(5) In regulation 7 (exceptions to the treatment time guarantee)—

(a) paragraph (d) is omitted; and

(b) paragraph (e) is omitted.

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Patient Rights (Treatment Time Guarantee) (Scotland) Regulations 2012 (“the principal Regulations”).

Regulation 2(4) inserts a new regulation 4A into the principal Regulations to set out further periods of time which are to be disregarded for the purpose of calculating waiting time, where that is reasonable and clinically appropriate in all the circumstances and where the patient accepts that such periods are to be disregarded.

Regulation 2(5) removes, from the principal Regulations, certain exceptions to the treatment time guarantee. Therefore the treatment time guarantee will apply to those treatments and services, being:

- designated national specialist services for the surgical intervention of spinal scoliosis
- the treatment of injuries, deformities or disease of the spine by an injection or surgical intervention.