

SCHEDULE 3

Regulation 7(4)

PERFORMANCE OF PERSONAL MEDICAL SERVICES UNDER AN AGREEMENT ARRANGEMENT OF PARAGRAPHS

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Performer's qualifications

- 1. A medical practitioner who performs personal medical services shall be suitably experienced.
- 2. A medical practitioner who performs personal medical services shall be competent to perform them, having regard, in particular, to that practitioner's training and experience in employment.
- 3. Where a decision whether any, and if so what, action is to be taken under an agreement requires the exercise of professional judgment, a medical practitioner shall not, in reaching that decision, be expected to exercise a higher degree of skill, knowledge and care than—
 - (a) in the case of a medical practitioner performing child health surveillance services or minor surgery services, that which any general medical practitioner included, under the GMS Regulations, in the child health surveillance list or, as the case may be, the minor surgery list, may reasonably be expected to exercise; and
 - (b) in any other case, that which general medical practitioners as a class may reasonably be expected to exercise.

Availability of personal medical services and other services

- 4.—(1) All necessary and appropriate personal medical services of the type usually provided by general medical practitioners shall be performed in respect of the patients receiving personal medical services under an agreement, including the following:—
 - (a) giving advice, where appropriate, to a patient in connection with the patient's general health, and in particular about the significance of diet, exercise, the use of tobacco, the consumption of alcohol and the misuse of drugs or solvents;
 - (b) offering to patients consultations and, where appropriate, physical examinations for the purpose of identifying, or reducing the risk of, disease or injury;
 - (c) offering to patients appropriate immunisations;
 - (d) arranging for the referral of patients, as appropriate, for the provision of any other services under the 1978 Act;
 - (e) giving advice, as appropriate, to enable patients to avail themselves of social work services provided by a local authority; and
 - (f) providing a cervical smear test—

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- (i) upon request to all patients who are women aged 21 to 60 (who have a cervix) at intervals of no more than five and a half years; and
 - (ii) at such shorter intervals as may be appropriate to all patients in respect of whom the need for a cervical smear test is indicated by the result of a previous test or other treatment.
- (2) Nothing in this Schedule prevents a performer from—
- (a) arranging for the referral of a patient pursuant to paragraph (d) of sub-paragraph (1) without first seeing the patient, in a case where the medical condition of the patient makes that course of action appropriate; or
 - (b) visiting the patient in circumstances where the agreement does not place the performer under an obligation to do so.
5. In normal hours, personal medical services shall be performed—
- (a) at the normal place; or
 - (b) in the case of a patient whose condition is such that, in the reasonable opinion of the performer from whom treatment is requested, it would be inappropriate for the patient to attend at the normal place, at the place where the patient is at that time residing or, at some other appropriate place.
6. Outside normal hours, if, in the light of a patient’s medical condition, it is the reasonable opinion of the performer from whom treatment is requested that a consultation is needed before the next time at which the patient could be seen during normal hours, personal medical services shall be performed—
- (a) at the normal place;
 - (b) at the out of hours place; or
 - (c) in the case of a patient whose condition is such that, in the reasonable opinion of the performer from whom treatment is requested, it would be inappropriate for the patient to attend either at the normal place or at the out of hours place, at the place where the patient is at that time residing or, at some other appropriate place.
7. Appropriate treatment which is immediately required owing to an accident or emergency at any place in the practice area shall be given (upon the request of any person) to any person.
8. Immediately necessary treatment shall be given, upon request, to any person—
- (a) who lives in the practice area, has been refused acceptance as a personal medical services patient, and is not the patient of another medical practitioner practising in that area;
 - (b) to whom regulation 7 of the Choice of Medical Practitioner Regulations or paragraph 23(a) of Schedule 1 applies but who has been refused acceptance by a performer or the provider as a temporary resident; or
 - (c) in respect of whom a request has been made that that person should cease to be a personal medical services patient with immediate effect in accordance with paragraph 22(b) of Schedule 1,
- until the expiry of the period of 14 days beginning with the date when that person was refused acceptance (or, as the case may be, with the date when the request that that person should no longer be a personal medical services patient was made), or until that person has been accepted by or assigned to another medical practitioner, or accepted by another provider, whichever occurs first.
9. Where a person applies to a performer for treatment and claims to be on the performer’s list of that performer or on the pooled list (if any), but fails to produce their medical card on request and

the performer from whom treatment is requested has reasonable doubts about that person's claim, any necessary treatment shall nevertheless be given to that person.

10. Maternity medical services shall be performed in the event of a summons to an obstetric emergency even if the performer from whom treatment is requested has not been approved by a Health Board in accordance with regulation 8(3).

Responsibility for performance of personal medical services

11.—(1) Personal medical services shall be performed by those performers named in an agreement as being primarily responsible for the performance of those services in respect of the patients, except in the circumstances specified in an agreement in accordance with paragraph 11(d) of Schedule 1 when, subject to sub-paragraphs (2) and (3), the services may be performed by another medical practitioner.

(2) Child health surveillance services and minor surgery services may be performed only by a performer about whom a Health Board has satisfied itself in accordance with regulation 8(1) or, as the case may be 8(3).

(3) Where it is clinically reasonable in the circumstances to delegate a task or duty connected with the performance of personal medical services to someone other than a performer, that task or duty may be delegated by a performer to a person whom that performer is satisfied is competent to undertake that task or duty (but clinical responsibility for the performance of personal medical services will remain with the performer).

Medical certificates

12. A patient or his personal representatives shall be issued, free of charge, any medical certificate of a description prescribed in column 1 of Schedule 9 to the GMS Regulations which is reasonably required under or for the purposes of the enactments specified in relation to that certificate in column 2 of that Schedule, except where, for the condition to which the certificate relates, the patient—

- (a) is being attended by a performer who is not a performer in relation to the agreement in question; or
- (b) is not being treated by, or under the supervision of, a performer.

13.—(1) A medical officer, or an officer of the Department of Social Security acting on behalf of and at the direction of that medical officer, shall, if a performer is satisfied that the patient consents, be provided on request—

- (a) in writing and within such reasonable period as the medical officer (or, as the case may be, the officer of the Department of Social Security) may specify, with such clinical information as the medical officer considers relevant about a patient to whom a medical certificate has been issued or whose request for the issue of such a certificate has been refused; and
- (b) with information regarding any prescription form or medical certificate issued in respect of a patient or about any statement made in a report under this sub-paragraph.

(2) For the purpose of being satisfied that the patient has consented as required by sub-paragraph (1), the performer may (unless the performer has reason to believe that the patient does not consent) rely on an assurance in writing from the medical officer, or any officer of the Department of Social Security, that that person holds the patient's written consent.

Patient records

14.—(1) Adequate records of the illnesses and treatment of patients shall be kept—

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- (a) on forms which shall be supplied to the provider for the purpose by the Health Board; or
 - (b) by way of computerised records where the provider has first obtained written consent of the Health Board.
- (2) Such a record shall be forwarded to the Health Board–
- (a) on request of the Health Board, within 14 days;
 - (b) where the Board informs the provider of the death of a patient, within 14 days of the receipt of that information; and
 - (c) in any other case where a patient has died, not later than 30 days after the provider learns of that death.

Prescribing

15. Where any drugs, medicines or listed appliances are needed for the treatment of any patient, paragraphs 29 to 31 of Schedule 1 to the GMS Regulations shall apply, except that for “treatment under these terms of service” or any related phrase there shall be substituted “treatment in connection with an agreement” or its related equivalent.

16. Subject to paragraph 18(b) of this Schedule and paragraph 36(h) and (p) of Schedule 1 to the GMS Regulations (as applied by paragraph 18(b) of this Schedule) no fee or other remuneration shall be demanded or accepted from a patient for any prescription for any drug or appliance.

Provision of drugs or appliances for immediate treatment

- 17.** In addition to the performance of personal medical services, a performer–
- (a) shall provide to a patient any appliance or drug, not being a Scheduled drug, where such provision is needed for the immediate treatment of that patient before a provision can otherwise be obtained; and
 - (b) may provide to a patient any appliance or drug, not being a Scheduled drug which the performer applies or provides to that patient.

Charges

18. No fee or other remuneration shall be demanded or accepted for any treatment given to a patient, except –

- (a) in those cases specified in sub-paragraphs (b), (e), (f), (h), (j) to (n) and (p) of paragraph 36 of Schedule 1 to the GMS Regulations;
- (b) where a patient is treated under paragraph 9 of this Schedule, in which case a reasonable fee may be demanded and accepted for any treatment given, subject to any provisions in an agreement relating to the repayment of the fee to the patient;
- (c) for treatment consisting of immunisation against a disease other than typhoid, paratyphoid, cholera, poliomyelitis and infectious hepatitis, which was requested in connection with travel abroad; or
- (e) for treatment which is not a type usually provided by general medical practitioners and which is given–
 - (i) pursuant to section 57 of the 1978 Act; or
 - (ii) in a registered nursing home which is not providing services under the 1978 Act,if, in either case, the performer providing the treatment is serving on the staff of a hospital providing services under the 1978 Act as a specialist providing treatment of the kind the

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patient requires, subject to any provisions in the agreement relating to the provision by the performer to the Health Board of information about the treatment.