

SCHEDULE 1

Regulation 3

TERMS AND CONDITIONS FOR MEDICAL PRACTITIONERS INCLUDED IN SUPPLEMENTARY LIST

Interpretation

1. In this Schedule, unless the context otherwise requires—

“practitioner” means a medical practitioner whose name is included in a supplementary list;

“patient” means a person for whose treatment a practitioner is responsible under paragraph 3 of these terms of service;

“prescription form” means a form provided by the Board or, where the doctor is on the supplementary list of more than one Board, by the Board which is responsible for the supply of that form for issue by a doctor to enable a person to obtain pharmaceutical services as defined by section 27 of the Act;

“the 2001 Regulations” means the National Health Service (Charges for Drugs and Applicances) (Scotland) Regulations 2001(1).

Incorporation of provisions of regulations, etc.

2. Any provisions of the following affecting the rights and obligations of practitioners shall be deemed to form part of these terms of service:—

(a) these Regulations; and

(b) any Statement made under regulation 35 of the 1995 Regulations.

Performance of services

3.—(1) A practitioner shall be responsible for the treatment of such of the principal’s patients as the principal requires and subject to and in accordance with any requirements or conditions imposed on the principal by the 1995 Regulations; and the practitioner shall in so assisting be expected to display the skill, knowledge and care appropriate to the nature of the assistance which the practitioner provides.

(2) The skill, knowledge and care which a practitioner shall be expected to display in any circumstances required by this Schedule shall not be higher than that which a principal might reasonably be expected to exercise.

(3) If requested to provide treatment, and available, a practitioner shall provide treatment immediately required, by reason of accident or other emergency, to a person who is not on the list of, and who has not been accepted as a temporary resident by or assigned to, any medical practitioner practising in the locality, or who is on the list of or has been accepted as a temporary resident by or assigned to, such a practitioner, but neither the said practitioner nor any deputy who may have been appointed is available.

(4) Notwithstanding anything contained in this paragraph, a practitioner shall not be responsible under these terms of service for the treatment in hospital of a person admitted thereto for treatment by the staff of the hospital.

(5) In its application to a practitioner who is a GP Registrar, this paragraph shall only require the performance of services under the supervision, or in accordance with the instructions, of the principal and the level of skill, knowledge and care expected shall only be that normally expected of a GP Registrar at the appropriate level of training.

(1) S.S.I. 2001/430.

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Services to patients

4.—(1) Subject to paragraphs 3, 5 and 10, a practitioner shall provide to the principal's patients all necessary and appropriate medical services of the type usually provided by general medical practitioners.

- (2) The services which a practitioner is required by sub-paragraph (1) to provide shall include—
- (a) the administration of anaesthetics or the provision of any other assistance at an operation performed by, and of the kind usually performed by, a general medical practitioner;
 - (b) where appropriate, giving advice personally to patients, either individually or in groups, relating to their general health, and in particular on the significance of diet, exercise, the use of tobacco, the consumption of alcohol and the misuse of drugs and solvents;
 - (c) offering to patients consultations and where appropriate, physical examinations for the purpose of identifying, or reducing the risk of, disease or injury;
 - (d) offering to patients, where appropriate, vaccination or immunisation against Measles, Mumps, Rubella, Pertussis, Poliomyelitis, Diphtheria and Tetanus;
 - (e) arranging for the referral of patients, as appropriate, for the provision of any other services provided under the Act; and
 - (f) giving advice, as appropriate, to enable patients to avail themselves of social work services provided by a local authority.
- (3) A practitioner shall not be required under sub-paragraph (1) or (2) to provide to any person—
- (a) services which involve the application of such special skill or experience of a degree or kind which general medical practitioners as a class cannot reasonably be expected to possess;
 - (b) the administration of an anaesthetic at an operation performed by a medical practitioner in the course of providing maternity medical services; or
 - (c) child health surveillance services or minor surgery services unless the practitioner has previously applied for and been authorised to assist in the provision of such services.
- (4) In the case of emergency, the practitioner is required to render whatever services are, having regard to the circumstances, in the best interest of the patient.
- (5) In determining whether a particular service involves the application of such special skill and experience as aforesaid, regard is to be had to the question whether services of the kind are or are not usually undertaken by general medical practitioners practising in the area in which the question arose.

Treatment of patients

5.—(1) If the condition of a patient is such that the patient requires treatment which is not within the scope of the practitioner's obligations under these terms of service, but such treatment is to the knowledge of the practitioner available under the National Health Service, the practitioner shall inform the patient of the fact and if the patient so wishes, shall take all necessary steps to enable the patient to receive such treatment. The practitioner shall also give patients such advice or assistance as the practitioner considers appropriate to enable them to take advantage of other medical services available under the National Health Service.

(2) Subject to the following provisions of this paragraph, a practitioner shall render the services referred to in paragraph 4 during the hours for which the principal is normally available (in this paragraph referred to as "normal hours") in accordance with paragraph 24 of Schedule 1 to the 1995 Regulations—

- (a) at the practice premises; or

(b) in the case of a patient whose condition is such that in the practitioner's reasonable opinion it would be inappropriate for the patient to attend at the practice premises, at whichever is appropriate of the places set out in paragraph 13(5) of Schedule 1 to the 1995 Regulations.

(3) Outside normal hours the practitioner shall consider, in the light of the patient's medical condition, whether a consultation is needed, and if so, when and where it should take place having regard to the requirements imposed on the principal under paragraph 13 of Schedule 1 to the 1995 Regulations.

(4) A practitioner shall issue to a patient or the patient's personal representatives free of charge any certificate of a description prescribed in the first column of Schedule 9 to the 1995 Regulations which is reasonably required under or for the purposes of the enactments specified in the second column of the said Schedule opposite and in relation to the description of the certificate in the first column.

(5) The provisions of sub-paragraphs (2) and (3) above shall not apply in the case of a patient who attends when an appointment system is in operation and who has not previously made, and is not given, an appointment. In such a case the practitioner may decline to attend the patient during that surgery period, if the patient's health would not thereby be jeopardised and the patient is offered an appointment to attend within a reasonable time having regard to all circumstances. The practitioner shall take all reasonable steps to ensure that a consultation is not so deferred except in accordance with his instructions.

Prescribing and dispensing

6.—(1) Subject to sub-paragraph (2), a practitioner shall supply any drugs, not being a scheduled drug, or appliances for the immediate treatment of a patient if such treatment is necessary before a supply can be obtained otherwise, and may supply any other drug, not being a scheduled drug, which the practitioner administers in person, or an appliance listed in the Drug Tariff or a pessary which is an appliance.

(2) A practitioner shall supply a restricted availability appliance only if it is for a patient in a category of person specified in the Drug Tariff.

(3) Where the principal is required by the Board to supply drugs and appliances under regulation 34 of the 1995 Regulations to a patient, in the course of treating that patient under these terms of service a practitioner—

(a) shall, subject to paragraph 7, record on a prescription form completed in accordance with paragraph 9(2), an order for supply of any drugs or appliances which are needed for the treatment of that patient, but shall not be required to issue that form to the patient;

(b) shall supply those drugs and appliances for that patient but—

(i) shall not supply for that patient any scheduled drug except that, where the practitioner has ordered a drug which has an appropriate non-proprietary name either by that name or by its formula, a drug may be supplied which has the same specification notwithstanding that it is a scheduled drug (but, in the case of a drug which combines more than one drug, only if the combination has an appropriate non-proprietary name);

(ii) shall supply for that patient a drug specified in Schedule 11 to the 1995 Regulations only where the conditions in paragraph 10 are satisfied;

(iii) shall supply for that patient a restricted availability appliance only if it is for a patient in a category of person or purpose specified in the Drug Tariff;

(c) may supply for that patient with his consent, in respect of that treatment but otherwise than in accordance with regulation 34 of the 1995 Regulations, any scheduled drug.

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(4) A practitioner shall comply with any arrangements made by the Scottish Ministers, or made by the Board after consultation with the Area Medical Committee and the Area Pharmaceutical Committee and approved by the Scottish Ministers, under which the principal may obtain and have available any drugs or appliances which are required or entitled to be supplied in terms of this paragraph.

(5) A drug supplied by a practitioner unless administered in person shall be supplied in a suitable container.

7.—(1) Paragraph 9(2) does not apply to drugs, medicines or appliances ordered in a prescription form by a nurse prescriber.

(2) Where a patient presents an order on a prescription form for listed drugs or medicines, or listed appliances, signed by a nurse prescriber, to a practitioner whose principal is required under regulation 34 of the 1995 Regulations to provide drugs or appliances to that patient, the practitioner may provide to the patient such of the drugs, medicines or appliances so ordered as are supplied in the normal course of practice.

(3) A drug supplied under this paragraph shall be provided in a suitable container.

8.—(1) Before supplying the drugs or appliances recorded on a prescription form in accordance with paragraph 6(3)(a) or providing the listed drugs or medicines or listed appliances ordered on a prescription form signed by a nurse prescriber in accordance with paragraph 7(2) a practitioner whose principal is required by the Board under regulation 34 of the 1995 Regulations to provide drugs or appliances to a patient shall request any person who makes a declaration on the prescription form claiming either charge exemption under regulation 7 of the 2001 Regulations or charge remission under the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988(2) to provide evidence of the patient's entitlement to such exception or remission.

(2) Sub-paragraph (1) shall not apply in respect of claims for exemption under regulation 7(1)(a) to (g) of the 2001 Regulations where the dispensing practitioner has information in his possession at the time of supplying the item which confirms that the patient is entitled to the exemption claimed.

(3) Where the person presenting the prescription form does not show valid evidence of entitlement and the dispensing practitioner, in respect of a claim for exemption made under regulation 7(1)(a) to (g) of the 2001 Regulations does not have evidence to confirm that the patient is entitled to make that claim, the dispensing practitioner shall mark the patient's prescription form accordingly before supplying the prescribed item.

9.—(1) Subject to paragraphs 6 and 10 a practitioner shall order any drugs or appliances which are needed for the treatment of any patient to whom treatment is provided under these terms of service by issuing for that patient a prescription form, and such a form shall not be used in any other circumstances.

(2) A prescription form shall be signed by the practitioner and shall not be written in such a manner as to necessitate reference on the part of the person supplying the drugs or appliances to a previous order, and in the case of an appliance which requires to be of a size suitable for the individual patient shall include the necessary measurements. A separate prescription form shall be used for each patient.

(3) In a case of urgency a practitioner may request a pharmacist to dispense a drug before a prescription form is issued, only if—

(a) that drug is not a scheduled drug;

(2) S.I.1988/546; as amended by S.I. 1995/700, 1196/429, 2391 and 1997/1012 and S.S.I. 1999/63.

- (b) that drug is not a controlled drug within the meaning of the Misuse of Drugs Act 1971⁽³⁾ other than a drug which is for the time being specified in Schedule 5 to the Misuse of Drugs Regulations 2001⁽⁴⁾; and
 - (c) in any case, the practitioner undertakes to furnish the pharmacist, within 72 hours, with a prescription form completed in accordance with sub-paragraphs (1) and (2).
- (4) In the case of urgency a practitioner may request a pharmacist to dispense an appliance before a prescription form is issued only if—
- (a) that appliance does not contain a scheduled drug or a controlled drug within the meaning of the Misuse of Drugs Act 1971 other than a drug which is, for the time being, specified in Schedule 5 to the Misuse of Drugs Regulations 2001;
 - (b) in the case of a restricted availability appliance, the appliance is for a patient in a category of person or a purpose specified in the Drug Tariff; and
 - (c) in either case, the practitioner undertakes to furnish the pharmacist, within 72 hours, with a prescription form completed in accordance with sub paragraphs (1) and (2).

10.—(1) In the course of treating a patient to whom treatment is provided under these terms of service, a practitioner shall not order on a prescription form a scheduled drug, but may with the consent of the patient otherwise prescribe such a drug or other substance for that patient in the course of that treatment.

(2) In the course of treating such a patient, a practitioner shall not order on a prescription form a drug specified in Schedule 11 to the 1995 Regulations unless—

- (a) that patient is a person mentioned in column 2 of that entry; and
- (b) that drug is prescribed for that patient only for the purpose specified in column 3 of that entry; and
- (c) the practitioner endorses the face of that form with the reference “SLS”,

but with the consent of the patient may otherwise prescribe such a drug for that patient in the course of that treatment.

Acceptance of fees

11.—(1) A practitioner shall not demand or accept any fee, remuneration or charge, other than payments due to the practitioner’s principal under the 1995 Regulations, or any charge payable in accordance with the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001, in respect of any treatment rendered or any drug or appliance supplied, whether under these terms of service or not, to a patient except—

- (a) from any statutory body for services rendered for the purpose of that body’s statutory functions;
- (b) from any school, employer or body for the medical examination of persons for whose welfare that school, employer or body is responsible, such examination being either a routine medical examination or for the purpose of advising the school, employer or body of any administrative action they might take;
- (c) for treatment not included within the range of service defined in paragraph 4 given—
 - (i) pursuant to the provisions of section 57 of the Act⁽⁵⁾ (accommodation and services for private patients), or

(3) 1971 c. 38.

(4) S.I. 2001/3998.

(5) Section 57 was substituted by the Health and Medicines Act 1988 (c. 49), section 7(11) and amended by the National Health Service and Community Care Act 1990 (c. 19) Schedule 9, part 19(10) and Schedule 10.

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- (ii) in a registered nursing home which is not providing services under the Act, if in either case the practitioner is serving on the staff of a hospital providing services under the Act as a specialist providing treatment of the kind required by the patient and if within 7 days after the date on which the treatment is given the practitioner gives the Board, on a form to be supplied by it for the purpose, such information about the treatment as it may require;
- (d) under section 158 of the Road Traffic Act 1988⁽⁶⁾;
- (e) from a dental practitioner in respect of the provision of an anaesthetic for a person for whom the dental practitioner is providing general dental services;
- (f) from the principal or other member of the principal's practice in respect of the provision of an anaesthetic to a patient of theirs;
- (g) for attending and examining (but not otherwise treating) at a patient's request at a police station;
- (h) for treatment consisting of an immunisation in connection with travel abroad when no fee is payable by the Board under the Statement referred to in regulation 35(1) of the 1995 Regulations;
- (i) for circumcising a patient for whom such an operation is requested on religious grounds and is not needed on any medical ground;
- (j) for providing a prescription (other than by way of an order under paragraph 9) for drugs for chemoprophylaxis or for medicine for a patient who intends to take the medicine abroad in circumstances where the medicine is required solely in respect of an ailment that might occur while the patient is abroad and that will then,
- (i) be occurring for the first time; or
- (ii) has previously occurred but from which the patient is not suffering at the time of going abroad;
- (k) for a medical examination to enable a decision to be made whether or not it is inadvisable on medical grounds for a person to wear a seat belt;
- (l) where the principal has been required by the Board to supply any drugs and appliances for a patient under regulation 34 of the 1995 Regulations and the practitioner supplies for that patient in accordance with paragraph 6(3)(c) any scheduled drug;
- (m) where the person is not one to whom any of paragraphs (a), (b) and (c) of section 26(1) of the Act⁽⁷⁾ applies, including any person to whom any of those paragraphs does not apply by virtue of regulations made under section 26(1E) of the Act⁽⁸⁾, for testing the sight of that person; and
- (n) for prescribing or providing drugs for malaria chemoprophylaxis.
- (2) In this paragraph, the expression "treatment" includes the provision of medical services during and following pregnancy and labour in respect of conditions arising therefrom.

⁽⁶⁾ 1998 c. 52.

⁽⁷⁾ Section 26 was amended by the Health and Social Security Act 1984 (c. 48) Schedules 1 and 8 and by the Health and Medicines Act 1988 (c. 49) section 13(4).

⁽⁸⁾ Section 26(1E) was inserted by the Health and Medicines Act 1988 (c. 49) section 13(4).