

## SCHEDULE 1

### CONTENT OF AGREEMENTS

#### PART 2

#### PATIENTS

##### **Patient preference of practitioner**

- 8.—(1) Where the provider has accepted a person as a patient the provider shall—
- (a) subject to sub-paragraph (3), notify the patient of the patient’s rights to express a preference to receive services from a particular performer or class of performer either generally or in relation to any particular condition; and
  - (b) record in writing any such preference expressed by or on behalf of the patient.
- (2) The provider shall endeavour to comply with any preference expressed under sub paragraph (1) but need not do so if the preferred performer—
- (a) has reasonable grounds for refusing to provide services to the patient; or
  - (b) does not routinely perform the service in question within the practice.
- (3) Where the patient is—
- (a) a child, the provider may notify—
    - (i) a parent, guardian, or other adult person who has care of the care of the child;
    - (ii) a person duly authorised by a local authority, where the child is in the care of the local authority under the Children (Scotland) Act 1995(1); or
    - (iii) a person duly authorised by a voluntary organisation, by which the child is being accommodated under the provisions of that Act;
  - (b) an adult person who is incapable of expressing such a preference or authorising such a preference to be made on their behalf, the provider may notify the primary carer of that person or by the person authorised under the Adults with Incapacity (Scotland) Act 2000(2) to act on the patients behalf,

of the right to express a preference for the patient to receive services from a particular performer or class of performer either generally or in relation to any particular condition.

##### **Termination of responsibility for patients not registered with the provider**

- 9.—(1) Where the provider—
- (a) has no provider’s list of patients but is required in terms of the agreement to accept a person as a patient for the provision of an additional service, an enhanced service or out of hours services; or
  - (b) has a provider’s list of patients and has received an application for the provision of clinical services other than essential services—
    - (i) from a person who is not included in the provider’s list of patients;
    - (ii) from a person whom the provider has not accepted as a temporary resident; or

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(1) 1995, c. 36.  
(2) 2000 asp 4.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(iii) on behalf of a person mentioned in (i) or (ii) above, from one of the persons specified in paragraph 9(4) of Schedule 2;

and has accepted that person as a patient for the provision of the service in question, the provider's responsibility for that patient may be terminated in one of the circumstances referred to in sub-paragraph (2).

(2) The circumstances referred to in sub-paragraph (1) are—

- (a) the patient informs the provider that the patient no longer wishes the provider to be responsible for the provision of the service in question;
- (b) in cases where the provider has reasonable grounds for terminating the provider's responsibility which do not relate to the person's race, gender, social class, age, religion, sexual orientation, appearance, disability or medical condition, the provider informs the patient that the provider no longer wishes to be responsible for providing the patient with the service in question;
- (c) the patient has committed an act of violence against—
  - (i) an individual that is a party to the agreement;
  - (ii) a partner in a partnership that is a party to the agreement;
  - (iii) a legal and beneficial owner of shares in a company that is a party to the agreement;
  - (iv) a member of the provider's staff;
  - (v) a person engaged by the provider to perform or assist in the performance of services under the agreement; or
  - (vi) any other person present—
    - (aa) on the practice premises; or
    - (bb) in the place where services were provided to the patient under the agreement,or behaved in such a way that any such person has feared for that person's own safety and, in either case, the provider has reported that incident to the police or the Procurator Fiscal;
- (d) it comes to the notice of the provider that the patient—
  - (i) no longer resides in the area for which the provider has agreed to provide the service; or
  - (ii) is no longer a person to which the provider has agreed to provide the service.

(3) A provider who wishes to terminate its responsibility for a patient under sub paragraph (2) (b) or (c) shall notify the patient of the termination and the reason for it.

(4) The provider shall keep a written record of terminations under this paragraph and of the reason for them and shall make this record available to the Health Board on request.

(5) A termination under—

- (a) sub-paragraph (2)(b) shall take effect 14 days from the date on which notice is given; and
- (b) sub-paragraph (2)(c) shall take effect from the date on which notice is given.