

EXECUTIVE NOTE

The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Amendment (No. 3) Regulations 2007 SSI 2007/502

1. The above instrument was made in exercise of the powers conferred by sections 17E, 28(1), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978 (“the Act”). The instrument is subject to negative resolution procedure.

Background

2. The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004 (“the 2004 Regulations”) set out the framework for the provision of services under contracts between Health Boards and general practitioners.

Policy Objectives

3. Regulation 2(2) of the instrument amends regulation 2(1) of the 2004 Regulations by inserting reference to “civil partner” in the definition of “immediate family member” in accordance with the Civil Partnership Act 2004. The 2004 Regulations contain provisions which enable a GP practice to close its lists of patients. In such a situation the Health Board generally will not assign new patients to the practice and the practice itself may not accept new patients except immediate family members of existing patients. Paragraph 9 of Schedule 2 to the 2004 Regulations refers. This regulation also inserts a definition of “pharmacist independent prescriber” into the 2004 Regulations and amends the definition of “prescriber” to include pharmacist independent prescriber as a consequence of the introduction of pharmacist independent prescribers by the National Health Service (Pharmaceutical Services)(Scotland) Amendment (No. 3) Regulations 2007. The 2004 Regulations contain a number of provisions which apply when a GP practice employs or engages an independent nurse prescriber or a supplementary prescriber. A practice which is required by the Health Board to provide, in addition to personal medical services, dispensing services because patients may have difficulty in obtaining from a pharmacist any drugs, medicines or appliances which it has prescribed for them may also dispense such a product which is prescribed by an independent nurse prescriber or a supplementary prescriber. Any practice which engages such a prescriber is required to inform the Health Board and to provide certain information about the prescriber including their professional qualifications.

4. Regulation 2(3) of the instrument provides an opportunity to correct a minor error in paragraph 8(3)(a)(i) of Schedule 1 to the 2004 Regulations. This regulation also amends paragraphs 15 and 28 of Schedule 1 to the 2004 Regulations so that they now refer to pharmacist independent prescribers in addition to independent nurse prescribers and supplementary prescribers. This regulation also amends paragraph 27(3)(a) of Schedule 1 to the 2004 Regulations to provide that GP Practices employ GP Registrars on rates and conditions contained in directions given by the Scottish Ministers to NHS Education for Scotland rather than Health Boards. The placement of GP Registrars with practices is, in fact, carried out by NHS Education for Scotland instead of the Health Boards and it is appropriate for the necessary directions to be given to that body.

5, Regulation 2(4) of the instrument amends paragraphs 4 and 5 of Schedule 1 to the 2004 Regulations by updating the reference to the Statement of Fees and Allowances. The 2004 Regulations specify that GPs who undertake additional services must provide certain vaccinations and immunisations. This is done by reference to the Statement of Fees and Allowances, directions which contain a list of such treatments. The opportunity has been taken to update the reference to the Statement of Fees and Allowances to the direction-making power in section 17M of the National Health Service (Scotland) Act 1978.

Consultation

6. The instrument does not require separate consultation. The amendments for pharmacist independent prescribers and civil partners are consequential and the other amendments do not alter the delivery of services in any way. The Scottish General Practitioners Committee has, however, been informed of the proposed amendments.

Consolidation

7. The Department is aware of the need to consolidate regulations after a number of amendments are made to them. Substantive amendment of the 2004 Regulations for policy purposes is under consideration and, depending on the outcome, we will consolidate them to give effect to what is proposed. We consider that the present amendments can be made without the need for consolidation.

Financial Effects

8. The amendments will have no appreciable financial effects.

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