
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (“the principal Regulations”).

Regulation 2(2) makes amendments to, and inserts new definitions in, the principal Regulations, in particular with regard to the implementation of the new vetting and disclosure scheme under section 44 of the Protection of Vulnerable Groups (Scotland) Act 2007 (“the PVG Scheme”).

Regulation 2(3) substitutes regulation 6 of the principal Regulations to insert a revised procedure for making an application for inclusion in the primary medical services performers list. Regulation 2(3) also amends the procedure to be followed by a Health Board in considering an application.

Regulation 2(4) introduces new grounds on which a Health Board may refuse or defer an application for inclusion on its primary medical services performers list. The amendments recognise the implementation of the PVG Scheme and the power of Health Boards to suspend performers under regulation 8A. Regulation 2(4) also requires a Health Board to inform other Boards of its decision on whether to include an applicant in its primary medical services performers list and where the decision is that the applicant should be included, allows for inclusion by other Health Boards without further enquiry.

Regulation 2(5) sets out the grounds on which a Health Board may suspend a medical practitioner from the primary medical services performers list, and the procedure to be followed.

Regulation 2(6) inserts two new grounds of removal from the performers list in implementation of the PVG Scheme.

Regulation 2(7) amends the principal Regulations to recognise that a medical practitioner may now be suspended by a Health Board in terms of regulation 8A. Any such period of suspension is to be disregarded for the purposes of calculating the period of 12 months referred to in regulation 10(1) of the principal Regulations.

Regulation 2(8) amends regulation 12(1) of the principal Regulations to reduce the number of days in which a performer must give notice to the Health Board of any occurrence requiring a change in the information recorded on a performer’s list.

Regulation 2(9) amends the list of persons to whom certain information regarding a Health Board’s decisions in relation to its primary medical services performers list must be disclosed. Regulation 2(10) amends the principal Regulations to provide for the payment of performers who are suspended by a Health Board. The amendments also provide for an appeal mechanism in the event that a performer is dissatisfied with a decision of a Health Board in relation to the payments to be made when the performer has been suspended.

Regulation 2(11) amends Schedule 1 to the principal Regulations in implementation of the PVG Scheme. Regulation 2(11) also adds a new undertaking that a medical practitioner must consent to disclosure of information in terms of regulation 14 of the principal Regulations.

Regulation 3 makes transitional provision for an application to join a primary medical services performers list which was received by a Health Board prior to the coming into force of these Regulations but which has yet to be determined. It obliges Health Boards to seek disclosure records under the 2007 Act for such applications.