

SCHEDULE 2

AGREEMENTS TO PROVIDE ESSENTIAL SERVICES

PART 2

LIST OF PATIENTS

Closure of lists of patients

19.—(1) A provider which wishes to close its list of patients must notify the Health Board in writing to that effect.

(2) Within a period of 28 days beginning with the date of receipt of the notification referred to in sub-paragraph (1), the Health Board must enter into discussions with the provider concerning the support which the Health Board may give the provider, or other changes which the Health Board or the provider may make, which would enable the provider to keep its list of patients open.

(3) In the discussions referred to in sub-paragraph (2) both parties must use reasonable endeavours to achieve the aim of keeping the provider's list of patients open.

(4) The discussions mentioned in sub-paragraph (2) must be completed within a period of 3 months beginning with the date of the Health Board's receipt of the notification referred to in [F1sub-paragraph (1)], or within such longer period as the parties may agree.

(5) Notwithstanding the requirements mentioned in sub-paragraphs (2) and (4), the provider may issue a closure notice to the Health Board which the Health Board must approve in accordance with sub-paragraph (13)—

- (a) if the period of 28 days mentioned in sub-paragraph (2) has expired and the Health Board has not begun discussions with the provider in accordance with sub-paragraph (2);
- (b) if the 3 month period or such longer period as has been agreed in accordance with sub-paragraph (4) has expired and the Health Board has failed to complete the discussions mentioned in sub-paragraph (2).

(6) If, following the discussions mentioned in sub-paragraph (2), the Health Board and the provider reach agreement that the provider's list of patients should remain open, the Health Board must send full details of the agreement in writing to the provider within a period of 2 weeks from the date the agreement was reached.

(7) The Health Board and the provider must comply with the terms of an agreement reached as mentioned in sub-paragraph (6).

(8) If, following the discussions mentioned in sub-paragraph (2)—

- (a) the Health Board and the provider reach agreement that the provider's list of patients should close; or
- (b) the Health Board and the provider fail to reach agreement and the provider still wishes to close the provider's list of patients,

the provider must send a closure notice to the Health Board.

(9) A closure notice mentioned in sub-paragraph (5) or sub-paragraph (8) must be submitted in the form specified in schedule 5, and must include the following details which (in a case falling within sub-paragraph (8)(a)) have been agreed between the parties or (in a case falling within sub-paragraph (8)(b)) are proposed by the provider:—

- (a) the period of time (which may not exceed 12 months) for which the provider's list of patients will be closed;

Changes to legislation: There are currently no known outstanding effects for the *The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018, Paragraph 19.* (See end of Document for details)

- (b) the current number of the provider's registered patients;
 - (c) the number of registered patients (lower than the current number of such patients, and expressed either in absolute terms or as a percentage of the number of such patients specified pursuant to paragraph (b)) which, if that number were reached, would trigger the re-opening of the provider's list of patients;
 - (d) the number of registered patients (expressed either in absolute terms or as a percentage of the number of such patients specified pursuant to paragraph (b)) which, if that number were reached, would trigger the re-closure of the provider's list of patients; and
 - (e) any withdrawal or reduction in provision of any additional or enhanced services which had previously been provided under the agreement.
- (10) The Health Board must forthwith acknowledge receipt of the closure notice mentioned in sub-paragraph (5) or sub-paragraph (8) in writing to the provider.
- (11) Before the Health Board reaches a decision as to whether to approve or reject the closure notice mentioned in sub-paragraph (8) under sub-paragraph (14), the Health Board and the provider may enter into further discussions concerning the details of the closure notice as specified in sub-paragraph (9), with a view to reaching agreement; and, in particular, if the parties are unable to reach agreement regarding the period of time for which the provider's list of patients will be closed, that period must be 12 months.
- (12) A provider may not withdraw a closure notice mentioned in sub-paragraph (5) or sub-paragraph (8) for a period of 3 months beginning with the date on which the Health Board has received the notice, unless the Health Board has agreed otherwise in writing.
- (13) Within a period of 14 days beginning with the date of the receipt of the closure notice mentioned in sub-paragraph (5), the Health Board must approve the closure notice and notify the provider in writing as soon as possible.
- (14) Within a period of 14 days beginning with the date of receipt of the closure notice mentioned in sub-paragraph (8), the Health Board must—
- (a) approve the closure notice; or
 - (b) reject the closure notice,
- and must notify the provider of its decision in writing as soon as possible.
- (15) Approval of a closure notice includes—
- (a) where it is a closure notice mentioned in sub-paragraph (5), approval of the details in sub-paragraph (9); or
 - (b) where it is a closure notice mentioned in sub-paragraph (8) and approved under sub-paragraph 14(a), approval of the details specified in sub-paragraph (9) (or, where those details are revised following discussions under sub-paragraph (11) approval of those details as so revised).

Textual Amendments

- F1** Words in sch. 2 para. 19(4) substituted (1.4.2018) by [The National Health Service \(General Medical Services Contracts and Primary Medical Services Section 17C Agreements\) \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/94\)](#), regs. 1, **16(d)**

Changes to legislation:

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