2012 No. 2996

MENTAL HEALTH, ENGLAND
NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service Commissioning Board and Clinical Commissioning Groups
(Responsibilities and Standing Rules) Regulations 2012

Made - - - - 3rd December 2012
Laid before Parliament 5th December 2012
Coming into force in accordance with regulation 1

THE NATIONAL HEALTH SERVICE COMMISSIONING BOARD
AND CLINICAL COMMISSIONING GROUPS (RESPONSIBILITIES
AND STANDING RULES) REGULATIONS 2012

PART 1
General

1. Citation and commencement
2. Interpretation

PART 2
Persons for whom a CCG has responsibility

3. Interpretation of Part 2
4. Additional persons for whom a CCG has responsibility

PART 3
Services to be commissioned by the Board

5. Interpretation of Part 3
6. Dental services
7. Services for serving members of the armed forces and their families
8. Infertility treatment: seriously injured serving members and veterans
9. Infertility treatment: further provision
10. Services for prisoners and other detainees
11. Specified services for rare and very rare conditions
12. Assessment, diagnostic, elective and minor elective care services provided by Independent Sector Treatment Centres
13. Fixated threat assessment services

PART 4
Mental health after-care services

14. Circumstances in which duty may be imposed on another CCG
15. Circumstances in which duty may be imposed on the Board

PART 5
Standing rules: commissioning contract terms

16. Matters to be included in commissioning contracts
17. Terms and conditions to be drafted by the Board
18. Consultation by the Board
19. Transitional provision

PART 6
Standing rules: NHS Continuing Healthcare and NHS funded nursing care

20. Interpretation
22. Duty of relevant bodies: joint working with social services authorities
23. The Board’s duty: reviewing decisions
24. Appointment and term of appointment
25. Disqualification for appointment
26. Cessation of disqualification
27. Termination of appointment
28. Persons who enter relevant premises or who develop a need for nursing care
29. Persons in receipt of flat rate payments immediately before the relevant date
30. Persons in receipt of high band payments immediately before the relevant date
31. Urgent need
32. Revocation and transitional provisions

PART 7
Standing rules: decisions about drugs and other treatments

33. Interpretation
34. Duty of a relevant body in respect of the funding and commissioning of drugs and other treatments
35. Duty to give reasons for decisions
36. Duty to provide written information
37. Transitional provisions
PART 8
Standing rules: choice of health service provider

38. Interpretation
39. Duty to ensure persons are offered a choice of health service provider
40. Services to which the duties as to choice do not apply
41. Persons to whom the duties as to choice do not apply
42. Duty to publicise and promote information about choice
43. Transitional provision

PART 9
Standing rules: waiting times

44. Interpretation
45. Duty to meet the maximum waiting times standards
46. The waiting time period
47. Application of duty to offer an alternative provider
48. Duty to offer an alternative provider
49. Exceptions to the duty
50. Duty to have regard to guidance
51. Duty to notify
52. Duty to make arrangements to provide an appointment with a specialist for those patients urgently referred for treatment for suspected cancer
53. Duty to offer alternative provider for treatment for suspected cancer
54. Advice and assistance
55. Transitional provision

PART 10
Standing rules: funding of therapies for Multiple Sclerosis

56. Scheme for the funding of certain disease modifying therapies for Multiple Sclerosis

PART 11
Financial duties of a relevant body in relation to administration

57. Matters relating to administration in revenue resource use by a relevant body

Signature

SCHEDULE 1 — Additional persons for whom a CCG has responsibility
1. In this Schedule—“care home” and “children’s home” have the...
2. The list of persons referred to in regulation 4(1) is...
3. A person falls within this paragraph if—
4. (1) A child falls within this paragraph if both of...
5. A person falls within this paragraph if—
6. A person falls within this paragraph if—
7. A child falls within this paragraph if—
8. (1) A child falls within this paragraph if—
SCHEDULE 2 — Prescribed dental services
1. Oral surgery.
2. Restorative dentistry.
3. Paedodontic/paediatric dentistry.
4. Orthodontics.
5. Oral and maxillofacial surgery.
7. Periodontics.
8. Prosthodontics.
12. Dental and maxillofacial radiology.
13. Special care dentistry.

SCHEDULE 3 — Services in respect of persons detained in specified accommodation

PART 1 — Secure children’s homes to which regulation 10(2)(b) does not apply
1. Atkinson Secure Children’s Home
2. Beechfield Secure Children’s Home
3. Clare Lodge Secure Children’s Home
4. Kyloe Secure Children’s Home
5. Lansdowne Secure Children’s Home
6. Leverton Secure Children’s Home
7. St. Catherine’s Secure Children’s Home

PART 2 — Secure training centres and immigration removal centres

SCHEDULE 4 — Services for rare and very rare conditions
1. Interpretation
2. The services
3. Adult congenital heart disease services.
4. Adult highly specialist pain management services.
5. Adult highly specialist respiratory services.
6. Adult highly specialist rheumatology services.
7. Adult secure mental health services.
8. Adult specialist cardiac services.
9. Adult specialist eating disorder services.
10. Adult specialist endocrinology services.
11. Adult specialist intestinal failure services.
12. Adult specialist neurosciences services.
13. Adult specialist ophthalmology services.
14. Adult specialist orthopaedic services.
15. Adult specialist pulmonary hypertension services.
16. Adult specialist renal services.
17. Adult specialist services for patients infected with HIV.
18. Adult specialist vascular services.
19. Adult thoracic surgery services.
20. Alkaptonuria service.
22. Ataxia telangiectasia service for children.
23. Autoimmune paediatric gut syndromes service.
25. Bardet-Biedl syndrome service.
27. Beckwith-Wiedemann syndrome with macroglossia service.
29. Bladder extrophy service.
30. Blood and marrow transplantation services.
31. Bone anchored hearing aid services.
32. Breast radiotherapy injury rehabilitation service.
34. Choriocarcinoma service.
35. Chronic pulmonary aspergillosis service.
36. Cleft lip and palate services.
37. Cochlear implantation services.
38. Complex childhood osteogenesis imperfecta service.
40. Complex neurofibromatosis type 1 service.
41. Complex spinal surgery services.
42. Complex tracheal disease service.
43. Congenital hyperinsulinism service.
44. Craniofacial service.
45. Cryopyrin associated periodic syndrome service.
46. Cystic fibrosis services.
47. Diagnostic service for amyloidosis.
48. Diagnostic service for primary ciliary dyskinesia.
49. Diagnostic service for rare neuromuscular disorders.
50. Encapsulating peritoneal sclerosis treatment service.
51. Epidermolysis bullosa service.
52. Extra corporeal membrane oxygenation service for adults.
53. Extra corporeal membrane oxygenation service for neonates, infants and children...
54. Ex-vivo partial nephrectomy service.
55. Fetal medicine services.
56. Gender identity development service for children and adolescents.
57. Gender identity disorder services.
58. Heart and lung transplantation service (including bridge to transplant using...)
59. Highly specialist adult urinary and gynaecological surgery services.
60. Highly specialist allergy services.
61. Highly specialist colorectal surgery services.
62. Highly specialist dermatology services.
63. Highly specialist metabolic disorder services.
64. Highly specialist pain management services for children and young people...
65. Highly specialist palliative care services for children and young people....
66. Highly specialist services for adults with infectious diseases.
67. Hyperbaric oxygen treatment services.
68. Insulin-resistant diabetes service.
69. Islet transplantation service.
70. Liver transplantation service.
71. Lymphangioleiomyomatosis service.
72. Lysosomal storage disorder service.
73. Major trauma services.
74. McArdle’s disease service.
75. Mental health service for deaf children and adolescents.
76. Middle ear implantable hearing aid services.
77. Neurofibromatosis type 2 service.
78. Neuromyelitis optica service.
79. Neuropsychiatry services.
80. Ocular oncology service.
81. Ophthalmic pathology service.
82. Osteo-odonto-keratoprosthesis service for corneal blindness.
83. Paediatric and perinatal post mortem services.
84. Paediatric cardiac services.
85. Paediatric intestinal pseudo-obstructive disorders service.
86. Pancreas transplantation service.
87. Paroxysmal nocturnal haemoglobinuria service.
88. Positron Emission Tomography – Computed Tomography services.
89. Primary ciliary dyskinesia management service.
90. Primary malignant bone tumours service.
91. Proton beam therapy service.
92. Pseudomyxoma peritonei service.
93. Pulmonary hypertension service for children.
94. Pulmonary thromboendarterectomy service.
95. Radiotherapy services.
96. Rare mitochondrial disorders service.
97. Reconstructive surgery service for adolescents with congenital malformation of the...
98. Retinoblastoma service.
99. Secure forensic mental health service for young people.
100. Severe acute porphyria service.
101. Severe combined immunodeficiency and related disorders service.
102. Severe intestinal failure service.
103. Severe obsessive compulsive disorder and body dysmorphic disorder service.
104. Small bowel transplantation service.
105. Specialist burn care services.
106. Specialist cancer services.
107. Specialist cancer services for children and young people.
108. Specialist dentistry services for children and young people.
109. Specialist ear, nose and throat services for children and young...
110. Specialist endocrinology and diabetes services for children and young people....
111. Specialist gastroenterology, hepatology and nutritional support services for children and...
112. Specialist genetic services.
113. Specialist gynaecology services for children and young people.
114. Specialist haematology services for children and young people.
115. Specialist haemoglobinopathy services.
116. Specialist immunology services for patients with deficient immune systems.
117. Specialist mental health services for deaf adults.
118. Specialist morbid obesity services.
119. Specialist neonatal care services.
120. Specialist neuroscience services for children and young people.
121. Specialist ophthalmology services for children and young people.
122. Specialist orthopaedic surgery services for children and young people.
123. Specialist paediatric intensive care services.
124. Specialist paediatric liver disease service.
125. Specialist perinatal mental health services.
126. Specialist plastic surgery services for children and young people.
127. Specialist rehabilitation services for patients with highly complex needs.
128. Specialist renal services for children and young people.
129. Specialist respiratory services for children and young people.
130. Specialist rheumatology services for children and young people.
131. Specialist services for children and young people with infectious diseases.
132. Specialist services for complex liver, biliary and pancreatic diseases.
133. Specialist services for haemophilia and other related bleeding disorders.
134. Specialist services for severe personality disorder in adults.
135. Specialist services to support patients with complex physical disabilities.
136. Specialist surgery for children and young people.
137. Specialist urology services for children and young people.
138. Spinal cord injury services.
139. Stem cell transplantation service for juvenile idiopathic arthritis and related...
140. Stickler syndrome diagnostic service.
141. Vein of Galen malformation service.
142. Veterans’ post traumatic stress disorder programme.
143. Wolfram syndrome service.
144. Xeroderma pigmentosum service.

SCHEDULE 5 — Persons disqualified from being a chair, CCG member or social services authority member of a review panel

1. A Member of Parliament, Member of the European Parliament or...
2. (1) An individual who, by arrangement with a CCG, provides...
3. A person who, within the period of five years immediately...
4. A person who is subject to a bankruptcy restrictions order...
5. (1) A person who has been dismissed within the period...
6. A person’s term of office as the chairman or chair...
7. A health care professional or other professional person who has...
8. A person who is subject to— (a) a disqualification order...
9. A person who has at any time been removed from...
10. A person who has at any time been removed, or...

Explanatory Note