## STATUTORY INSTRUMENTS

## 2015 No. 1862

## NATIONAL HEALTH SERVICE, ENGLAND

# The National Health Service (General Medical Services Contracts) Regulations 2015

Made - - - - 6th November 2015
Laid before Parliament 13th November 2015
Coming into force 7th December 2015

## THE NATIONAL HEALTH SERVICE (GENERAL MEDICAL SERVICES CONTRACTS) REGULATIONS 2015

#### PART 1

## General

- 1. Citation and commencement
- 2. Application
- 3. Interpretation
- 3A Variation of core hours while a disease is or in anticipation of a disease being imminently pandemic etc.
- 3B Amendment and withdrawal of announcements and advice in respect of pandemics etc.

#### PART 2

Contractors: conditions and eligibility

- 4. Conditions: general
- 5. Conditions relating solely to medical practitioners
- 6. General condition relating to all contracts
- 7. Notice of conditions not being met and reasons
- 8. Right of appeal

#### PART 3

## Pre-contract dispute resolution

9. Pre-contract disputes

#### PART 4

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- 11. Health service body status: variation of contracts
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- 13. Parties to the contract
- 14. Health service contract
- 15. Contracts with individuals practising in partnership
- 16. Duration
- 17. Essential services
- 18. Out of hours services
- 19. Minor surgery
- 20. Services: general
- 20A Services: remote provision outside practice premises
- 21. Membership of a CCG
- 22. Certificates
- 22A Patients who should not be tested for, or vaccinated against, coronavirus: confirmation of exemption
- 23. Finance
- 24. Fees and charges
- 25. Circumstances in which fees and charges may be made
- 26. Patient participation
- 27. Publication of earnings information
- 27A Disclosure of information about NHS earnings: contractors and subcontractors
- 27AA Disclosure of information about NHS earnings: jobholders
  - 27B Calculation of NHS earnings for the purposes of regulations 27A and 27AA
  - 28. Sub-contracting
  - 29. Variation of contracts
  - 29A Variation of contracts: integrated care provider contracts
  - 30. Variation of contracts: registered patients from outside practice area
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  - 32. Other contractual terms
  - 32A Suspension of contract terms or of enforcement of contract terms while a disease is or in anticipation of a disease being imminently pandemic etc.

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## Opt outs: additional and out of hours services

- 33. Opt outs: interpretation
- 34. Opt outs: general
- 35. Opt outs: minor surgery
- 36. Minor surgery: temporary opt outs and permanent opt outs following temporary opt outs
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- 38. Out of hours services: opt outs
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- 41. Qualifications of performers: health care professionals
- 42. Conditional registration or inclusion in primary care list
- 43. Clinical experience
- 44. Conditions for employment and engagement: medical practitioners
- 45. Conditions for employment or engagement: health care professionals
- 46. Clinical references
- 47. Verification of qualifications and competence
- 48. Training
- 49. Terms and conditions
- 50. Arrangements for GP Specialty Registrars
- 51. Notice requirements in respect of relevant prescribers
- 52. Signing of documents
- 53. Level of skill
- 54. Appraisal and assessment

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## Prescribing and dispensing

- 55. Prescribing: general
- 55A Prescribing software and supply shortages etc. of medicines
- 56. Orders for drugs, medicines or appliances
- 57. Electronic prescriptions
- 58. Nomination of dispensers for the purposes of electronic prescriptions
- 59. Repeatable prescribing services
- 60. Repeatable prescriptions
- 60A Prescribing for electronic repeat dispensing
- 61. Restrictions on prescribing by medical practitioners
- 62. Restrictions on prescribing by supplementary prescribers
- 63. Bulk prescribing
- 64. Excessive prescribing
- 65. Provision of drugs, medicines and appliances for immediate treatment or personal administration

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## Prescribing and dispensing: out of hours services

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- 66B Vaccines and immunisations: appointments
- 66C Vaccines and immunisations: catch-up campaigns
- 66D Vaccines and immunisations: additional staff training
- 66E Vaccines and immunisations: nominated person
- Vaccines and immunisations: exception for private arrangements

#### PART 10

#### Records and information

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- 67A Record of ethnicity information
- 68. Summary Care Record
- 69. Electronic transfer of patient records between GP practices
- 69A Transfer of patient records between GP practices: time limits
- 70. Clinical correspondence: requirement for NHS number
- 70A Use of fax machines
- 71. Patient online services: appointments and prescriptions
- 71ZA Patient online services: provision of online access to coded information in medical record and prospective medical records
- 71ZB Patient online services: provision of online access to full digital medical record
- 71ZC Patient online services: providing and updating personal or contact information
- 71ZD Patient online services: provision of an online consultation tool
- 71ZE Secure electronic communications
- 71ZF Video consultations
- 71ZG Meaning of "appropriate software" for the purposes of regulations 71ZD, 71ZE and 71ZF
  - 71A Patient access to online services
  - 71B Patient access: other availability of directly bookable appointments
  - 72. Confidentiality of personal data: nominated person
  - 73. Requirement to have and maintain an online presence
  - 73A Requirement to maintain profile page on NHS website
  - 74. Provision of information
  - 74A Provision of information: GP access data
  - 74B National Diabetes Audit
  - 74C Information relating to indicators no longer in the Quality and Outcomes Framework
  - 74D Information relating to alcohol related risk reduction and dementia diagnosis and treatment
  - 74E NHS England Workforce Collections
  - 74F Information relating to overseas visitors
  - 74G Medicines and Healthcare products Regulatory Agency Central Alerting System
  - 74H Collection of data relating to appointments in general practice
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  - 76. Provision of information to a medical officer etc.
  - 77. Annual return and review
  - 78. Practice leaflet

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## Complaints

- 79. Complaints procedure
- 80. Co-operation with investigations

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (General Medical Services Contracts) Regulations 2015. (See end of Document for details)

#### PART 12

#### Dispute resolution

- 81. Local resolution of contract disputes
- 82. Dispute resolution: non-NHS contracts
- 83. NHS dispute resolution procedure
- 84. Determination of the dispute
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86. Functions of a Local Medical Committee

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- 87. Clinical governance
- 88. Friends and Family Test
- 89. Co-operation with NHS England
- 90. Co-operation with the Secretary of State and NHS England
- 91. Insurance
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- 93. Gifts
- 94. Compliance with legislation and guidance
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General transitional provision and saving, consequential amendments and revocations

- 96. General transitional provision and saving
- 97. Consequential amendments
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- 1. Additional services: general
- 2. Cervical screening
- 3. Contraceptive services
- 4. Vaccines and immunisations
- 5. Childhood vaccines and immunisations
- 6. Child health surveillance
- 7. Maternity medical services
- 8. Minor surgery

SCHEDULE 2 — List of prescribed medical certificates

SCHEDULE 3 — Other contractual terms

PART 1 — Provision of services

1. Premises

- 2. Telephone services
- 2A New telephone contract or arrangement
- 3. Cost of relevant calls
- 4. Contact with the practice
- 5. Attendance outside practice premises
- 6. Newly registered patients
- 7. Newly registered patients alcohol dependency screening
- 7A Patients living with frailty
- 8. Accountable GP
- 9. Patients not seen within three years
- 10. Patients aged 75 and over
- 11. Patients aged 75 and over: accountable GP
- 11A NHS e-Referral Service (e-RS)
- 11B Direct booking by NHS 111 or via a connected service
- 12. Clinical reports
- 13. Storage of vaccines
- 14. Infection control
- 15. Duty of co-operation
- 15A Duty of co-operation: Primary Care Networks
- 16. Cessation of service provision: information requests

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- 17. List of patients
- 18. Application for inclusion in a list of patients
- 19. Inclusion in list of patients: armed forces personnel
- 19A Inclusion in list of patients: detained persons
- 20. Temporary residents
- 21. Refusal of applications for inclusion in list of patients or for acceptance as temporary resident
- 22. Patient preference of a practitioner
- 23. Removal from the list at the request of the patient
- 24. Removal from the list at the request of the contractor
- 25. Removal from the list of patients who are violent
- 26. Removal from the list of patients registered elsewhere
- 27. Removal from the list of patients who have moved
- 28. Removal from the list of patients whose address is unknown
- 29. Removal from the list of patients absent from the United Kingdom etc.
- 30. Removal from the list of patients accepted elsewhere as temporary residents
- 31. Removal from the list of pupils etc. of a school
- 32. Termination of responsibility for patients not registered with the contractor

PART 2A — List of patients: Crown servants posted overseas and their family members

#### CHAPTER 1

## Interpretation of Part 2A

- 32A Meaning of "qualifying person"
- 32B Qualifying persons to be treated as previous patients of contractors
- 32C General interpretation of Part 2A

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (General Medical Services Contracts) Regulations 2015. (See end of Document for details)

#### CHAPTER 2

Crown servants and family members returning to the United Kingdom: registering with original or successor practice

- 32D Crown servants and family members returning to the United Kingdom for more than three months: inclusion in list of original or successor practice
- Persons returning to the United Kingdom for three months or less: temporary registration with original or successor practice

#### **CHAPTER 3**

Crown servants and family members returning to the United Kingdom: registration with a new practice

- 32F Crown servants and family members returning to the United Kingdom for more than three months: inclusion in list of patients of a new practice
- 32G Crown servants and family members returning to the United Kingdom for three months or less: temporary registration with new practice

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## Refusal of applications under this Part

- 32H Refusal of an application under paragraphs 32D to 32G PART 3 Lists of patients: closure etc.
  - Application for closure of list of patients
- 34. Approval of an application to close a list of patients
- 35. Rejection of an application to close a list of patients
- 36. Application for an extension of a closure period
- 37. Re-opening of list of patients
  - PART 4 Assignment of patients to lists
- 38. Application of this Part

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- 39. Assignment of patients to list of patients: open and closed lists
- 40. Factors relevant to assignments
- 40A Assignment of patients from outside practice area
- 41. Assignments to closed lists: composition and determinations of the assessment panel
- 42. Assignment to closed lists: NHS dispute resolution procedure relating to determinations of the assessment panel
- 43. Assignments to closed lists: assignments of patients by NHS England PART 5 Sub-contracting
- 44. Sub-contracting of clinical matters
- 45. Sub-contracting out of hours services
- 46. Withdrawal and variation of approval under paragraph 45
- 47. Withdrawal or variation of approval with immediate effect
  - PART 6 Provision of information: practice leaflet, use of NHS primary care logo, marketing campaigns and advertising private services
- 48. Information to be included in practice leaflets
- 48A Use of NHS primary care logo
- 48B Marketing campaigns
- 48C Advertising private services
  - PART 7 Notice requirements and rights of entry

- 49. Notices to NHS England
- 50. Notice provisions specific to a contract with a company limited by shares
- 51. Notice provisions specific to a contract with two or more individuals practising in a partnership
- 52. Notice of deaths
- 53. Notices given to patients following variation of the contract
- 54. Entry and inspection by NHS England
- 55. Entry and inspection by the Care Quality Commission
- 56. Entry and inspection by Local Healthwatch organisations PART 8 Variation and termination of contracts
- 57. Variation: general
- 58. Variation provisions specific to a contract with an individual medical practitioner
- 59. Variation provisions specific to a contract with two or more persons practising in partnership
- 60. Termination by agreement
- 61. Termination on the death of an individual medical practitioner
- 62. Termination by the contractor
- 63. Late payment notices
- 64. Termination by NHS England: general
- 65. Termination by NHS England for breach of conditions in regulation 5
- 66. Termination by NHS England for the provision of untrue etc. information
- 67. Other grounds for termination by NHS England
- 68. Termination by NHS England where patients' safety is seriously at risk or where there is risk of material financial loss to Board
- 69. Termination by NHS England for unlawful sub-contracting
- 70. Termination by NHS England: remedial notices and breach notices
- 71. Termination by NHS England: additional provisions specific to contracts with two or more persons practising in partnership and companies limited by shares
- 72. Contract sanctions
- 73. Contract sanctions and the NHS dispute resolution procedure
- 74. Termination and the NHS dispute resolution procedure
- 75. Consultation with the Local Medical Committee

## SCHEDULE 3A — Suspension and reactivation of general medical services contracts

- 1. Interpretation
- 2. Right to suspend a general medical services contract
- 3. Integrated care provider contracts
- 4. Notice of intention to suspend a general medical services contract
- 5. Suspension of a general medical services contract: general
- 6. Notice of intention to reactivate a general medical services contract
- 7. Right to reactivate a general medical services contract
- 8. Reactivation of a general medical services contract: general
- 9. Termination, expiry or variation of an integrated care provider contract

## SCHEDULE 4 — Consequential amendments

- 1. Amendment of the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc) Regulations 2004
- 2. Amendment of the Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) Regulations 2004
- 3. Amendment of the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Establishment and Constitution) Order 2005

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (General Medical Services Contracts) Regulations 2015. (See end of Document for details)

- 4. Amendment of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009
- 5. Amendment of the National Health Service (Functions of the First-tier Tribunal relating to Primary Medical, dental and Ophthalmic Services) Regulations 2010
- 6. Amendment of the National Health Service (Clinical Commissioning Groups) Regulations 2012
- 7. Amendment of the National Health Service (Performers Lists) (England) Regulations 2013
- 8. Amendment of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013
- 9. Amendment of the National Health Service (Clinical Commissioning Groups Disapplication of Responsibility) Regulations 2013
- 10. Amendment of the National Health Service (Procurement, Patient Choice and Competition) (No. 2) Regulations 2013

SCHEDULE 5 — List of enactments to be revoked

1. The enactments listed in column 1 of the Table are...

**Explanatory Note** 

Changes to legislation:
There are currently no known outstanding effects for the The National Health Service (General Medical Services Contracts) Regulations 2015.