

2018 No. 283

NATIONAL HEALTH SERVICE, ENGLAND

SOCIAL CARE, ENGLAND

**The Responsibilities and Standing Rules, and Care and Support
(Miscellaneous Amendments) Regulations 2018**

Made - - - - *1st March 2018*

Laid before Parliament *5th March 2018*

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 3B(1), 6E and 272(8) of the National Health Service Act 2006(a) and sections 12(1), 22(6) and 125(7) and (8) of the Care Act 2014(b).

Citation and commencement

1.—(1) These Regulations may be cited as the Responsibilities and Standing Rules, and Care and Support (Miscellaneous Amendments) Regulations 2018.

(2) Save as provided in paragraphs (3) and (4), these Regulations come into force on 1st April 2018.

(3) Regulation 2—

- (a) paragraphs (2)(a) and (d) and (3), come into force on 1st October 2018;
- (b) paragraph (4)(a), comes into force on 1st April 2019;
- (c) paragraph (4)(c), (d) and (e), comes into force on 1st April 2020.

(4) Regulations 3 and 4 come into force on 1st October 2018.

Amendment of the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012

2.—(1) The National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012(c) are amended as follows.

(2) In regulation 20 (interpretation), in paragraph (1), in the definition of—

- (a) “Fast Track Pathway Tool”(d) for “28th November 2012” substitute “1st March 2018”;

(a) 2006 c. 41. Section 6E was inserted by section 20 of the Health and Social Care Act 2012 (c. 7).

(b) 2014 c. 23.

(c) S.I. 2012/2996.

(d) The “Fast Track Pathway Tool” can be found at www.gov.uk/government/uploads/system/uploads/attachment_data/file/684827/NHS_continuing_healthcare_fast_track_pat_hway_tool_-_October_2018_revised.odt. Hard copies may be obtained from NHS Continuing Healthcare Team, 3rd Floor North, 39 Victoria Street, Westminster, SW1H 0EU.

- (b) “flat rate payment” for “£155.05” substitute “£158.16”;
 - (c) “high band payment” for “£213.32” substitute “£217.59”;
 - (d) “National Framework”(a) for “28th November 2012” substitute “1st March 2018”;
 - (e) “nursing care by a registered nurse” (which is included in the definition of “nursing care”), for “section 49(2) of the Health and Social Care Act 2001” substitute “section 22(8) of the Care Act 2014”;
 - (f) “regulated activity” for “2010” substitute “2014”.
- (3) In regulation 21 (duty of relevant bodies: assessment and provision of NHS continuing healthcare)—
- (a) in paragraph (4)(a), for “28th November 2012” substitute “1st March 2018”(b);
 - (b) in paragraph (5)(a)(ii), for “28th November 2012” substitute “1st March 2018”(c);
 - (c) in paragraph (13), in the definition of “multi-disciplinary team”, in paragraph (b) for “persons for community care services” substitute “an adult’s needs for care and support”.
- (4) In Schedule 4 (services for rare and very rare conditions)—
- (a) after paragraph 20, insert—
 - “**20A.** Alpha 1 antitrypsin services.”;
 - (b) after paragraph 36, insert—
 - “**36A.** Clinical genomic services.”;
 - (c) after paragraph 57, insert—
 - “**57ZA.** Gonadal tissue cryopreservation services for children and young people at high risk of gonadal failure due to treatment or disease.”;
 - (d) after paragraph 92, insert—
 - “**92A.** Psychological medicine inpatient services for severe and complex presentations of medically unexplained physical symptoms.”;
 - (e) after paragraph 104, insert—
 - “**104A.** Specialist adult haematology services.”;
 - (f) omit paragraph 112;
 - (g) after paragraph 140A, insert—
 - “**140AA.** Termination services for expectant mothers with significant comorbidities that require either or both critical care and medical support.”.

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- (a) The “National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care” can be found at www.gov.uk/government/uploads/system/uploads/attachment_data/file/684817/National_Framework_for_CHC_and_FNC_-_October_2018_Revised.pdf. Hard copies may be obtained from NHS Continuing Healthcare Team, 3rd Floor North, 39 Victoria Street, Westminster, SW1H 0EU.
 - (b) This provision amends the reference to the document called the “NHS Continuing Healthcare Checklist” so that it refers to the 2018 version of that document. The 2018 version can be found at www.gov.uk/government/uploads/system/uploads/attachment_data/file/684820/NHS_continuing_healthcare_checklist_-_October_2018_revised.odt. Hard copies may be obtained from NHS Continuing Healthcare Team, 3rd Floor North, 39 Victoria Street, Westminster, SW1H 0EU.
 - (c) This provision amends the reference to the document called the “Decision Support Tool for Continuing Healthcare” so that it refers to the 2018 version of that document. The 2018 version can be found at www.gov.uk/government/uploads/system/uploads/attachment_data/file/684830/NHS_continuing_healthcare_decision_support_tool_-_October_2018_revised.odt. Hard copies may be obtained from NHS Continuing Healthcare Team, 3rd Floor North, 39 Victoria Street, Westminster, SW1H 0EU.

Amendment of the Care and Support (Provision of Health Services) Regulations 2014

3. In the Care and Support (Provision of Health Services) Regulations 2014(a), in regulation 1 (citation, commencement and interpretation), in paragraph (2), in the definition of “National Framework” for “28th November 2012” substitute “1st March 2018”.

Amendment of the Care and Support (Assessment) Regulations 2014

4. In the Care and Support (Assessment) Regulations 2014(b), in regulation 7 (NHS continuing healthcare), in paragraph (3), for “28th November 2012” substitute “1st March 2018”.

Signed by authority of the Secretary of State for Health and Social Care.

O’Shaughnessy
Parliamentary Under-Secretary of State,
Department of Health and Social Care

1st March 2018

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 (S.I. 2012/2996), the Care and Support (Provision of Health Services) Regulations 2014 (S.I. 2014/2821) and the Care and Support (Assessment) Regulations 2014 (S.I. 2014/2827).

Regulation 2 amends the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 by up-dating certain definitions and the amounts of certain payments, up-dating references to the documents known as the National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care, the Fast Track Pathway Tool for NHS Continuing Healthcare, the NHS Continuing Healthcare Checklist, and the Decision Support Tool for NHS Continuing Healthcare so that they refer to the most recent versions of those documents. It also amends Schedule 4 by adding to the list of services for rare and very rare conditions that may be provided as part of the health service to certain persons.

Regulation 3 amends the Care and Support (Provision of Health Services) Regulations 2014 to update the definition of the National Framework for NHS Continuing Healthcare and the NHS-funded Nursing care so that it refers to the most recent version of that Framework.

Regulation 4 amends the Care and Support (Assessment) Regulations 2014 to up-date the definition of the National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care so that it refers to the most recent version of that Framework.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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- (a) S.I. 2014/2821. This provision amends the reference to the document known as the “National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care” so that it refers to the 2018 version of that document. The 2018 version can be found at www.gov.uk/government/uploads/system/uploads/attachment_data/file/684817/National_Framework_for_CHC_and_FNC_-_October_2018_Revised.pdf. Hard copies may be obtained from NHS Continuing Healthcare Team, 3rd Floor North, 39 Victoria Street, Westminster, SW1H 0EU.
- (b) S.I. 2014/2827. This provision amends the reference to the document known as the “National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care” so that it refers to the 2018 version of that document. The 2018 version can be found at www.gov.uk/government/uploads/system/uploads/attachment_data/file/684817/National_Framework_for_CHC_and_FNC_-_October_2018_Revised.pdf. Hard copies may be obtained from NHS Continuing Healthcare Team, 3rd Floor North, 39 Victoria Street, Westminster, SW1H 0EU.

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£4.25

UK201803021000 03/2018 19585

<http://www.legislation.gov.uk/id/uksi/2018/283>

ISBN 978-0-11-116669-7



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