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WELSH STATUTORY INSTRUMENTS

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**2002 No. 1896**

**The National Health Service (General Medical Services)  
(Amendment) (Wales) (No. 2) Regulations 2002**

**Insertion of new regulation 18M**

**13.**—(1) After regulation 18L(transitional provisions) insert—

**“Conditional Inclusion**

**18M.**—(1) A Health Authority may determine that if a doctor is to be included in the list , the doctor is to be subject, while the doctor remains included in the list, to the imposition of conditions, having regard to the requirements in section 43ZA(2) of the Act.

(2) The Health Authority may vary the terms of service as provided for in Schedule 2 to these Regulations in relation to the applicant for the purpose of, or in connection with, the imposition of any conditions.

(3) The Health Authority may of its own volition or at the request of the doctor concerned review any decision made under this regulation.

(4) A doctor may not request a review of a Health Authority decision until the expiry of a three month period beginning with the date the Health Authority includes the doctor’s name on the list.

(5) After a review has taken place, the doctor cannot request another review before the expiry of six months from the date of the decision on the previous review.

(6) On such a review, the Health Authority may vary the conditions, impose different conditions or remove the doctor from the list.

(7) Failure to comply with a condition may lead to removal of the doctor from the list.

(8) There shall be an appeal to the FHSAA from any decision of the Health Authority—

- (a) to impose conditions, or any particular condition on a doctor;
- (b) to vary a condition;
- (c) to vary the doctor’s terms of service;
- (d) on any review of an earlier such decision of the Health Authority;
- (e) to remove the doctor from the medical list for breach of condition,

and the appeal shall be by way of redetermination of the Health Authority’s decision.

(9) On appeal the FHSAA may make any decision which the Health Authority could have made.

(10) Where the decision of the FHSAA on appeal is that conditions be imposed the doctor, whether or not those conditions are identical with the conditions imposed by the Health Authority, the Health Authority shall ask the doctor to notify it within 28 days of the decision (or such longer period as the Health Authority may agree), whether the doctor wishes to be included on the medical list subject to these conditions.

(11) If the doctor notifies the Health Authority that the doctor wishes to be included in the medical list subject to the conditions, the Health Authority shall so include the doctor.

(12) Subject to regulation 18F(4), any decision of the Health Authority that may be the subject of an appeal under paragraph (8), shall not have effect until the FHSAA has determined any appeal against it or any time for appeal has expired.

(13) A Health Authority shall disclose to the persons or bodies specified in paragraph (15) below, information of the kind mentioned in paragraph (14) about doctors whose inclusion in the list is subject to conditions imposed under this regulation and about the removal of such persons from the list for breach of such a condition.

(14) The information referred to in paragraph (13) is—

- (a) identifying details of the doctor;
- (b) professional registration number;
- (c) date and copy of the decision of the Health Authority;
- (d) the contact name of a person in the Health Authority for further enquires.

(15) Persons or bodies to whom information shall be disclosed under paragraph (13) are—

- (a) the National Assembly for Wales;
- (b) any Health Authority in Wales that has the doctor, or a body corporate of which the doctor is a director, on any of its lists or any Health Authority in Wales that is considering an application for inclusion in any of its lists from the doctor or body corporate;
- (c) the Secretary of State;
- (d) the northern Ireland Executive;
- (e) the Scottish Executive;
- (f) the General Medical council or any other appropriate regulatory body;
- (g) the local medical committee for its area;
- (h) any other organisation that, to the knowledge of the Health Authority, employs or uses the services of the doctor in a professional capacity;
- (i) where it is a fraud case, the National Health Service Counter Fraud Service.

(16) The Health Authority shall notify any person or body of the information specified in paragraph (14) if that person or body can establish that it is considering employing the doctor in a professional capacity and the Health Authority receives a written request (including an electronic request) to do so.

(17) The Health Authority shall send to the doctor concerned a copy of any information about the doctor provided to the persons or bodies specified in paragraphs (15) and (16), and any correspondence with those persons or bodies relating to that information.

(18) Where the Health Authority has notified any of the persons or bodies mentioned in paragraph (15) or (16) of the matters set out in paragraph (14), it may in addition notify those persons or bodies of any evidence that was considered, including representations of the doctor if so requested.

(19) Where a Health Authority is notified by the FHSAA that it has imposed a national disqualification on a doctor whom the Health Authority has removed from its medical list, it shall notify the persons or bodies listed in paragraph (15)(b),(g),(h) and (i) and paragraph (16).

(20) Where a decision is changed on review or appeal, or a suspension lapses, the Health Authority shall notify any person or body that was notified of the original decision of the later decision.”.