

## SCHEDULE 5

### OTHER CONTRACTUAL TERMS

#### PART 1

##### PROVISION OF SERVICES

###### **Premises**

1. Subject to any plan which is included in the contract pursuant to regulation 18(3), the contractor shall ensure that the premises used for the provision of services under the contract are –

- (a) suitable for the delivery of those services; and
- (b) sufficient to meet the reasonable needs of the contractor's patients.

###### **Attendance at practice premises**

2.—(1) The contractor shall take steps to ensure that any patient who –

- (a) has not previously made an appointment; and
- (b) attends at the practice premises during the normal hours for essential services,

is provided with such services by an appropriate health care professional during that surgery period except in the circumstances specified in sub-paragraph (2).

(2) The circumstances referred to in sub-paragraph (1) are that –

- (a) it is more appropriate for the patient to be referred elsewhere for services under the Order; or
- (b) the patient is then offered an appointment to attend again within a time which is appropriate and reasonable having regard to all the circumstances and the patient's health would not thereby be jeopardised.

###### **Attendance outside practice premises**

3.—(1) In the case of a patient whose medical condition is such that in the reasonable opinion of the contractor –

- (a) attendance on the patient is required; and
- (b) it would be inappropriate for the patient to attend at the practice premises,

the contractor shall provide services to that patient at whichever in his judgement is the most appropriate of the places set out in sub-paragraph (2).

(2) The places referred to in sub-paragraph (1) are –

- (a) the place recorded in the patient's medical records as being his last home address;
- (b) such other place as the contractor has informed the patient and the Board is the place where he has agreed to visit and treat the patient; or
- (c) some other place in the contractor's practice area.

(3) Nothing in this paragraph prevents the contractor from –

- (a) arranging for the referral of a patient without first seeing the patient, in a case where the medical condition of that patient makes that course of action appropriate; or

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- (b) visiting the patient in circumstances where this paragraph does not place him under an obligation to do so.

#### **Newly registered patients**

4.—(1) Where a patient has been –

- (a) accepted on a contractor's list of patients under paragraph 15; or
- (b) assigned to that list by the Board,

the contractor shall, in addition and without prejudice to his other obligations in respect of that patient under the contract, invite the patient to participate in a consultation either at his practice premises or, if the medical condition of the patient so warrants, at one of the places referred to in paragraph 3(2).

(2) An invitation under sub-paragraph (1) shall be issued within six months of the date of the acceptance of the patient on, or their assignment to, the contractor's list.

(3) Where a patient (or, where appropriate, in the case of a patient who is a child, his parent) agrees to participate in a consultation mentioned in sub-paragraph (1) the contractor shall, in the course of that consultation make such inquiries and undertake such examinations as appear to him to be appropriate in all the circumstances.

#### **Patients not seen within three years**

5. Where a registered patient who –

- (a) has attained the age of 16 years but has not attained the age of 75 years; and
- (b) has attended neither a consultation with, nor a clinic provided by, the contractor within the period of 3 years prior to the date of his request;

requests a consultation the contractor shall, in addition and without prejudice to his other obligations in respect of that patient under the contract, provide such a consultation in the course of which it shall make such inquiries and undertake such examinations as appear to him to be appropriate in all the circumstances.

#### **Patients aged 75 years and over**

6.—(1) Where a registered patient who –

- (a) has attained the age of 75 years; and
- (b) has not participated in a consultation under this paragraph within the period of twelve months prior to the date of his request,

requests a consultation, the contractor shall, in addition and without prejudice to his other obligations in respect of that patient under the contract, provide such a consultation in the course of which he shall make such inquiries and undertake such examinations as appear to him to be appropriate in all the circumstances.

(2) A consultation under sub-paragraph (1) shall take place in the home of the patient where, in the reasonable opinion of the contractor, it would be inappropriate, as a result of the patient's medical condition, for him to attend at the practice premises.

#### **Clinical reports**

7.—(1) Where the contractor provides any clinical services, other than under a private arrangement, to a patient who is not on his list of patients, he shall, as soon as reasonably practicable, provide a clinical report relating to the consultation, and any treatment provided, to the Board.

- (2) The Board shall send any report received under sub-paragraph (1) –

- (a) to the person with whom the patient is registered for the provision of essential services or their equivalent; or
- (b) if the person referred to in head (a) is not known to it, to the Board in whose area the patient is resident.

#### **Storage of vaccines**

8. The contractor shall ensure that –
- (a) all vaccines are stored in accordance with the manufacturer's instructions,
  - (b) all refrigerators in which vaccines are stored have a maximum/minimum thermometer and that readings are taken on all working days.

#### **Infection control**

9. The contractor shall ensure that he has appropriate arrangements for infection control and decontamination.

#### **Criteria for out of hours services**

10. A contractor whose contract includes the provision of out of hours services shall only be required to provide such services if, in the reasonable opinion of the contractor in the light of the patient's medical condition, it would not be reasonable in all the circumstances for the patient to wait for the services required until the next time at which he could obtain such services during core hours.

#### **Standards for out of hours services**

11. From 1st January 2005, a contractor which provides out of hours services must in the provision of such services meet any quality standards which have been approved by the Department and specified in writing by the Board in relation to the provision of those services.

#### **Duty of co-operation in relation to additional, enhanced and out of hours services**

- 12.—(1) A contractor which does not provide to his registered patients or to persons whom he has accepted as temporary residents –

- (a) a particular additional service;
- (b) a particular enhanced service; or
- (c) out of hours services, either at all or in respect of some periods or some services,

shall comply with the requirements specified in sub-paragraph (2).

- (2) The requirements referred to in sub-paragraph (1) are that the contractor shall –

- (a) co-operate with any person responsible for the provision of that service;
- (b) comply in core hours with any reasonable request for information from such a person or from the Board relating to the provision of that service or those services; and
- (c) in the case of out of hours services, take reasonable steps to ensure that any patient who contacts the practice premises during the out of hours period is provided with information about how to obtain services during that period.

- (3) Nothing in this paragraph shall require a contractor whose contract does not include the provision of out of hours services to make himself available during the out of hours period.

13. Where a contractor is to cease to be required to provide to his patients –

- (a) a particular additional service;

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(b) a particular enhanced service; or

(c) out of hours services, either at all or in respect of some periods or some services,

he shall comply with any reasonable request for information relating to the provision of that service made by the Board or by any person with whom the Board intends to enter into a contract for the provision of such services.