



Health and Social Care (Community Health and Standards) Act 2003

2003 CHAPTER 43

PART 4

DENTAL AND MEDICAL SERVICES

Primary dental and medical services: supplementary

177 Arrangements under section 28C of the 1977 Act

- (1) Section 28D of the 1977 Act (persons with whom arrangements under section 28C of that Act may be made) is amended as follows.
- (2) In subsection (1), for paragraphs (b) and (c) substitute—
 - “(b) a medical practitioner who meets the prescribed conditions;
 - (ba) a dental practitioner who meets the prescribed conditions;
 - (bb) a health care professional who meets the prescribed conditions;
 - (bc) an individual who is providing services—
 - (i) under a general medical services contract or general dental services contract;
 - (ii) in accordance with section 28C arrangements, section 17C arrangements or Article 15B arrangements; or
 - (iii) under section 19 or 25 of the 1978 Act or Article 56 or 61 of the Health and Personal Social Services (Northern Ireland) Order 1972 (1972 No. 1256 (N.I. 14));or has so provided them within such period as may be prescribed;”.
- (3) After subsection (1) insert—
 - “(1A) The power under subsection (1) to make an agreement with a person falling within paragraph (bc) or (d) of that subsection is subject to such conditions as may be prescribed.”

- (4) In subsection (2), after the definition of “the 1978 Act” insert—
- ““health care professional” means a person who is a member of a profession regulated by a body mentioned (at the time the agreement in question is made) in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002;”.
- (5) In that subsection, for the definition of “NHS employee” substitute—
- ““NHS employee” means an individual who, in connection with the provision of services in the health service in England and Wales, Scotland or Northern Ireland, is employed by—
- (a) an NHS trust, an NHS foundation trust or (in Northern Ireland) a Health and Social Services Trust;
 - (b) a Primary Care Trust or Local Health Board;
 - (c) a person who is providing services under a general medical services contract or a general dental services contract;
 - (d) an individual who is providing services as specified in subsection (1)(bc)(iii) above;”.
- (6) In the definitions of “section 17C employee” and “section 28C employee”, for “an individual providing” substitute “a person providing or performing”.
- (7) In section 28E of the 1977 Act (regulations), in subsection (3), after paragraph (c) insert—
- “(ca) impose conditions (including conditions as to qualifications and experience) to be satisfied by persons performing services in accordance with section 28C arrangements;”.
- (8) In that section, after subsection (3) insert—
- “(3A) The regulations may also require payments to be made under the arrangements in accordance with directions given for the purpose by the Secretary of State; and section 18(1) and (3)(b) apply in relation to any such directions.
- (3B) A direction under subsection (3A) may make provision having effect from a date before the date of the direction, provided that, having regard to the direction as a whole, the provision is not detrimental to the persons to whose remuneration it relates.”
- (9) In that section, after subsection (3B) (as inserted by subsection (8) above), insert—
- “(3C) The regulations may also include provision requiring a Primary Care Trust or Local Health Board, in prescribed circumstances and subject to prescribed conditions, to enter into a general medical services contract or general dental services contract on prescribed terms with any person providing services under section 28C arrangements who so requests.”
- (10) In that section, after subsection (3C) (as inserted by subsection (9) above) insert—
- “(3D) The regulations may also include provision for the resolution of disputes as to the terms of any proposed section 28C arrangements, and in particular may make provision—
- (a) for the referral of the terms of the proposed arrangements to the Secretary of State or National Assembly for Wales; and

- (b) for the Secretary of State, or Assembly, or a person appointed by him or it, to determine the terms on which the arrangements may be entered into.”

(11) In that section, after subsection (3D) (as inserted by subsection (10) above) insert—

“(3E) The regulations must provide for the circumstances in which a person providing primary medical services under section 28C arrangements—

- (a) must or may accept a person as a patient to whom such services are so provided;
- (b) may decline to accept a person as such a patient;
- (c) may terminate his responsibility for a patient.

(3F) The regulations must make provision as to the right of patients to choose the persons from whom they are to receive services under section 28C arrangements.”

(12) In that Act, sections 28F (choice of medical practitioner), 28G (choice of dental practitioner) and 28H (immunisation) shall cease to have effect.