
STATUTORY INSTRUMENTS

1993 No. 521 (S.58)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (General
Medical and Pharmaceutical Services)
(Scotland) Amendment Regulations 1993**

<i>Made</i>	- - - -	<i>5th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

The Secretary of State, in exercise of the powers conferred on him by sections 27, 28, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations 1993 and shall come into force on 1st April 1993.

(2) In these Regulations “the principal Regulations” means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974(2).

Amendment to the principal Regulations

2.—(1) Regulation 27 (terms of service) of the principal Regulations shall be amended in accordance with this regulation.

(2) For sub-paragraph (3)(c) there shall be substituted the following sub-paragraph:—

“(c) the keeping of records in connection with drugs and medicines supplied to or to be taken by any person.”.

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- (1) 1978 c. 29; section 27 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 20(2), by the National Health Service (Amendment) Act 1986 (c. 66) (“the 1986 Act”), section 3(3) and by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), Schedule 9, paragraph 19(7); section 28 was amended by the 1986 Act, section 3(4) and by the 1990 Act, Schedule 9, paragraph 19(8); section 105(7) was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these regulations are made.
- (2) S.I. 1974/506; relevant amending instruments are S.I. 1975/696, 1976/1574, 1982/1279, 1985/1625, 1987/386, 1988/1454, 1989/1883, 1989/1990, 1991/572 and 1992/191.

- (3) After sub-paragraph (3)(c) there shall be added the following sub-paragraphs:—
- “(d) the setting aside in a pharmacy of an area for the display of health education material;
 - (e) the provision to the public of advice and counselling on medicines and appliances;
 - (f) the undertaking of clinical audits; and
 - (g) the publication by a pharmacist of a practice leaflet which shall—
 - (i) include the name, address and telephone number of the pharmacy and the hours in each day of the week during which that pharmacist provides pharmaceutical services from those premises;
 - (ii) detail the arrangements for dealing with after-hours and other urgent requirements from or in relation to that pharmacy;
 - (iii) state that National Health Service prescriptions are dispensed and which other National Health Service pharmaceutical services are provided; and
 - (iv) state that a pharmacist is available to advise and answer questions about medicines and the treatment of common ailments.”.
- (4) In paragraph (4) after “(3)” where it first occurs there shall be inserted—
- “(a) “clinical audit” means the systematic and critical analysis of the quality of clinical care;”,

and sub-paragraph (a) shall be re-lettered sub-paragraph (aa).

Amendment to regulation 31 of the principal Regulations

3. In regulation 31(1) of the principal Regulations (payments to doctors), for paragraph (l) there shall be substituted the following paragraphs:—

- “(l) payments in respect of health promotion programmes or clinics approved by the Board;
- (ll) payments in respect of disease management programmes approved by the Board”.

Insertion of new regulation 31A (claims and overpayments)

4. After regulation 31 (payments to doctors) there shall be inserted the following new regulation:

“Claims and overpayments

31A.—(1) Any claim for fees, allowances or other remuneration by doctors shall be made in accordance with the provisions of the Statement under regulation 31.

(2) Where the Board considers that a payment has been made in circumstances when it was not due, the Board, except to the extent that the Secretary of State on the application of the Board directs otherwise, shall draw the overpayment to the attention of the doctor and—

- (a) where the overpayment is admitted by him; or
- (b) where the overpayment is not so admitted but, the matter having been referred under regulation 8(1) of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992(3) for investigation, the Board, or the Secretary of State on appeal under regulation 12 of those Regulations, decides that there has been an overpayment,

the amount overpaid shall be recoverable either by deduction from the doctor's remuneration or in some other manner.

(3) Recovery of an overpayment under this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.”.

Amendment of Part I of Schedule 1 to the principal Regulations

5. Part I of Schedule 1 to the principal Regulations (terms of service for doctors) shall be amended as follows:—

- (a) in paragraph 10B (patients not seen within 3 years)—
 - (i) for sub-paragraph (1) there shall be substituted the following sub-paragraph:—

“(1) Subject to sub-paragraph (2), where a patient who—

 - (a) has attained the age of 16 years but has not attained the age of 75 years; and
 - (b) within the preceding 3 years has attended neither a consultation with, nor a clinic provided by, any doctor in the course of his provision of general medical services,

requests a consultation for the purposes of assessing whether he needs personal medical services, a doctor shall, in addition to and without prejudice to any other obligation under these terms of service, provide such a consultation”;
 - (ii) sub-paragraphs (3) and (4) shall be omitted;
 - (iii) in sub-paragraph (5), for “where a patient agrees to participate in a consultation mentioned in sub-paragraph (1)”, there shall be substituted “where a doctor provides a consultation mentioned in sub-paragraph (1)”;
- (b) In paragraph 19A (annual reports) for sub-paragraph (2) there shall be substituted the following sub-paragraph:—

“(2) An annual report shall contain—

 - (a) the information specified in paragraphs 1 and 2 of Part 1E of Schedule 1;
 - (b) where the Board, having considered whether the information is available from another source, and having consulted the Area Medical Committee, so requests, the information specified in paragraph 3 of Part 1E of Schedule 1; and
 - (c) where the Board so requests, in the case of a doctor who is not already supplying that information to the Board in order to qualify for payments in respect of health promotion or disease management, the information specified in paragraph 4 of Part 1E of Schedule 1.”; and
- (c) in paragraph 20 (acceptance of fees) there shall be added the following paragraph:—

“(p) pursuant to an arrangement with him for the provision of services in accordance with regulation 18 of the National Health Service (Fund-Holding Practices) (Scotland) Regulations 1993(4)

Amendment of Part 1E of Schedule 1 to the principal Regulations

6. For Part 1E of Schedule 1 to the principal Regulations (information to be provided in annual reports) there shall be substituted the Part 1E set out in the Schedule to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Amendment of Schedule 4 to the principal Regulations

7. In Schedule 4 to the principal Regulations (list of prescribed medical certificates), after paragraph 13 there shall be added the following paragraph:—

“14. To support a claim by or on behalf Local Government Finance Act 1992 (1992 of a severely mentally impaired person for c. 14).”
exemption from liability to pay the council tax
or eligibility for a discount in respect of the
amount payable.

Application of Regulations

8. The amendments contained in regulations 5(b) and 6 shall not apply to annual reports compiled in respect of the period of 12 months ending on 31st March 1993.

St. Andrew's House,
Edinburgh
5th March 1993

Fraser of Carmyllie
Minister of State, Scottish Office

SCHEDULE

Regulation 6

NEW PART 1E TO BE SUBSTITUTED FOR PART 1E OF SCHEDULE 1 TO THE PRINCIPAL REGULATIONS Regulation 3(2) Part 1, paragraph 19A(2)

PART 1E

INFORMATION TO BE PROVIDED IN ANNUAL REPORTS

1. Particulars of the doctor's other commitments as a medical practitioner, including—

- (a) a description of any posts held, and
- (b) a description of all work undertaken,

and including, in each case, the annual hourly commitment, except that where a doctor has notified the Board of such other commitments in a previous annual report, the report need only contain information relating to any changes in those commitments.

2. As respects orders for drugs and appliances, the doctor's arrangements for the issue of repeat prescriptions to patients.

3. Information relating to the referral of patients to other services under the National Health Service (Scotland) Act 1978 during the period of the report—

- (a) as respects those by the doctor to specialists—
 - (i) the total number of patients referred as in-patients,
 - (ii) the total number of patients referred as out-patients,by reference in each case to which clinical specialty applies, and specifying in each case the name of the hospital concerned; and
- (b) the total number of cases of which the doctor is aware (by reference to the clinical specialty) in which a patient referred himself to services under the National Health Service (Scotland) Act 1978.

4. Information relating to the numbers of patients on the doctor's list—

- (a) who are diabetic;
- (b) who are asthmatic; and
- (c) to whom the doctor has given advice, in accordance with paragraph 9(1A)(b) of Part 1 of Schedule 1, about—
 - (i) the patient's weight;
 - (ii) the use of tobacco; or
 - (iii) the consumption of alcohol.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974 (“the principal Regulations”) which regulate the terms on which general medical and pharmaceutical services are provided under the National Health Service (Scotland) Act 1978.

Regulation 27 of the principal Regulations is amended to extend the scheme for the maintenance of records of medicine and advice provided to certain patients; and also extend the definition of “supplemental services” provided by pharmacists (regulation 2).

Regulation 31(1) of the principal Regulations (payments to doctors) is amended to enable Health Boards to make payments to doctors in respect of health promotion programmes and in respect of disease management programmes (regulation 3).

Regulation 4 adds a new regulation 31A to the principal Regulations. This provides for the recovery by Health Boards of overpayments made to general practitioners.

Regulations 5, 6 and 8 contain amendments to Part 1 of Schedule 1 to the principal Regulations (terms of service for doctors):— First, paragraph 10B (patients not seen within three years) is amended so as to provide that a doctor’s obligation to provide a consultation for the purpose of assessing a patient’s need for personal medical services arises only where such a consultation is requested; second, paragraph 19A (annual reports) of the terms of service and Part 1E of Schedule 1 (information to be provided in annual reports) to the principal Regulations are amended to insert new provisions governing the information to be contained in annual reports and the circumstances in which it has to be provided; and third, paragraph 20 (acceptance of fees) of the terms of service are amended to enable a fundholding doctor to receive remuneration in respect of treatment given to his own patients pursuant to an arrangement made with him by a fund-holding practice, in accordance with the National Health Service (Fund Holding Practices) (Scotland) Regulations 1993.

Schedule 4 to the principal Regulations is amended to require a doctor to issue free of charge a medical certificate which is required by a patient to enable him to claim exemption from or a reduction in liability to pay the Council Tax (regulation 7).