
STATUTORY INSTRUMENTS

2018 No. 844

The National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) Regulations 2018

PART 3

Amendment of the PMS Agreements Regulations

Amendment of regulation 3 of the PMS Agreements Regulations

9. In regulation 3 of the PMS Agreements Regulations (interpretation)(1)—

(a) after the definition of “out of hours services” insert—

““paramedic independent prescriber” means a person—

- (a) who is either engaged or employed by the contractor or who is a party to the agreement;
- (b) who is registered in the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001 (establishment and maintenance of register)(2); and
- (c) against whose name in that register is recorded an annotation signifying that that person is qualified to order drugs, medicines or appliances as a paramedic independent prescriber;”;

(b) for the definition of “prescriber” substitute—

““prescriber” means—

- (a) a chiropodist or podiatrist independent prescriber;
- (b) an independent nurse prescriber;
- (c) a medical practitioner;
- (d) an optometrist independent prescriber;
- (e) a paramedic independent prescriber;
- (f) a pharmacist independent prescriber;
- (g) a physiotherapist independent prescriber;
- (h) a supplementary prescriber; and
- (i) a therapeutic radiographer independent prescriber;”;

(c) in the definition of “relevant register”, for paragraph (d)(i) to (iii) substitute—

“(i) chiropodists and podiatrists,

(1) Relevant amendments to regulation 3 were made by [S.I. 2016/1077](#).

(2) [S.I. 2002/254](#).

- (ii) paramedics,
 - (iii) physiotherapists, or
 - (iv) radiographers;” and
- (d) in the definition of “supplementary prescriber”, for paragraph (b)(iv) substitute—
- “(iv) the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001 (establishment and maintenance of register) relating to—
 - (aa) chiropodists and podiatrists,
 - (bb) dieticians,
 - (cc) paramedics,
 - (dd) physiotherapists, or
 - (ee) radiographers, or”.

Amendment of regulation 22 of the PMS Agreements Regulations

- 10.** In regulation 22 of the PMS Agreements Regulations (out of hours services)—
- (a) in paragraph (4)(a), for “the document entitled “National Quality Requirements in the Delivery of Out of Hours Services” published on 29th July 2006”, substitute “the Integrated Urgent Care Key Performance Indicators published on 25th June 2018”(3);
 - (b) in paragraph (5)(a), for “National Quality Standards” substitute “Integrated Urgent Care Key Performance Indicators”; and
 - (c) in paragraph (5)(c)(ii), for “National Quality Standards” substitute “Integrated Urgent Care Key Performance Indicators”.

Amendment of regulation 64 of the PMS Agreements Regulations

- 11.** In regulation 64 of the PMS Agreements Regulations (patient online services), omit paragraph (7).

Insertion of new regulation 64A into the PMS Agreements Regulations

- 12.** After regulation 64 of the PMS Agreements Regulations (patient online services) insert—

“Patient access to online services

64A.—(1) This regulation applies to any contractor which has less than ten per cent of its registered patients registered with the contractor’s practice to use the online services which the contractor is required under regulation 64 to promote and offer to its registered patients (“patient online services”).

(2) A contractor to which this regulation applies must agree a plan with the Board aimed at increasing the percentage of the contractor’s registered patients who are registered with the contractor’s practice to use patient online services.”.

(3) The Integrated Urgent Care Key Performance Indicators, published on 25th June 2018, are available at: <https://www.england.nhs.uk/wp-content/uploads/2018/06/integrated-urgent-care-key-performance-indicators.pdf>. Further information or hard copies may be requested from NHS England, PO Box 16738, Redditch, B97 7PT.

Amendment of paragraph 14A of Schedule 2 to the PMS Agreements Regulations

13. In Schedule 2 to the PMS Agreements Regulations (other contractual terms)(4), in paragraph 14A(1) (patients living with frailty)(5), after “must take steps” insert “each year”.

Insertion of new paragraph 16A into Schedule 2 to the PMS Agreements Regulations

14. In Schedule 2 to the PMS Agreements Regulations (other contractual terms), after paragraph 16 (patients aged 75 and over: accountable GP), insert—

“NHS e-Referral Service (e-RS)

16A.—(1) Except in the case of a contractor to which sub-paragraph (2) or (3) applies, a contractor must require the use in its practice premises of the system for electronic referrals known as the NHS e-Referral Service (“e-RS”) in respect of each referral of any of its registered patients to a first consultant-led out-patient appointment for medical services under the Act in respect of which the facility to use e-RS is available.

(2) This sub-paragraph applies to a contractor which does not yet have e-RS in place for use in the contractor’s practice premises.

(3) This sub-paragraph applies to a contractor which—

- (a) is experiencing technical or other practical difficulties which are preventing the use, or effective use, of e-RS in its practice premises; and
- (b) has notified the Board that this is the case.

(4) A contractor to which sub-paragraph (2) applies must require the use in its practice premises of alternative means of referring its registered patients to a first consultant-led out-patient appointment for medical services under the Act until such time as the contractor has e-RS in place for use in its practice premises.

(5) A contractor to which sub-paragraph (3) applies—

- (a) must ensure that a plan is agreed between the contractor’s practice and the Board for resolving the technical or other practical difficulties which are preventing the use, or effective use, of e-RS in the contractor’s practice premises; and
- (b) must require the use in its practice premises of alternative means of referring its registered patients to a first consultant-led out-patient appointment for medical services under the Act until such time as those technical or other practical difficulties have been resolved to the satisfaction of the Board.”.

Amendment of paragraph 24 of Schedule 2 to the PMS Agreements Regulations

15. In Schedule 2 to the PMS Agreements Regulations (other contractual terms), in paragraph 24 (removal from the list of patients who are violent)—

(a) after sub-paragraph (1) insert—

“(1A) Where a contractor—

- (a) accepts a person onto its list of patients; and
- (b) subsequently becomes aware that the person has previously been removed from the list of patients of another provider of primary medical services—
 - (i) because the person committed an act of violence against any of the persons specified in sub-paragraph (2) (as read with sub-paragraph (2A))

(4) There are no relevant amendments to Schedule 2.

(5) Paragraph 14A of Schedule 2 was inserted by regulation 7 of [S.I. 2017/908](#).

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or behaved in such a way that any of those persons feared for their safety;
and

(ii) the other provider of primary medical services reported the incident to the police,

the contractor may give notice to the Board in accordance with sub-paragraph (3) that it wants to have the person removed from its list of patients with immediate effect.”;

(b) after sub-paragraph (2) insert—

“(2A) For the purposes of sub-paragraph (1A), any reference to “the contractor” in sub-paragraph (2) is to be read as a reference to the other provider of primary medical services referred to in sub-paragraph (1A), and sub-paragraph (2) is to be construed accordingly.”; and

(c) in sub-paragraphs (3), (4) and (5), for “sub-paragraph (1)” in each place where it appears, substitute “sub-paragraph (1) or (1A)”.