
STATUTORY INSTRUMENTS

2019 No. 248

The Amendments Relating to the Provision
of Integrated Care Regulations 2019

PART 4

AMENDMENT OF THE MEDICAL PROFESSION
(RESPONSIBLE OFFICERS) REGULATIONS 2010

Scope of Part

13. The Medical Profession (Responsible Officers) Regulations 2010(1) are amended in accordance with this Part.

Amendment of regulation 1

14. In regulation 1 (interpretation), in paragraph (2), at the appropriate places insert—
- ““the 2006 Act” means the National Health Service Act 2006(2);”;
 - ““integrated care provider” means a person, other than a person specified in regulation 1A(3), who is party to an integrated care provider contract;”;
 - ““integrated care provider contract” has the meaning given in regulation 1A;”;
 - ““primary medical services” has the meaning given in regulation 1A(7);”.

Insertion of regulation 1A

15. After regulation 1 insert—

“Integrated care provider contracts

1A.—(1) For the purposes of these Regulations, an integrated care provider contract is a contract entered into on or after 1st April 2019 which satisfies the following paragraphs.

- (2) An integrated care provider contract must be between—
 - (a) one or more of the persons specified in paragraph (3); and
 - (b) a person who is a provider of services specified in paragraph (5).
- (3) The persons specified in this paragraph are—
 - (a) the Board;
 - (b) one or more CCGs; or
 - (c) one or more local authorities in England.
- (4) An integrated care provider contract must—

(1) S.I. 2010/2841. Relevant amending instruments are S.I. 2013/391 and 2018/378.
(2) 2006 c.41.

- (a) relate to the provision of two or more services specified in paragraph (5); and
- (b) not be a contract to which paragraph (6) applies.

(5) The services specified in this paragraph are—

- (a) primary medical services;
- (b) secondary care services;
- (c) public health services; and
- (d) adult social care services,

and include such services where they are provided under arrangements entered into by an NHS body or a local authority in England by virtue of section 75 of the 2006 Act⁽³⁾.

(6) This paragraph applies to a contract for the provision of primary medical services to which directions given by the Secretary of State under section 98A of the 2006 Act (exercise of functions) relating to the provision of alternative provider medical services under section 83(2) of the 2006 Act apply⁽⁴⁾.

(7) In this regulation—

“adult social care services” means services provided pursuant to the exercise of the adult social services functions of a local authority in England;

“adult social services functions” means social services functions within the meaning of section 1A of the Local Authority and Social Services Act 1970⁽⁵⁾ so far as relating to persons aged 18 or over, excluding any function to which Chapter 4 of Part 8 of the Education and Inspections Act 2006⁽⁶⁾ applies;

“CCG” means a clinical commissioning group established by section 14D of the 2006 Act⁽⁷⁾;

“primary medical services” means services which the Board considers appropriate to secure the provision of under section 83(2) of the 2006 Act (primary medical services)⁽⁸⁾;

“public health functions” means—

- (a) the public health functions of the Secretary of State under the following provisions of the 2006 Act—
 - (i) section 2A (Secretary of State’s duty as to protection of public health)⁽⁹⁾;
 - (ii) section 2B (functions of local authorities and Secretary of State as to improvement of public health)⁽¹⁰⁾;
 - (iii) paragraph 8 and 12 of Schedule 1 (further provision about the Secretary of State and services under this Act)⁽¹¹⁾;

(3) See regulation 4 of S.I. 2000/617. Regulation 4 was amended by S.I. 2003/629, 2012/3094 and 2015/1940. See also section 275(1) of the 2006 Act for the meaning given to “NHS body”.

(4) Section 98A of the National Health Service Act 2006 (c.41) (“the 2006 Act”) was inserted by section 49(1) of the Health and Social Care Act 2012 (c.7) (“the 2012 Act”). The relevant Directions given by the Secretary of State under section 98A are the Alternative Provider Medical Services Directions 2016 which were signed on 3rd October 2016 and amended on 18th October 2017. They relate to the provision of primary medical services under section 83(2) of the 2006 Act under an Alternative Provider Medical Services Contract. These Directions are available at: <https://www.gov.uk/government/publications/nhs-primary-medical-services-directions-2013>. Hard copies may be requested by post from the General Practice Team, Quarry House, Quarry Hill, Leeds, LS2 7UE.

(5) 1970 c.42.

(6) 2006 c.40.

(7) Section 14D was inserted by section 25(1) of the 2012 Act.

(8) Section 83(1) and (2) was substituted by paragraph 30 of Schedule 4 to the 2012 Act.

(9) Section 2A was inserted by section 11 of the 2012 Act and amended by section 116(1) of the Energy Act 2013 (c.22).

(10) Section 2B was inserted by section 12 of the 2012 Act.

(11) Paragraph 12 of Schedule 1 was amended by section 17(12) of the 2012 Act.

- (b) the public health functions of a local authority in England under the following provisions of the 2006 Act, and any regulations made under these provisions—
 - (i) section 2B (functions of local authorities and Secretary of State as to improvement of public health);
 - (ii) section 111 (dental public health)(**12**);
 - (iii) paragraphs 1 to 7B or 13 of Schedule 1 (further provision about the Secretary of State and services under this Act)(**13**);
 - (c) the public health functions of the Secretary of State that a local authority in England is required to exercise by virtue of regulations made under section 6C(1) (regulations as to the exercise by local authorities of certain public health functions)(**14**) of the 2006 Act; or
 - (d) the public health functions of the Secretary of State where they are exercised by the Board, a CCG or a local authority in England, where those bodies are acting pursuant to arrangements made under section 7A (exercise of the Secretary of Health’s public health functions)(**15**) of the 2006 Act;
“public health services” means services which are provided pursuant to the exercise of public health functions;
“secondary care services” means—
 - (a) such services, accommodation or facilities as a CCG considers it appropriate to make arrangements for the provision of under or by virtue of section 3 (duties of clinical commissioning groups as to commissioning of health services)(**16**) or 3A (power of clinical commissioning groups to commission certain health services)(**17**) of the 2006 Act; or
 - (b) such services or facilities as the Board is required by the Secretary of State to arrange by virtue of regulations made under section 3B (power to require Board to commission certain health services)(**18**) of the 2006 Act.
- (8) For the purposes of this regulation, any of the following is a local authority in England—
- (a) a county council;
 - (b) a county borough council;
 - (c) a district council;
 - (d) a London borough council;
 - (e) the Common Council of the City of London;
 - (f) the Council of the Isles of Scilly.”.

Amendment of regulation 3

- 16.** In regulation 3 (application and extent) after paragraph (2) insert—

(12) Section 111 was amended by section 29(2) of the 2012 Act.
(13) Paragraph 1 of Schedule 1 was amended by section 17(3) of the 2012 Act. Paragraph 2 of Schedule 1 was amended by section 17(4) of that Act. Paragraph 3 of Schedule 1 was amended by paragraph 6 of Schedule 14 to the Health and Social Care Act 2008 (c.14) (“the 2008 Act”). Paragraph 4 of Schedule 1 was amended by section 17(5) of the 2012 Act. Paragraphs 7A and 7B of Schedule 1 were inserted by section 143(1) of the 2008 Act and were amended respectively by section 17(7) and (8) of the 2012 Act.
(14) Section 6C was inserted by section 18(1) of the 2012 Act.
(15) Section 7A was inserted by section 22 of the 2012 Act.
(16) Section 3 was amended by section 13 of the 2012 Act.
(17) Section 3A was inserted by section 14 of the 2012 Act.
(18) Section 3B was inserted by section 15 of the 2012 Act.

“(3) In so far as these Regulations are amended by Part 4 of the Amendments Relating to the Provision of Integrated Care Regulations 2019—

- (a) they extend to England and Wales; and
- (b) they apply in relation to England only.”.

Amendment of regulation 10

17. In regulation 10 (connection between designated bodies and medical practitioners), after paragraph (1)(a) insert—

- “(aa) where none of the preceding sub-paragraphs apply, the designated body is an integrated care provider where the medical practitioner—
 - (i) is employed by an integrated care provider to provide primary medical services;
or
 - (ii) provides health services under the 2006 Act (which are not primary medical services) for or on behalf of an integrated care provider or is engaged by such a provider to provide such services;”.

Amendment of the Schedule

18. In the Schedule (designated bodies), after paragraph 2 insert—

- “2A. Integrated care providers.”.