

**STANDARD GENERAL MEDICAL SERVICES
CONTRACT (NI) VARIATION
NOTICE - No.1 2005**

The text of the Standard General Medical Services Contract Variation Notice – May 2005 has been approved by the Department of Health, Social Services and Public Safety’s Solicitors and Solicitors acting for the GPC.

The Standard General Medical Services Contract must be read in conjunction with the General Medical Services Transitional and Consequential Provisions No.1 (Northern Ireland) Order 2004, and, in particular, Part 2 of that Order, which sets out the entitlement of specified persons to a General Medical Services Contract.

The Standard General Medical Services Contract should also be read in conjunction with the General Medical Services Transitional and Consequential Provisions No.2 (Northern Ireland) Order 2004 which makes provision for certain matters, acts and notices arising before 31 March 2004 to be treated as matters, acts and notices related to particular clauses in the Contract.

WORDING OF VARIATIONS

PART 1 DEFINITIONS AND INTERPRETATION

1. The following variations are made to **clause 1**:

1.1 The **definition of “general medical practitioner”** is replaced with the following:

“ “general medical practitioner” means, unless the context otherwise requires-

(a) from the coming into force of article 10 of *the 2003 Order*, a medical practitioner whose name is included in the *General Practitioner Register*; and

(b) until the coming into force of that article, a medical practitioner who is either-

i. until the coming into force of paragraph 22 of Schedule 8 to *the 2003 Order*, suitably experienced within the meaning of Article 8(2) of the Health and Personal Social Services (Northern Ireland) Order 1978, section 31(2) of the National Health Service Act 1977 or section 21 of the National Health Service (Scotland) Act 1978 or a person who has an acquired right to practise as a general medical practitioner pursuant to regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994, or

ii upon the coming into force of paragraph 22 of Schedule 8 to *the 2003 Order*, an eligible general practitioner pursuant to that paragraph;”.

1.2 The **definition of GP Registrar** is replaced with the following:

“GP Registrar” means a medical practitioner who is being trained in general practice by –

(a) until the coming into force for all purposes of Article 4(5)(d) of *the 2003 Order*, a *general medical practitioner* who –

i. has been approved for that purpose by the Joint Committee on Postgraduate Training for General Practice under regulation 7 of the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998, and

ii. performs primary medical services, and

(b) from the coming into force for all purposes of that Article, a *general medical practitioner* who is approved under that Article for the purpose of providing training under Article 5(1)(c)(i) of *the 2003 Order*, whether as part of training leading to the award of a *CCT* or otherwise;”.

2. The **definition of “GP Trainer”** is removed.

3. In the **definition of “out of hours services”**, the words “by a Contractor to his *registered patients*” are inserted after the words “ if provided” in paragraph (a).

PARTS 2-5

No variations

PART 6 PROVISION OF SERVICES

4. In **clause 39**, the sentence “This clause does not apply in relation to *out of hours services* provided by the Contractor on or after 1st January 2005.” is added at the end of the clause.

PART 7 ESSENTIAL SERVICES

No variations

PART 8 ADDITIONAL SERVICES

5. In **clause 72.1**, the words “influenza vaccination” are replaced by “influenza and pneumococcal vaccinations”.

PARTS 10-11

No variations

PART 12 PATIENTS

6. In **clause 247** the words “Clause 248 to 252” are replaced by “Clause 248 to 253”.
7. In **clause 252.1**, the words “and it shall remain *closed* for the period specified by the *assessment panel* pursuant to paragraph 31(8)(b) of that Schedule” are inserted after “*Regulations*”.
8. **Clause 252.2.** is replaced as follows:

“252.2. that list shall re-open before the expiry of the period referred to in clause 252.1 if-

252.2.1 the number of the Contractor’s *registered patients* falls to the number specified by the *assessment panel* in accordance with paragraph 31(8)(b) of Schedule 5 to *the Regulations* as the number of *registered patients* which, if that number were reached, would trigger the re-opening of the Contractor’s list of patients; or

252.2.2. the Board and the Contractor agree that the list of patients should re-open.”.

9. After **clause 252** there are inserted two new clauses in the following terms:

“252A. If the Contractor’s list of patients has re-opened pursuant to clause 252.2.1, it shall nevertheless close again if, during the period specified by the *assessment panel* as the period for which the list should remain *closed*, the number of the Contractor’s *registered patients* rises to the number specified by the *assessment panel* in accordance with paragraph 31(8)(b) of Schedule 5 to *the Regulations* as the number of *registered patients* which, if that number were reached, would trigger the re-closure of the Contractor’s list of patients.

252B. Except in cases where the Contractor’s list of patients is already *open* pursuant to clause 252.2.2, the Board shall notify the Contractor in writing between seven and fourteen days before the expiry of the closure period referred to in clause 252.1, confirming the date on which the Contractor’s list of patients will re-open.”

PART 13 PRESCRIBING AND DISPENSING

10. **Clause 270** is replaced as follows:

“270. The Contractor shall ensure that any *prescription form* or *repeatable prescription* for drugs, medicines or appliances issued by a *prescriber* complies as appropriate with the requirements in clauses 271 to 277 and clauses 285 to 302.”.

11. In **Clause 271**, the words “or a *repeatable prescription*” are inserted after “*prescription form*” in both instances it occurs.

12. Clause 271 should read as follows:

“271. A prescriber may order drugs, medicines or appliances on a repeatable prescription only where the drugs, medicines or appliances are to be provided more than once.”

13. In Clauses 273, 273.1, 276, 276.3, 277 and 277.3, the words “or a *repeatable prescription*” are inserted after “*prescription form*” in each instance it occurs.

14. After Clause 277.3, under the title “Repeatable prescribing services”, the following clauses should be inserted:

“278. The Contractor may only provide repeatable prescribing services to any person on his list of patients if he-

278.1. satisfies the conditions in clause 279; and

278.2. has notified the Board of his intention to provide *repeatable prescribing* in accordance with clauses 280 and 281.

279. The conditions referred to in clause 278.1 are-

279.1. the contractor has access to computer systems and software which enable him to issue *repeatable prescriptions* and *batch issues*; and

279.2. the *practice premises* at which the *repeatable prescribing services* are to be provided are located in an area of the Board in which there is also located the premises of at least one *chemist* who has undertaken to provide, or who

has entered into an arrangement to provide, *repeat dispensing services*.

280. The notification referred to in clause 278.2 is a notification, in writing, by the Contractor to the Board that he-

280.1. wishes to provide *repeatable prescribing services*; and

280.2. intends to begin to provide those services from a specified date; and

280.3. satisfies the conditions in clause 279.

281. The date specified by the Contractor pursuant to clause 280.2 must be at least ten days after the date on which the notification specified in clause 278.2 is given.

282. Nothing in clauses 278 to 289 requires the Contractor or *prescriber* to provide *repeatable prescribing services* to any person.

283. A *prescriber* may only provide *repeatable prescribing services* to a person on a particular occasion if-

283.1. that person has agreed to receive such services on that occasion; and

283.2. the *prescriber* considers that it is clinically appropriate to provide such services to that person on that occasion.

284. The Contractor may not provide *repeatable prescribing services* to any patient of his to whom-

284.1 he is authorised or required by the Board to provide *dispensing services* under clauses 306 to 315; or

284.2 any of the persons specified in clause 285 is authorised or required by the Board under regulation 12 of the *Pharmaceutical Regulations* to provide pharmaceutical services.

285. The persons referred to in clause 284 are-

285.1. if the Contract is with an individual medical practitioner, that medical practitioner;

285.2. if the Contract is with a partnership, any medical practitioner who is a partner;

285.3. if the Contract is with a company, any medical practitioner who is a legal and beneficial shareholder in that company; or

285.4. any medical practitioner employed by the Contractor.

286. A prescriber who issues a *repeatable prescription* must at the same time issue the appropriate number of *batch issues*.

287. A *prescriber* who has provided *repeatable prescribing services* to a person must, as soon as is practicable, notify that person, and make reasonable efforts to contact the *chemist* providing *repeat dispensing services* to that person, if-

287.1. he makes any change to the type, quantity, strength or dosage of drugs, medicines or appliances ordered on that person's *repeatable prescription*; or

287.2. he considers that it is no longer appropriate or safe for that person to receive drugs, medicines or appliances ordered on his *repeatable prescription*, or no longer appropriate or safe for him to continue to receive *repeatable prescribing services*.

288. If a *prescriber* provides *repeatable prescribing services* to a person in respect of whom he has previously issued a *repeatable prescription* which has not yet expired (for example, because that person wishes to obtain the drugs, medicines or appliances from a different *chemist*), the *prescriber* must make reasonable efforts to notify the *chemist* which has in its possession the *repeatable prescription* which is no longer required.

289. If a *prescriber* has issued a *repeatable prescription* in respect of a person, and (before the expiry of that *repeatable prescription*) that person is removed from the list of patients of the Contractor on whose behalf the prescription was issued, that *prescriber* must-

289.1. notify that person; and

289.2. make reasonable efforts to notify that *chemist* who has been providing *repeat dispensing services* to that person, that the *repeatable prescription* should no longer be used to obtain or provide *repeat dispensing services*."

15. In **Clause 290, 291** and **292**, the words "or a *repeatable prescription*" are inserted after "*prescription form*" in each instance it occurs.

16. After **Clause 292**, under the title “**Repeatable prescribing services**”, the following clauses should be inserted:

“**293.** In the course of treating a patient to whom he is providing treatment under the Contract, a medical practitioner shall not order on a *repeatable prescription* a controlled drug within the meaning of the Misuse of Drugs Act 1971, other than a drug which is for the time being specified in Schedule 4 or 5 to the Misuse of Drugs Regulations 2001, but may, subject to clause 483, prescribe such a drug for that patient in the course of that treatment under a private arrangement.”

17. **Clause 334** is varied as follows;

- (a) In **clause 334.1**, “sub-paragraph (3)(a)” is replaced by “sub-paragraph (2)(a) of paragraph 45 of Schedule 5 to *the Regulations*”;
- (b) In **clause 334.2**, “sub-paragraph (5)” is replaced by “sub-paragraph (4) of that paragraph”; and
- (c) In **clause 334.4**, “medical practitioner” is replaced by “contractor”.

PART 14 PERSONS WHO PERFORM SERVICES

18. **Clause 341.3** is replaced as follows:

“341.3. a *GP Registrar* who has applied to a Board to have his name included in its *medical performers list* until the first of the following events arises-

341.3.1 the Board notifies him of its decision on that application;

or

341.3.2 the end of a period of two months, starting with the date on which his vocational training scheme began

and in this sub-clause, “vocational training scheme” shall have the meaning given in regulation 2 of the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004.”.

19. Clause 359 is replaced as follows:

“359. The Contractor shall only employ a *GP Registrar* subject to the conditions in clause 360.”.

20. Clause 393 is replaced as follows:

“393. A notice served under clause 392 shall take effect on the date on which it is received by the Contractor.”.

PART 15 RECORDS, INFORMATION, NOTIFICATION AND RIGHTS OF ENTRY

21. After **clause 440** there is inserted a new clause in the following terms:

“440A. The Contractor shall produce the information requested, or, as the case may be, allow access to it-

440A.1. by such date as has been agreed as reasonable between the Contractor and the Board ; or

440A.2. in the absence of such agreement, within 28 days of the request being made.”.

22. After **clause 451** there are inserted two new clauses in the following terms:

“451A. Subject to article 50 of *the Transitional Order*, one such return may be requested by the Board at any time during each financial year in relation to such period (not including any period covered by a previous annual return) as may be specified in the request: in this clause, “financial year” means the twelve months ending with 31st March.

451B. The Contractor shall submit the completed return to the Board -

451B.1. by such date as has been agreed as reasonable between the Contractor and the Board ; or

451B.2. in the absence of such agreement, within 28 days of the request being made.”.

23. In **clause 454**, “clause 451” is replaced by “clause 452”.

PARTS 16-19

No variations

PART 20 INSURANCE

24. In clause 491, sub-clause “487.1” should be numbered “491.1” and sub-clause “487.2” should be numbered “491.2”.

25. In **clause 491.2** the words after “held” to the end are replaced “by a person employed or engaged by it in connection with clinical services which that person provides under the contract or, as the case may be, sub-contract.”

PARTS 21-22

No variations

PART 23 COMPLAINTS

26. In **clause 516** the words “save that this clause shall not apply in relation to *out of hours services* provided by the Contractor on or after 1st January 2005” are added after the word “Contract”.

PART 24 DISPUTE RESOLUTION

No variations

PART 25 VARIATION AND TERMINATION OF THE CONTRACT

27. In **clauses 552 and 553** the words “Subject to clause 557A” are inserted at the beginning of the clause.

28. After **clause 557** there is inserted the following new clause:

“557A. Clauses 552 to 554 shall not apply to the contractor where regulation 14 of the The Health and Personal Social Services (General Medical Services Contracts) (Miscellaneous Amendments) Regulations (Northern Ireland) 2005 applies.”.

29. In **clause 581** “clause 579” is replaced by “clause 580”.

PART 26 NON-SURVIVAL OF TERMS

No variations

SCHEDULES 1-2

No variations

SCHEDULE 3

30. In Schedule 3, after sub-paragraph 18, the remaining sub-paragraphs should read as follows:

“19. The method by which patients are to obtain repeat prescriptions.

20. If the Contractor offers repeatable prescribing services, the arrangements for providing such services.

21. If the Contractor is a dispensing contractor, the arrangements for dispensing prescriptions.

22. How patients may make a complaint or comment on the provision of service.

23. The rights and responsibilities of the patient, including keeping appointments.

24. The action that may be taken where a patient is violent or abusive to the contractor or his staff or other persons on the practice premises or in the place where treatment is provided under the Contract or other persons specified in clause 203.

25. Details of who has access to patient information (including information from which the identity of the individual can be ascertained) and the patient’s rights in relation to disclosure of such information.

26. The name, address and telephone number of the Board and from whom details of primary medical services in the area may be obtained."

SCHEDULES 4-7

No variations

I/We [] acknowledge receipt of the notice of variation dated [] of which the above is a duplicate. I/We acknowledge that this notice will take effect from [].

Signed:

[on behalf of]:

Print name:

Date: