EXPLANATORY MEMORANDUM TO

The Health and Personal Social Services (Primary Medical Services Performers Lists) (Amendment) Regulations (Northern Ireland) 2010

SR 2010 No. 376

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Health, Social Services and Public Safety to accompany SR No. 2010 No. 376 which is laid before the Northern Ireland Assembly.

1.2 The statutory rule is made under powers conferred by Articles 57G, 106(b) and 107(6) of, and paragraph 1(8)(a) of Schedule 11 to, the Health and Personal Social Services (Northern Ireland) Order 1972 and is subject to negative resolution procedure.

1.3 The rule is due to come into operation on 7 December 2010.

2. Purpose

2.1 This statutory rule amends the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004 (performers list regulations) to allow the Health and Social Care Board (Board) to quickly include certain GPs onto its primary medical services performers list in the event of an emergency and should the need arise.

3. Background

3.1 In order to provide primary medical services a doctor, as well as being on the General Medical Council's (GMC) medical register and GP register, must be on the primary medical services performers list of the Board. This requirement and the information, declarations and undertakings to be included in an application for inclusion onto the performers list are set out in the performers list regulations. The range of information required includes the doctor's qualifications, experience and confirmation of identity.

3.2 The Medical Act 1983 provides the legislative basis for the regulation of doctors in the UK by the GMC. The Act, which extends to Northern Ireland, was amended to give GMC the power to register doctors temporarily on the register of medical practitioners (the GMC Register) should the Secretary of State advise the Registrar of the GMC that an

emergency has occurred, is occurring, or is about to occur. These provisions allow the GMC to increase the number of registered doctors by, for example, re-registering recently retired practitioners or others they consider suitable for registration. These provisions are intended to allow for the continued supply of drugs, medicines and appliances in an emergency.

3.3 These doctors, who will most probably be former GPs, once temporarily registered on the GMC register, must apply to be admitted to the Board's performers list in order to provide primary medical services. The current application procedure potentially creates a lead in time before these doctors could be utilised. These regulations amend the 2004 performers list regulations to allow the Board to quickly re-admit to the performers list, those practitioners who have been returned to the GMC medical register and GP register under its emergency powers. The amendments do this by providing for a shortened application process and will only apply to those GPs who have been registered under the GMC's emergency powers.

3.4 The checks which would normally be made before inclusion on the performers list are, in such cases, made following inclusion on the list. So, if, following this process, a doctor is included on the performers list but the result of the checks indicate that the doctor should not have been included on the list, then the regulations allow the Board to remove the doctor from the list. It is considered that these arrangements will create the correct balance between the need to ensure patient safety and the ability to access additional GPs speedily in the event of an emergency. For example:-

- only those GPs who have previously been included on a performers list can be admitted using the shortened procedure.
- GPs can only be re-admitted if their names had been removed through voluntary erasure.
- only those GPs who had retired in the last 5 years should be re-admitted through the shortened procedure.
- the Board must still undertake a basic identity check and criminal record check. The Board may include the GP in its performers list prior to the results of the criminal record check but if after seeing the results of the check the Board decides that the GP should not have been included. it must remove the GP from the performers list.

4. Matters of special interest to the Committee for Health, Social Services and Public Safety

4.1 The Department is introducing the regulations to maintain parity with Great Britain to provide for the emergency re-admission of general medical practitioners to the performers list in the event of an emergency such as pandemic flu. Once an emergency has ended these general medical practitioners will be removed from the performers list.

5. Consultation

5.1 The regulations have not been the subject of a full public consultation however the Department has conducted a limited consultation with doctors' representative bodies (General Practitioners Committee NI, General Medical Council NI and the Royal College of General Practitioners all of whom are content with the changes.

6. Equality Impact

6.1 Consideration has been given to equality and human rights implications of the provisions being introduced by these regulations. They were considered compatible with Sections 24 and 75 of the Northern Ireland Act 1998. No potential for adverse impact on any of the nine equality categories was identified.

7. Regulatory Impact

7.1 A Regulatory Impact Assessment is not considered necessary as the proposals being introduced by the amending regulations will have no impact on business, charities, social enterprise or voluntary bodies.

8. Financial Implications

8.1 Implementation of the provisions introduced by these regulations will have minimal financial implications.

9. Contact

9.1 For further information on these regulations please contact:

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