EXECUTIVE NOTE

The National Health Service (Primary Medical Services Performers Lists) (Scotland) Amendment (No.2) Regulations 2007 SSI/2007/413

1. The above instrument was made in exercise of the powers conferred by sections 17P, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978 ("the Act"). The instrument is subject to negative resolution procedure.

Background

2. The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 ("the 2004 Regulations") set out the arrangements whereby registered medical practitioners who wish to perform primary medical services as General Practitioners may apply for and gain admission to the performers list of any Health Board in whose area they wish to practice. The 2004 Regulations specify the manner in which an application is to be made and the requirements which are placed on those who gain admission to a performers list. Medical practitioners may be disqualified from such lists by direction of the NHS Tribunal.

Policy Objectives

3. The instrument amends the 2004 Regulations as follows.

4. Regulation 2 of the 2004 Regulations contains a definition of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2007 ("the 2007 Regulations"). Where a patient will have serious difficulty in obtaining from a pharmacist any drugs, medicines or appliances which are prescribed for their condition, a health board may, in terms of the National Health Service (General Medical Services Contracts)(Scotland) Regulations 2004, require their general practitioner to supply them and, in effect, act as the pharmacist. In doing so the general practitioner must act in accordance with the 2007 Regulations as far as any claim for exemption from prescription charges is concerned. As the 2007 Regulations are being revoked, the instrument replaces the definition of them with a definition of the National Health Service (Charges for Drugs and Appliances) (Scotland) (No.2) Regulations 2007 which will come into force on 1 October 2007. The definition will remain as "the 2007 Regulations".

5. Schedule 1 to the 2004 Regulations sets out the information, declarations and undertakings which must be included in an application for inclusion in a primary medical services performers' list. Paragraph 3(f) is the undertaking that a general practitioner who acts as a pharmacist will apply the terms of the 2007 Regulations to exemption from prescription charge. The reference to paragraphs 7(1)(a) to (f) of the Regulations which are to be revoked is replaced with a reference to paragraphs 7(1)(a) to (g) of the new 2007 Regulations. The additional sub-paragraph reflects the introduction of provisions in the new 2007 regulations dealing with the treatment of tuberculosis.

Consultation

6. The Regulations do not require separate consultation but the Scottish General Practitioners Committee has been informed.

Financial Effects

7. The instrument will have no financial effects. It alters slightly the procedures which are already carried out by Health Boards to maintain the performers lists.

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September 2007