

---

DIRECTIONS

---

**NATIONAL HEALTH SERVICE**

**ENGLAND**

**The Alternative Provider Medical Services (Amendment)  
Directions 2012**

The Secretary of State for Health, in exercise of the powers conferred by sections 8, 272(7) and (8) and 273(1) of the National Health Service Act 2006(a), gives the following Directions.

**Citation, commencement and application**

1.—(1) These Directions may be cited as the Alternative Provider Medical Services (Amendment) Directions 2012 and come into force on 30th April 2012.

(2) These Directions are given to Primary Care Trusts.

**Amendment to the Alternative Provider Medical Services Directions 2010**

2. The Alternative Provider Medical Services Directions 2010(b) signed on 13th April 2010 are amended in accordance with directions 3 and 4.

**Amendment to direction 2**

3. In direction 2(1) (interpretation), immediately after the definition of “patient”, insert ““Patient Choice Scheme” means the scheme of that name established by the Secretary of State under which primary medical services may be provided to persons under arrangements made in accordance with directions by the Secretary of State under section 8 of the 2006 Act;”(c).

**Insertion of new Part 5A**

4. At the end of Part 5 (Mandatory term for an APMS contract under which out of hours services are to be provided), insert—

**“PART 5A**

**MANDATORY TERMS FOR AN APMS CONTRACT UNDER WHICH  
PATIENT CHOICE SCHEME ARRANGEMENTS ARE TO BE PROVIDED**

**Mandatory terms for an APMS contract under which Patient Choice Scheme  
Arrangements are to be provided**

13A.—(1) This direction applies where the APMS contractor and the Primary Care Trust enter into arrangements under the Patient Choice Scheme.

---

(a) 2006 c. 41. By virtue of section 271(1) of the Act, the powers conferred by these sections are exercisable by the Secretary of State only in relation to England.

(b) The Alternative Provider Medical Services Directions are published on the Department of Health website [www.dh.gov.uk](http://www.dh.gov.uk).

(c) See the Primary Medical Services (Patient Choice Scheme) Directions 2012 signed on 28th March 2012 and published on the Department of Health website [www.dh.gov.uk](http://www.dh.gov.uk).

(2) The terms of the APMS contract—

- (a) which have the same effect as the provisions specified in paragraph (3) must be varied in accordance with paragraph (4); and
- (b) must be varied to include terms which have the same effect as the provisions specified in paragraphs (5) to (7),

but only to the extent that such variations relate to the provision of primary medical services to patients who wish to receive such services under arrangements made in accordance with the Patient Choice Scheme with effect from the start of the day on which such arrangements commence and for the period ending at the end of the day which is the date of the termination of those arrangements, which must be no later than 31st March 2013.

(3) The terms of the APMS contract specified in this paragraph are—

- (a) the terms which require the APMS contractor to provide essential services;
- (b) the terms which require the APMS contractor to provide out of hours services to patients to whom it provides essential services; and
- (c) the terms referred to in direction 12(1)(a) (mandatory terms of an APMS contract under which essential services are to be provided - attendance at practice premises).

(4) The APMS contract must include terms which have the effect of temporarily releasing the contractor and the Primary Care Trust from all obligations, payments, rights and liabilities relating to those terms (and only those terms) which have the same effect as the provisions specified in paragraph (3)—

- (a) including any right to enforce those terms only in respect of the provision of primary medical services to patients who wish to receive such services under arrangements made in accordance with the Patient Choice Scheme; and
- (b) only where, in the opinion of the APMS contractor, it is not clinically appropriate or practical to provide the services or access to such services in accordance with those terms, or comply with those terms, under arrangements made under the Patient Choice Scheme.

(5) The APMS contract must include a term which has the effect of requiring the APMS contractor to notify a person in writing that where the APMS contractor is minded to accept that person onto its list of patients in accordance with the Patient Choice Scheme the APMS contractor is under no obligation to provide—

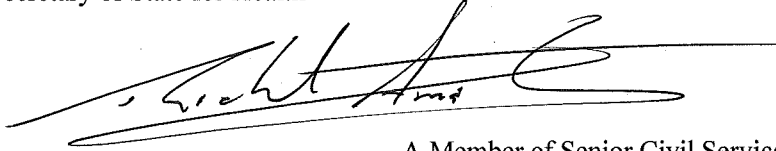
- (a) essential services and any other service in core hours, in a case where at the time treatment is required, it is not clinically appropriate or practical to provide such services given the particular circumstances of the patient; and
- (b) out of hours services, in a case where at the time treatment is required, it is not clinically appropriate or practical to provide such services given the particular circumstances of the patient.

(6) The APMS contract must also include terms which have the effect of providing that immediately after the date of the termination of the arrangements under the Patient Choice Scheme, the variations made as a consequence of paragraph (2) must terminate save to the extent necessary in respect of enforcing any obligation, condition, payment, right and liability arising from those terms prior to the date of termination.

(7) In a case where primary medical services are provided to a patient under arrangements made in accordance with the Patient Choice Scheme but the patient is not on the APMS contractor's list of patients, the APMS contract must contain a term which has the effect of requiring payments to be made under the APMS contract and must be based on the payment to be made and other conditions relating to payment under the Patient Choice Scheme

contained in the directions given by the Secretary of State under section 87 of the 2006 Act (GMS contracts: payments).”(a).

Signed by authority of the Secretary of State for Health



A Member of Senior Civil Service  
Department of Health

Date: 26 April 2012

---

(a) See direction 10 of the Primary Medical Services (Patient Choice Scheme) Directions 2012 and Section 17B of the GMS Statement of Financial Entitlements which was inserted by direction 6 of the Statement of Financial Entitlements (Amendment No.2) Directions 2012 signed on 26th April 2012 which is published on the Department of Health website [www.dh.gov.uk](http://www.dh.gov.uk).

