

KEELING SCHEDULE

The Medical Professions (Responsible Officers) Regulations 2010 – regulations 1(2), 10(1) and Part 1 of the Schedule

This Schedule includes only those amendments which amend existing provisions in regulation 1(2), 10(1) and Part 1 of the Schedule.

<p><u>Regulation 1(2)</u> Insert new definitions of:</p>	<p>Regulation 1(2) (Interpretation)</p> <p>In these Regulations—</p> <p>“ACO” means a body known as an accountable care organisation having been so designated by the Board, because it is providing or arranging the provision of health services under the National Health Service Act 2006 which are referred to in a contract based on a standard contract, developed by the Board, for accountable care models;</p> <p>"the Act" means the Medical Act 1983;</p> <p>"armed forces bodies" means the bodies referred to in paragraphs 12 to 14 of the Schedule to these Regulations;</p> <p>["the Board" means the National Health Service Commissioning Board;]</p> <p>“the Integrated Services Provider Directions” mean the Primary Medical Services (Integrated Services Provider Contracts) Directions 2017;</p> <p>"hospital" has the same meaning as in section 275 of the National Health Service Act 2006;</p> <p>“Integrated Services Provider Contract” means a contract described in direction 2(1) of the Integrated Services Provider Directions for the provision of primary medical services which, as a part of the health service, the Board considers appropriate to secure the provision of under section 83(2) of the National Health Service Act 2006 together with one or more of the health and social care services specified in sub-paragraph (b)(i) to (iii) of that direction;</p> <p>"medical practitioner", except in regulation 7(1)(b), means a registered medical practitioner;</p> <p>"NHS body" means any of the bodies listed in paragraphs 1 to 6, 15 to 17 and 25C of the Schedule to these Regulations;</p> <p>"non-departmental public body" means a body established by an Act of Parliament, an Act of the Scottish Parliament or by a statutory instrument made under any such Act to perform functions conferred on it under or by virtue of that Act or instrument or any other Act or instrument;</p> <p>"practising privileges" means the grant, by a person managing a hospital, to a medical practitioner of permission to practise as a medical practitioner in that hospital;</p> <p>"Scottish training governance body" means a body which exercises, on behalf of Scottish Ministers, functions conferred on Scottish</p>
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Regulation
10(1)

Insert a new
provision
(1)(aa)

Ministers that relate to education and training relating to the health service, including without prejudice to that generality, functions specified in section 47 of the National Health Service (Scotland) Act 1978;

"sufficient number of responsible officers" means the number of responsible officers required to ensure that each responsible officer appointed under regulation 5(2) has the capacity to carry out their responsibilities in regulations 11 and 13.

Regulation 10 (Connection between designated bodies and medical practitioners)

(1) For the purposes of section 45B of the Act, and subject to the following provisions of this regulation and to regulation 12, a designated body has a prescribed connection with a medical practitioner in the following circumstances--

(za) the designated body is the Faculty of Medical Leadership and Management and the medical practitioner holds the post of either the National Medical Director or National Deputy Medical Director of the Board;

(a) the designated body is--

(i) a postgraduate medical deanery and the medical practitioner is a doctor in training who is a member of a foundation or specialty training programme managed by that deanery; or

[(ia) a Local Education and Training Board and the medical practitioner is a doctor in training who is a member of a foundation or speciality training programme managed by that Board; or]

(ii) a Scottish training governance body, and the medical practitioner is a doctor in training on a postgraduate medical programme which is managed by that Scottish training governance body and has been approved by the General Council;

(aa) where none of the preceding sub-paragraphs apply, the medical practitioner-

(i) is employed by an ACO,

(ii) is engaged by, or provides primary medical services for an ACO Under or pursuant to an Integrated Services Provider Contract held by that ACO, or

(iii) is engaged by, or provides other health services of the kind mentioned under direction 2(b)(i) and (i) of the Integrated Services Provider Contract Directions, for or on behalf of an ACO;

(b) [where none of the preceding sub-paragraphs apply], the medical practitioner is on the designated body's medical performers

list [or ophthalmic performers list] prepared in accordance with--

(i) regulations 3(1)(a) or 3(1)(c) (as the case may be) of the National Health Service (Performers Lists) (England) Regulations 2013;

(ii) regulation 3(1)(a) of the National Health Service (Performers Lists) (Wales) Regulations 2004; or

(iii) regulation 4(1) of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004;

[(ba) where none of the preceding sub-paragraphs apply, the designated body is Public Health England and the medical practitioner is employed by a local authority in England;

(bb) where none of the preceding sub-paragraphs apply, the designated body is the Pathology Delivery Board and the medical practitioner is on the Home Office Register of Forensic Pathologists;]

[(c) where none of the preceding sub-paragraphs apply, the medical practitioner is employed by the designated body;]

(d) the designated body is a locum agency referred to in paragraph 20 of the Schedule to these Regulations, and the medical practitioner contracts with that agency;

(e) sub-paragraph (d) does not apply and--

(i) the designated body is a primary care organisation, and for this purpose "primary care organisation" means a body referred to in paragraph 1, 2 or 6 of the Schedule to these Regulations;

(ii) the medical practitioner contracts with a locum agency which is not a designated body referred to in paragraph 20 of the Schedule to these Regulations; and

(iii) the medical practitioner's address as registered with the General Council is located within the primary care organisation's area;

[(f) the designated body owns or manages a hospital and the medical practitioner has responsibility for treating patients in that hospital in accordance with practising privileges for that hospital;]

(g) where none of the preceding sub-paragraphs apply, the designated body is--

(i) the Faculty of Occupational Medicine,

(ii) the Faculty of Public Health,

(iii) the Faculty of Pharmaceutical Medicine,

- (iv) the Faculty of Homeopathy,
- (v) the Faculty of Medical Leadership and Management, or
- (vi) the British College of Aesthetic Medicine,

and the medical practitioner is a member of that body, or where the medical practitioner is a member of more than one of those bodies, that body with which the medical practitioner has been a member for the longest period;

(h) where none of the preceding sub-paragraphs applies, the designated body is the Independent Doctors' Federation and the practitioner is a member of that body.

Part 1 of the
Schedule insert
a new
paragraph 2A

Part 1 of the Schedule (Designated Bodies)

1. the Board.
2. Local Health Boards.
- 2A.** An ACO.
3. National Health Service trusts other than Ambulance Trusts.
4. NHS foundation trusts other than Ambulance Trusts.]
5. . . .
6. Health Boards.
7. The Department of Health.
8. The Scottish Ministers.
9. The Welsh Ministers.
10. Postgraduate medical deaneries in England and Wales.
11. Any Scottish training governance body.
12. The Royal Navy.
13. The regular army within the meaning of section 374 of the Armed Forces Act 2006.
14. The Royal Air Force.
- 14A.** Local Education and Training Boards.
- 14B.** Pathology Delivery Board.

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