
STATUTORY INSTRUMENTS

2017 No. XXX

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Amendments Relating to
Prescription Charges, Travel Expenses and Remission of
Charges) Regulations 2017**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 172, 178 and 272(7) and (8)(a) of the National Health Service Act 2006(a).

Citation and commencement

1. These Regulations may be cited as[DN – the regulations are intended to be inserted into an omnibus instrument]

Interpretation

2. In these Regulations—

- (a) “the Prescription Charges Regulations” means the National Health Service (Charges for Drugs and Appliances) Regulations 2015(b); and
- (b) “the TERC Regulations” means the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(c).

Amendment of regulation 2 of the TERC Regulations

3. In regulation 2 of the TERC Regulations (interpretation), after the definition of “abroad” insert—

““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 services under the 2006 Act under contractual arrangements which—

(a) 2006 c.41. See section 275(1) of the National Health Service Act 2006 (“the Act”) for the definitions of “prescribed” and “regulations” that are relevant to the powers being exercised. The powers conferred by these sections are exercisable by the Secretary of State only in relation to England, by virtue of section 271(1) of the Act.

(b) S.I. 2015/570: as amended by S.I. 2015/1879, 2016/325, 696 and 1077, and 2017/408 and 457.

(c) S.I. 2003/2382: as amended by S.I. 2004/663, 696 and 936, 2005/26, 578 and 2114, 2006/562, 675, 1065 and 2171, 2007/1975 and 2590, 2008/571, 1697, 1700 and 2868, 2009/411 and 1599, 2010/620 and 1727, 2011/1587, 2012/1650, 2013/458, 475 and 1600, 2014/545, 2015/570, 643, 993 and 1776 and 2016/1045.

- (a) have the objective of integrating care and having a single, systematic approach to using the resources for a local population to improve quality and health outcomes; and
- (b) allow a single provider organisation to make most decisions about how to allocate resources and design care for its local population;”.

Amendment of regulation 3 of the TERC Regulations

4. In regulation 3 of the TERC Regulations (NHS travel expenses)—

- (a) in sub-paragraph (1)(b), for “by a health service body or a local authority” substitute “by a health service body, a local authority or an ACO”;
- (b) in paragraph (1A), after “services under the 2006 Act” insert “(including sub-contracted services)”;
- (c) after paragraph (1A), insert—

“(1B) For the purposes of paragraph (1A), premises means the part of any building, and only that part, in which the primary medical services, primary ophthalmic services or primary dental services, referred to in sub-paragraph (c), are provided.”;
- (d) in paragraph (2), for “by a health service body or a local authority” substitute “by a health service body, a local authority or an ACO”; and
- (e) in paragraph (6), for “where the health service body or local authority” substitute “where the health service body, local authority or ACO” .

Amendment of regulation 10 of the TERC Regulations

5. In regulation 10 of the TERC Regulations (payment of NHS travel expenses)—

- (a) in paragraph (1)—
 - (i) after “with the provider by a health service body” insert “or an ACO”;
 - (ii) in sub-paragraph (a), for “to the provider or the health service body” substitute “to the provider, the health service body or the ACO”, and
 - (iii) in sub-paragraph (b), for “either the provider or that health service body” substitute “either the provider, or that health service body or that ACO”;
- (b) in paragraph (2)—
 - (i) for sub-paragraph (a), substitute—

“(a) if the provider is an NHS trust, an NHS foundation trust or an ACO the person may make an application for payment to that NHS trust, NHS foundation trust or ACO and that NHS trust, NHS foundation trust or ACO must calculate the amount payable in accordance with these Regulations;”, and
 - (ii) in sub-paragraph (b) for “is not an NHS trust or NHS foundation trust,” substitute “is not an NHS trust, NHS foundation trust or an ACO,”;
- (c) in paragraph (3)—
 - (i) at the end of sub-paragraph (a) omit “or”,
 - (ii) at the end of sub-paragraph (b) insert “; or”, and
 - (iii) after sub-paragraph (b), insert—

“(c) where the arrangements referred to in regulation 3(1)(b) were made by an ACO, that ACO.”; and
- (d) in paragraph (4), after “the health service body” insert “or ACO”.

Amendment of regulation 12 of the TERC Regulations

6. In regulation 12 of the TERC Regulations (repayments)—

- (a) in paragraph (1)(a)—
 - (i) in paragraph (i), for “by an NHS trust or an NHS foundation trust,” substitute “by an NHS trust, an NHS foundation trust or an ACO,”
 - (ii) in paragraph (ia), for “the health service body which arranged” substitute “the health service body or the ACO which arranged”,
 - (iii) in paragraph (ii)—
 - (aa) after “by a health service body” insert “or an ACO”,
 - (bb) after “the health service body” insert “or ACO”, and
 - (iv) in paragraph (iii)—
 - (aa) for sub-paragraph (aa) substitute—
 - “(aa) if the provider is an NHS trust, NHS foundation trust or ACO, notify in writing that NHS trust, NHS foundation trust or ACO, or”, and
 - (bb) in sub-paragraph (bb), for “an NHS trust or an NHS foundation trust,” substitute “an NHS trust, an NHS foundation trust or an ACO,”;
- (b) in paragraph (1)(b)(i), for “a health service body, the health service body” substitute a health service body or an ACO, the health service body or the ACO”;
- (c) in paragraph (2), after “or other health service body” insert “, or an ACO,”; and
- (d) in paragraph (3), after “as the health service body” insert “or ACO”.

Amendment of regulation 13 of the TERC Regulations

7. In regulation 13 of the TERC Regulations (reimbursement of payments made in respect of NHS travel expenses), after “health service body” insert “or ACO”.

Amendment of regulation 14 of the TERC Regulations

8. In regulation 14 of the TERC Regulations (payment and repayment of NHS foreign travel expenses)—

- (a) in paragraph (1), after “the health service body” insert “or ACO”; and
- (b) in paragraph (2)(a), after “the health service body” insert “or ACO”.

Amendment of regulation 2 of the Prescription Charges Regulations

9. In regulation 2 of the Prescription Charges Regulations (interpretation)—

- (a) after the definition of “accepted disablement” insert the following definition—
 - ““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 services under the 2006 Act under contractual arrangements which—
 - (a) have the objective of integrating care and having a single, systematic approach to using the resources for a local population to improve quality and health outcomes; and
 - (b) allow a single provider organisation to make most decisions about how to allocate resources and design care for its local population;”.
- (b) omit the definition of “APMS contractor”;
- (c) after the definition of “repeatable prescription” insert—
 - ““section 83(2) contractor” means a person or partnership that provides primary medical services under contractual arrangements under section 83(2) of the 2006 Act (primary medical services), including in circumstances where those contractual arrangements are part of wider contractual arrangements for the provision of NHS services, and “section 83(2) contract” is to be construed accordingly;”;

- (d) in the definition of “out of hours services” for “APMS” substitute “section 83(2)”;
- (e) in the definition of “provider of NHS services”, after sub-paragraph (a) insert the following sub-paragraph—
 - “(aa) an ACO,”;
- (f) in the definition of “provider of out of hours services”, for “APMS”, at three places, substitute “section 83(2)”.

Amendment of regulation 4 of the Prescription Charges Regulations

10. In regulation 4 of the Prescription Charges Regulations (supply of drugs and appliances by doctors), in paragraphs (5) and (7), for “APMS” substitute “section 83(2)”.

Signed by authority of the Secretary of State for Health

[Insert date]

Name
Parliamentary Under Secretary of State
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges for Drugs and Appliances) Regulations 2015 (the Prescription Charges Regulations) and the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (the TERC Regulations) to reflect the introduction of a new models of care for the delivery of NHS services.

The Prescription Charges Regulations are amended to make it clear that, going forward, arrangements for the provision of primary medical services under section 83(2) of the National Health Service Act 2006, one of the three contractual routes to providing primary medical services, will no longer simply be made by providers known as Alternative Medical Services Providers, and section 83(2) arrangements may no longer directly involve the National Health Service Board as the commissioner of the services. The Prescription Charges Regulations also now anticipate NHS services being commissioned and provided by new organisations known as Accountable Care Organisations. However, the underlying position of the circumstances in which prescription charges are levied or exemptions from charging may be obtained is unaltered.

Consequential amendments relating to the two changes relating to care commissioning and provision are also made to the TERC Regs. The essential position, already reflected in the TERC Regulations, that travel expenses and the remission of certain charges are not available in the context of primary medical services is maintained, but the Regulations are amended to reflect the existence of the new models of care commissioning and provision and so to carry this essential position forward as the new arrangements come into being. A clarificatory amendment is also made in relation to sub-contracting.