
DIRECTIONS

NATIONAL HEALTH SERVICE, ENGLAND

The Primary Medical Services (Patient Choice Scheme) Directions 2012

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

Citation, commencement, duration and application

1.—(1) These Directions may be cited as the Primary Medical Services (Patient Choice Scheme) Directions 2012 and come into force on 30th April 2012.

(2) These Directions will cease to have effect on 1st April 2013.

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

Interpretation

2. In these Directions—

“the Act” means the National Health Service Act 2006;

“contractor’s list of patients” means the list of patients prepared and maintained by a Primary Care Trust in accordance with—

(a) paragraph 14 of Schedule 6 to the National Health Service (General Medical Services Contracts) Regulations 2004(b);

(b) paragraph 13 of Schedule 5 to the National Health Service (Primary Medical Services Agreements) Regulations 2004(c); or

(c) direction 14 of the Alternative Provider Medical Services Directions 2010(d);

“closed”, in relation to the primary medical contractor’s list of patients, means closed to applications for inclusion in the list of patients other than from immediate family members of registered patients;

“GP health centre” is a centre at which primary medical services are provided—

(a) to persons who are registered patients at the centre and persons who are not registered patients at the centre; and

(b) during the period beginning at 8.00am and ending at 8.00pm every day of the week;

“health care professional” has the same meaning as in section 93(3) of the Act;

“Participating Primary Care Trust” means any one of the Primary Care Trusts listed in the Schedule;

(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) S.I. 2004/291, there are no relevant amendments.

(c) S.I. 2004/627, there are no relevant amendments.

(d) The Alternative Provider of Medical Services Directions 2010 were signed on 13th April 2010 and published on www.dh.gov.uk. There are no relevant amendments.

“Participating Primary Medical Services Contractor” means a primary medical services contractor which enters into a Patient Choice Scheme Arrangement with a Participating Primary Care Trust;

“Patient Choice Scheme” means the scheme of that name which the Secretary of State has developed to assist in continuing to promote and secure improvement in the provision of primary medical services in accordance with the Act(a);

“Patient Choice Scheme Arrangement” means an arrangement which has been entered into as part of the Patient Choice Scheme in accordance with these Directions and which forms a temporary part of—

(a) a general medical services contract made under section 84 of the Act (general medical services contracts: introductory);

(b) a personal medical services agreement entered into under section 92 of the Act (arrangements by Strategic Health Authorities for the provision of primary medical services); or

(c) a contractual arrangement entered into under section 83(2)(b) of the Act (primary medical services);

“practice area” means—

(a) the area referred to in regulation 18(1)(d) of the National Health Service (General Medical Services Contracts) Regulations 2004;

(b) the area specified in the personal medical services agreement entered into under section 92 of the Act as the area in which essential services are to be provided; or

(c) the area specified in the primary medical services contractor’s leaflet in accordance with direction 12(1)(e) of the Alternative Provider Medical Services Directions 2010;

“primary medical services contract” means—

(a) a general medical services contract;

(b) section 92 arrangements(b) which require the provision of primary medical services; or

(c) contractual arrangements for the provision of primary medical services under section 83(2)(b) of the Act;

“primary medical services contractor” means a person with whom a Primary Care Trust—

(a) is entering or has entered into a general medical services contract under section 84 of the Act;

(b) is entering or has entered into section 92 arrangements which require the provision by that person of primary medical services; or

(c) a person with whom a Primary Care Trust has made contractual arrangements for the provision of primary medical services under section 83(2)(b) of the Act;

“registered patients” means—

(a) a person who is recorded by the Primary Care Trust as being on the list of patients of a primary medical services contractor; or

(b) a person whom a primary medical services contractor of primary medical services has accepted for inclusion on its list of patients, whether or not notification of that acceptance has been received by the Primary Care Trust and who has not been notified by the Primary Care Trust as having ceased to be on that list; and

“walk-in centre” means a centre at which information and treatment for minor conditions is provided to the public.

(a) See Guidance for PCTs “Choice of GP Practice – Patient Choice Scheme” published on www.dh.gov.uk.

(b) See section 92(8) of the Act.

Primary Care Trusts that may enter into a Patient Choice Scheme Arrangement

3. The Primary Care Trusts listed in the Schedule to these Directions are specified as Primary Care Trusts that can enter into a Patient Choice Scheme Arrangement and may only enter into such an Arrangement in accordance with the following Directions.

Establishing a Patient Choice Scheme Arrangement

4.—(1) A Participating Primary Care Trust must consider entering into a Patient Choice Scheme Arrangement with primary medical services contractors within their area (“Area A”), the underlying purpose of which is to improve choice and accessibility for persons seeking primary medical services by enabling contractors to provide primary medical services to—

- (a) persons who do not reside in Area A who wish to be a registered patient of a primary medical services contractor who provides such services in Area A instead of being a registered patient of a primary medical services contractor who provides services in an area of another Primary Care Trust;
- (b) persons who wish to receive primary medical services in Area A who wish to remain on a contractor’s list of patients which is maintained by another Primary Care Trust;
- (c) persons who reside in Area A who wish—
 - (i) to be a registered patient of a primary medical services contractor in whose practice area the person does not reside but whose list of patients that Participating Primary Care Trust maintains; or
 - (ii) to receive primary medical services from a primary medical services contractor who provides services in a practice area in which that person does not reside and wish to remain on another contractor’s list of patients which that Participating Primary Care Trust maintains.

(2) A Participating Primary Care Trust may offer to a primary medical services contractor the opportunity to enter into arrangements under the Patient Choice Scheme only if—

- (a) the primary medical services contractor meets the eligibility conditions specified in direction 5; and
- (b) the Participating Primary Care Trust satisfies itself that the primary medical services contractor—
 - (i) understands the objectives of participating in the Patient Choice Scheme;
 - (ii) understands the requirements being placed upon the primary medical services contractor as a consequence of entering into a Patient Choice Scheme Arrangement; and
 - (iii) is capable of meeting its obligations under the Patient Choice Scheme Arrangement.

(3) The Patient Choice Scheme Arrangement which the Participating Primary Care Trust enters into with a primary medical services contractor—

- (a) must be in writing;
- (b) must contain terms that have the same effect as those terms and conditions specified in directions 8 to 10 and 12 and 13;
- (c) must be of a duration that does not extend to any period after 31st March 2013; and
- (d) must start at the beginning of a day and end at the end of a day.

Eligibility conditions relating to participation in the Patient Choice Scheme

5. A Participating Primary Care Trust must only enter into a Patient Choice Scheme Arrangement with a primary medical services contractor—

- (a) who has a list of registered patients which the Participating Primary Care Trust prepares and keeps up to date and that list of patients is not closed;

- (b) if it satisfies itself that the contractor with which it proposes to enter into those arrangements—
 - (i) is capable of meeting its obligations under the Patient Choice Scheme Arrangement;
 - (ii) in particular, has the necessary facilities, equipment and properly trained and qualified general practitioners, health care professionals and staff to carry out those obligations; and
 - (iii) is agreeable to participating in the evaluation of the Patient Choice Scheme,and nothing in these Directions shall be taken as requiring a Participating Primary Care Trust to enter into such arrangements with a primary medical services contractor if it has not been able to satisfy itself in this way about the contractor.

Notification by Participating Primary Care Trust

6. Within a period of 7 days starting on the date on which a Participating Primary Care Trust is informed that a patient who resides in another Primary Care Trust area has been accepted onto the Participating Primary Medical Services Contractor's list of patients, the Participating Primary Care Trust must notify, in writing, the Primary Care Trust in whose area the patient resides that the patient has been accepted onto a contractor's list of patients within that Participating Primary Care Trust area.

Requirement on Primary Care Trust following a notification by a Participating Primary Care Trust

7. A Primary Care Trust must provide to any person in respect of whom it has received notification under Direction 6, details, in writing, of the arrangements it has in place for the provision of primary medical services within its area for any period during which that person may be within its area and require such services.

Clinical notes

8. The Participating Primary Care Trust must ensure that the Participating Primary Medical Services Contractor has arrangements in place so that any clinical notes of any consultation carried out by any health care professional performing primary medical services under a Patient Choice Scheme Arrangement are recorded and made accessible—

- (a) in the case where the person who is the subject of the consultation is not registered with the Participating Primary Medical Services Contractor, to any provider of primary medical services of which that person is a registered patient; and
- (b) to any other health care professional who may perform services under a Patient Choice Scheme Arrangement.

Information for Patients

9. The Participating Primary Care Trust must ensure that the Participating Primary Medical Services Contractor has arrangements in place so that the Participating Primary Medical Services Contractor—

- (a) informs patients who receive primary medical services under a Patient Choice Scheme Arrangement of the duration of the Patient Choice Scheme;
- (b) explains the purpose of the Patient Choice Scheme, the need to monitor the Scheme and the manner in which monitoring will take place; and
- (c) explains the range of primary medical services available to patients and the arrangements in place at the end of the Patient Choice Scheme.

Payments

10.—(1) Unless paragraph (2) applies, the Participating Primary Care Trust must make payments, in respect of primary medical services provided under the Patient Choice Scheme Arrangement only in respect of a person who is not a registered patient of the Participating Primary Medical Services Contractor, to that contractor and such payment must be made in accordance with—

- (a) in the case of a person who has entered into a general medical services contract under section 84 of the Act, the provisions relating to such an Arrangement in the GMS Statement of Financial Entitlements signed on 30th March 2005(a); or
- (b) in the case of a person who has entered into section 92 arrangements or has made arrangements under section 82(2)(b) of the Act, terms and conditions based on the payment provisions in respect of such an Arrangement as contained in the GMS Statement of Financial Entitlements signed on 30th March 2005.

(2) A Participating Primary Care Trust must not make a payment in respect of primary medical services provided in accordance with the Patient Choice Scheme Arrangement to a person with whom it has made contractual arrangements under section 82(2)(b) of the Act for the provision of—

- (a) a walk-in centre; or
- (b) a GP Health Centre.

Variation of contractual terms

11.—(1) The Participating Primary Care Trust must vary the primary medical services contract so that the arrangements made in accordance with the Patient Choice Scheme Arrangement and the terms and conditions which are specified in these directions 8 to 10 and 12 and 13 comprise part of the Participating Primary Medical Services Contractor's primary medical services contract.

(2) The Participating Primary Care Trust may vary the terms and conditions of the Patient Choice Scheme Arrangement without the Participating Primary Medical Services Contractor's consent but only to the extent that it is necessary to vary the primary medical services contract so as to comply with the Act, any regulations made pursuant to the Act or any directions given by the Secretary of State pursuant to the Act.

Provision relating to termination of a Patient Choice Scheme Arrangement

12.—(1) The Participating Primary Care Trust and the Participating Primary Medical Services Contractor may withdraw from the Patient Choice Arrangement but each must give a period of not less than 28 days notice to the other.

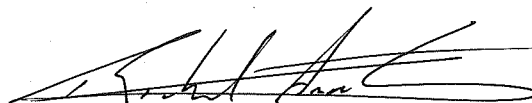
(2) The Participating Primary Care Trust must make suitable arrangements on termination of the Patient Choice Scheme Arrangement to ensure that patients who participated in the arrangements are notified of the termination of the arrangements and provision is made to ensure that primary medical services are available to them.

Breach

13. The Patient Choice Scheme Arrangement must provide that breach of the terms and conditions made as a consequence of these Directions by the Participating Primary Medical Services Contractor may lead to the termination of the Patient Choice Scheme Arrangement by the Participating Primary Care Trust with that Participating Primary Medical Services Contractor.

(a) A copy of the GMS Statement of Financial Entitlements Directions together with all amendments and a consolidated version as at 1st February 2010 are published on www.dh.gov.uk.

Signed by authority of the Secretary of State



A Member of the Senior Civil Service
Department of Health

28 March 2012

SCHEDULE

Primary Care Trusts that may enter into a Patient Choice Scheme Arrangement

City and Hackney Teaching Primary Care Trust

Nottingham City Primary Care Trust

Manchester Teaching Primary Care Trust

Salford Primary Care Trust

Tower Hamlets Primary Care Trust

Westminster Primary Care Trust