

## EXPLANATORY MEMORANDUM

- (i) **Explanatory Memorandum to** The National Health Service (Primary Medical Services) and (Performers Lists) (Miscellaneous Amendments) (Wales) Regulations 2008

This Explanatory Memorandum has been prepared by the Department of Health and Social Services and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

- (ii) **Description**

These Regulations amend the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 and the National Health Service (Performers Lists) (Wales) Regulations 2004. The amendments proposed will update the various Regulations to reflect policy developments and associated legislative changes introduced since the original Regulations were made or last amended.

- (iii) **Matters of special interest to the Subordinate Legislation Committee**  
None.

### **Legislative Background**

- (iv) The Regulations will be made pursuant to powers under sections, 47, 49, 63 and 203 (9) and (10) of the NHS (Wales) Act 2006.

This instrument will follow the negative resolution procedure.

- (v) **Purpose and intended effect of the legislation**

A number of amendments are to be made but in particular they can be summarised as follows:-

### **Amendments to the General Medical Services (GMS) Contracts Regulations:-**

- (a) makes amendments to references to “incapable adults”, and to those who may act on their behalf, to reflect the terms used in and the provisions of the Mental Capacity Act 2005;
- (b) makes amendments to the provisions relating to the contractor’s clinical governance system to provide that such systems must include standard operating procedures in relation to the management and use of controlled drugs; and
- (c) makes minor changes to the restrictions on those who are eligible to contract to provide primary medical services and to the provisions relating to the service of remedial and breach notices.

## **Amendments to the Performers Lists Regulations**

- (d) regulations 4A, 22, 23A and 29 of the Performers Lists Regulations are amended to extend the period that a performer may provide primary medical or dental services without being on a performers list from two to three months;
- (e) regulation 13 of the Performers Lists Regulations is amended to make it clear that a performer who is suspended from a list is still treated as being included in that list in relation to any application that the performer may make for inclusion in another list; and
- (f) regulation 22 of the Performers Lists Regulations is amended so as to permit a doctor who is undertaking the post-registration part of the foundation programme for newly qualified doctors, to perform primary medical services without being a general practitioner or on a list, but only in so far as the performance of primary medical services constitutes part of that programme.

(vi) **Consultation**

Consultation has taken place with the General Practitioners Committee Wales, the Director of Postgraduate Education for General Practice, the British Dental Association and the Business Services Centre.

(vii) **Regulatory Impact Assessment**

A Regulatory Impact Assessment has not been prepared for this instrument as the legislation simply amends existing legislation to update or remove references which would otherwise be obsolete.