
DIRECTIONS

NATIONAL HEALTH SERVICE, ENGLAND

The Alternative Provider Medical Services (Amendment) Directions 2015

The Secretary of State for Health, in exercise of the powers conferred by sections 98A(3), 272(7) and (8) and 273(1) of the National Health Service Act 2006(a), gives the following Directions.

Citation, commencement, application and interpretation

1.—(1) These Directions may be cited as the Alternative Provider Medical Services (Amendment) Directions 2015 and come into force on 1st April 2015.

(2) These Directions are given to the National Health Service Commissioning Board(b).

(3) In these Directions, “the APMS Directions” means the Alternative Provider Medical Services Directions 2013(c).

Amendment of direction 6 of the APMS Directions

2. In Part 3 of the APMS Directions, in direction 6 (other contractual terms) for sub-paragraph (k) substitute—

“(k) paragraphs 70(2) (patient records) and 71 (confidentiality of patient data);”.

Amendment of direction 12 of the APMS Directions

3. In Part 4 of the APMS Directions (mandatory terms of an APMS contract under which essential services are to be provided), in direction 12(1) (other contractual terms)—

(a) after sub-paragraph (b) insert—

“(bb) paragraphs 13ZA (newly registered patients – alcohol dependency screening), 13ZB (accountable GP), 14A (inclusion in list of patients: armed forces personnel)(d);”;

(b) for sub-paragraph (e) substitute—

“(e) paragraph 72(2) (contractor’s leaflet), paragraph 72ZA (Friends and Family Test) and paragraph 73A (publication of earnings information)(e); and”.

(a) 2006 c.41. Section 98A of the National Health Service Act 2006 (“the 2006 Act”) is inserted by section 49(1) of the Health and Social Care Act 2012 (c.7) (“the 2012 Act”). Section 273 was amended by sections 21(6), 47(7) and 55(1) of, and paragraph 137 of Schedule 4 to, the 2012 Act. By virtue of section 271(1) of the 2006 Act, the powers conferred by these sections are exercisable by the Secretary of State only in relation to England.

(b) The National Health Service Commissioning Board (known as “NHS England”) was established by section 1H of the 2006 Act. Section 1H was inserted by section 9 of the 2012 Act.

(c) The Alternative Provider Medical Services Directions 2013 signed on 25th March 2013 are published on the Department of Health website www.dh.gov.uk. They were amended by the Alternative Provider Medical Services (Amendment) Directions 2014 which were signed on 18th March 2014 and the Alternative Provider Medical Services (Amendment No.2) Directions 2014 which were signed on 24th October 2014. Hard copies of these documents are available from the Department of Health, Richmond House, 79 Whitehall, London SW1A 2NS.

(d) Paragraphs 13ZA, 13ZB and 14A of Schedule 5 to the National Health Service (Personal Medical Services Agreements) Regulations 2004 (“the 2004 Regulations”) were inserted by S.I. 2015/196.

(e) Paragraph 72ZA of Schedule 5 was inserted into the 2004 Regulations by S.I. 2014/2721 and was substituted by regulation 22 of S.I. 2015/196. Paragraph 74 was inserted into the 2004 Regulations by regulation 23 of S.I. 2015/196.

Insertion of new direction 12A into the APMS Directions

4. After direction 12 of the APMS Directions (mandatory terms of an APMS contract under which essential services are provided) insert—

“Patient participation

12A.—(1) A contractor which provides essential services must establish and maintain a group known as a “Patient Participation Group” comprising of some of its registered patients for the purposes of—

- (a) obtaining the views of patients who have attended the contractor’s practice about the services delivered by the contractor; and
- (b) enabling the contractor to obtain feedback from its registered patients about those services.

(2) The contractor is not required to establish a Patient Participation Group if such a group has already been established by the contractor pursuant to the provisions of any directions about enhanced services which were given by the Secretary of State under section 98A of the Act(a) before 1st April 2015.

(3) The contractor must make reasonable efforts during each financial year to review the membership of its Patient Participation Group in order to ensure that the Group is representative of its registered patients.

(4) The contractor must—

- (a) engage with its Patient Participation Group, at such frequent intervals throughout each financial year as the contractor must agree with that Group, with a view to obtaining feedback from the contractor’s registered patients, in an appropriate and accessible manner which is designed to encourage patient participation, about the services delivered by the contractor; and
- (b) review any feedback received about the services delivered by the contractor, whether pursuant to sub-paragraph (a) or otherwise, with its Patient Participation Group with a view to agreeing with that Group the improvements (if any) which are to be made to those services.

(4) The contractor must make reasonable efforts to implement such improvements to the services delivered by the contractor as are agreed between the contractor and its Patient Participation Group.

(5) In this paragraph “financial year” means the 12 month period beginning on 1st April each year and ending on 31st March the following year.”.

Amendment of direction 13 of the APMS Directions

5. For direction 13 of the APMS Directions (mandatory terms of an APMS contract under which out of hours services are provided) substitute—

“**13.** The Board must ensure that any APMS contract to which the contractor is a party under which out of hours services are provided (in addition to the requirements of directions 5 to 11) requires the contractor, in the provision of those services to—

- (a) meet the quality requirements set out in the document entitled “National Quality Standards in the Delivery of Out of Hours Services” published on 20th July 2006(b); and

(a) Section 98A of the Act was inserted by section 49(1) of the Health and Social Care Act 2012 (c.7).

(b) The document entitled “National Quality Standards in the Delivery of Out of Hours Services” published on 20th July 2006 is available at:
http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4137271. Hard copies may be obtained from the Department of Health, Richmond House, 79 Whitehall, London SW1A 2NS.

- (b) comply with any requests for information which it receives from, or on behalf of, the Board about the provision by the contractor of out of hours services to its registered patients in such manner, and before the end of such period, as is specified in the request.”.

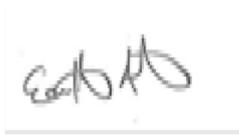
Amendment of direction 14 of the APMS Directions

6. In direction 14 of the APMS Directions (registered patients from outside practice area: variation of contract terms), after paragraph (3) insert—

“(3A) Where, under paragraph (1)—

- (a) a contractor accepts onto its list of patients a person who resides outside of the contractor’s practice area; and
- (b) the contractor subsequently considers that it is not clinically appropriate or practical to continue to provide that patient with services in accordance with the terms specified in paragraph (3), or to comply with those terms,

the APMS contract must be varied so as to include a term which has the effect of allowing the contractor to remove the patient from the list on the grounds of the patient’s disability or medical condition if the reason for that removal is that the contractor considers that it is not clinically appropriate or practical to continue to provide services under the contract to the patient which do not include the provision of such services at the patient’s home address.”.



Signed by authority of the Secretary of State for Health

Member of the Senior Civil Service
Date 23 March 2015

Name GARETH ARTHUR

Department of Health