
DIRECTIONS

NATIONAL HEALTH SERVICE, ENGLAND

The Alternative Provider Medical Services (Amendment) Directions 2014

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

Citation, commencement and application

1.—(1) These Directions may be cited as the Alternative Provider Medical Services (Amendment) Directions 2014(b), and come into force on the 1st April 2014.

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

Interpretation

2. In these Directions “the 2013 Directions” means the Alternative Provider Medical Services Directions 2013 signed on 25th March 2013.

Amendment of direction 12 of the 2013 Directions

3. In direction 12 of the 2013 Directions (mandatory terms of an APMS contract under which essential services are to be provided), in paragraph (1)—

(a) for sub-paragraph (c) substitute—

“(c) paragraph 13A (patients aged 75 and over: accountable GP) and 17 (patient preference of practitioner);” and

(b) for sub-paragraph (d) substitute—

“(d) paragraph 70(1) and (3) to (10) (patient records), paragraph 70A (Summary Care Record), paragraph 70B (electronic transfer of patient records), paragraph 70C (clinical correspondence: requirement for NHS number) and paragraph 70D (patient online services);”.

Substitution of paragraph 13 of the 2013 Directions

4. For direction 13 of the 2013 Directions (mandatory term for an APMS contract under which out of hours services are to be provided) substitute—

“13. The Board must ensure that any APMS contract it enters into under which out of hours services are to be provided (in addition to the requirements specified in directions 5 to 11) requires the contractor—

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- (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). 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 Alternative Provider Medical Services Directions 2013 signed on 25th March 2013 are published on the Department of Health website www.dh.gov.uk.
- (c) The National Health Service Commissioning Board was established by section 1H of the 2006 Act. Section 1H is inserted by section 9 of the Health and Social Care Act 2012.

- (a) in the provision of those services, to 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^(a);
- (b) to monitor the quality of the out of hours services which are offered or provided to registered patients having regard to the National Quality Standards referred to in paragraph (a) and record, and act appropriately in relation to, any concerns arising;
- (c) to record any patient feedback received, including any complaints; and
- (d) to report to the Board, either at the request of the Board or otherwise, any concerns arising about the quality of the out of hours services which are offered or provided to patients having regard to—
 - (i) any patient feedback received, including complaints; and
 - (ii) the quality requirements set out in the National Quality Standards referred to in paragraph (a).”.

Substitution of Part 6 of the 2013 Directions

5. For Part 6 of the 2013 Directions (mandatory term for an APMS contract under which Patient Choice Extension Scheme arrangements are to be provided) substitute—

“PART 6

MANDATORY TERMS FOR AN APMS CONTRACT WHERE PATIENTS ARE ACCEPTED FROM OUTSIDE OF THE CONTRACTOR’S PRACTICE AREA

Registered patients from outside practice area: variation of contractual terms

14.—(1) An APMS contractor which provides essential services may, on or after 1st October 2014, accept on its list of patients a person who resides outside of the contractor’s practice area.

(2) Subject to paragraphs (4) and (5), the terms of the APMS contractor’s contract specified in paragraph (3) must be varied so as to require the contractor to provide to the person any services which the contractor is required to provide to its registered patients under the contract as if the person resided within the contractor’s practice area.

(3) The terms of the APMS contract specified in this paragraph are—

- (a) the terms which require the APMS contractor to provide essential services;
- (b) the terms which require the APMS contractor to provide out of hours services to patients to whom it provides essential services; and
- (c) the terms referred to in direction 12(1)(a) (mandatory terms of an APMS contract under which essential services are provided – attendance at practice premises).

(4) Where the APMS contractor is required to provide services to a patient in accordance with arrangements made under paragraph (1), the APMS contract must also be varied so as to include terms which have the effect of releasing the contractor and the Board from all obligations, rights and liabilities relating to terms which have the same effect as those specified in paragraph (3) (including any right to enforce those terms) where, in the opinion of the contractor, it is not clinically appropriate or practical under those arrangements—

- (a) to provide the services or access to services in accordance with those terms; or

(a) The document entitled “National Quality Standards in the Delivery of Out of Hours Services” published on 20th July 2006 is available at http://www.dh.gov.uk/en/PublicationsAndStatistics/Publications/PolicyAndGuidance/DH_4137271. Copies are available from the Department of Health, Richmond House, 79 Whitehall, London SW1A 2NS.

(b) to comply with those terms.

(5) The APMS contract must also include a term which has the effect of requiring the APMS contractor to notify a person in writing, where the contractor is minded to accept a person on its list of patients in accordance with arrangements made under paragraph (1), that the contractor is under no obligation to provide—

- (a) essential services, and any other service in core hours, if, at the time treatment is required, it is not clinically appropriate or practical to provide primary medical services given the particular circumstances of the patient; or
- (b) out of hours services if, at the time treatment is required, it is not clinically appropriate or practical to provide such services given the particular circumstances of the patient.

(6) In this direction “practice area” means the area as respects which persons resident in it are, subject to any other terms of the APMS contract relating to patient registration, entitled to—

- (a) register with the APMS contractor; or
- (b) seek acceptance by the APMS contractor as a temporary resident.

Saving in respect of the Patient Choice Extension Scheme

14A.—(1) Where, before 1st April 2014—

- (a) a patient is included in an APMS contractor’s list of patients pursuant to arrangements entered into by the APMS contractor and the Board under the Patient Choice Extension Scheme(a); and
- (b) the terms of the contractor’s contract were varied pursuant to direction 14 of these Directions as it had effect immediately before that date,

the patient may remain registered with the contractor’s practice and any variation to the contractor’s contract which exempts the contractor’s practice from obligations or liabilities under those arrangements continues to operate for such period as the patient remains so registered.

(2) Paragraph (6) of direction 14, as it has effect immediately before 1st April 2014, continues to have effect in relation to an APMS contract where, before that date, an APMS contractor has entered into arrangements with the Board under the Patient Choice Extension Scheme.

(3) In this direction, “practice” means the business operated by the APMS contractor for the purpose of delivering services under the APMS contract.”.

Signed by authority of the Secretary of State for Health



Member of the Senior Civil Service
Date 18 March 2014

Name GARETH ARTHUR

Department of Health

(a) See the Primary Medical Services (Patient Choice Extension Scheme) Directions 2013 which were signed on 11th February 2013. These Directions cease to have effect on 1st April 2014 by virtue of the operation of direction 1(2).