

Standard General Medical Services Contract Variation Notice 2019

April 2019



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Standard General Medical Services Contract Variation Notice – 2019

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Cross Reference		
Superseded Docs (if applicable)	NA	
Action Required	Area teams to update local contracts where they have not used the new standard contract	
Timing / Deadlines (if applicable)		
Contact Details for further information	NHS England GP Contracts Team Quarry House Leeds LS2 7UE england.gpcontracts@nhs.net https://www.england.nhs.uk/gp/gpfpv/investment/gp-contract/	
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Standard General Medical Services Contract Variation Notice – 2019

The text of the Standard General Medical Services Variation Notice 2019 has been prepared by the Strategy and Innovation Directorate, NHS England and has been approved by the British Medical Association. It is prepared on the basis that the numbering adopted in the signed contract follows that used in the model Standard General Medical Services Contract dated July 2018.

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NHS ENGLAND
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We request you to acknowledge receipt of this notice by signing and returning the enclosed duplicate of it.

Dated:

Signed:

on behalf of NHS England

Print name:

Wording of Variations

Part 1

1. The following amendments are made to **clause 1.1**:

1.1. In paragraph (b)(ii) of the definition of "prescription form", for "nominated dispensing contractor" substitute "nominated dispenser or via an information hub".

1.2. In paragraph (b)(ii) of the definition of "repeatable prescription", for "nominated dispensing contractor" substitute "nominated dispenser or via an information hub".

1.3. At the appropriate place in the alphabetical order insert—

"authorised person", in relation to a patient, is a person who is entitled to make an application for pharmaceutical services on behalf of the patient by virtue of regulation 116(a) to (c) of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (authorised persons to apply for services);".

1.4. At the appropriate place in the alphabetical order insert—

"contractor's EPS phase 4 date" means the date, encoded within the Electronic Prescription Service software, which is the date that a contractor has agreed is to be the date on and after which the contractor's prescribers are to use the Electronic Prescription Service for all eligible prescriptions;".

1.5. At the appropriate place in the alphabetical order insert—

"EPS token" means a form (which may be an electronic form), approved by the Secretary of State, which—

- (a) is issued by a prescriber at the same time as an electronic prescription is created; and
- (b) has a barcode that enables the prescription to be dispensed by a provider of pharmaceutical services that is able to use the Electronic Prescription Service for the purposes of dispensing prescriptions, in

circumstances where the provider is not dispensing the prescription as a nominated dispenser;".

Parts 2 to 13

No variations.

Part 14 Prescribing and Dispensing

2. The following amendments are made to **clause 14.2**—

2.1. In clause 14.2.2, for "clause 14.2.4 and 14.2.5" substitute "clauses 14.2.3A, 14.2.4 and 14.2.5".

2.2. After clause 14.2.3, insert the following clauses—

"14.2.3A If, on a particular occasion when a drug, medicine or appliance is needed as mentioned in clause 14.2.2—

- (a) the prescriber is able, without delay, to order the drug, medicine or appliance by means of an electronic prescription;
- (b) the Electronic Prescription Service software that the prescriber would use for that purpose provides for the creation and transmission of electronic prescriptions without the need for a nominated dispenser; and
- (c) none of the reasons for issuing a non-electronic prescription form or a non-electronic repeatable prescription given in clause 14.2.3B apply,

the prescriber must create and transmit an electronic prescription for that drug, medicine or appliance.

14.2.3B The reasons given in this clause are—

- (a) although the prescriber is able to use the Electronic Prescription Service, the prescriber is not satisfied that—
 - (i) the access that the prescriber has to the Electronic Prescription Service is reliable, or
 - (ii) the Electronic Prescription Service is functioning reliably;

NHS ENGLAND
Standard General Medical Services Contract Variation Notice – 2019

- (b) the patient, or where appropriate the patient's authorised person, informs the prescriber that the patient wants the option of having the prescription dispensed elsewhere than in England;
- (c) the patient, or where appropriate the patient's authorised person, insists on the patient being issued with a non-electronic prescription form or a non-electronic repeatable prescription for a particular prescription and in the professional judgment of the prescriber the welfare of the patient is likely to be in jeopardy unless a non-electronic prescription form or a non-electronic repeatable prescription is issued;
- (d) the prescription is to be issued before the contractor's EPS phase 4 date or the contractor has no such date."

3. The following amendments are made to **clause 14.3**—

3.1. In clause 14.3.1, omit sub-paragraphs (a) and (b).

3.2. In clause 14.3.1, re-letter sub-paragraph "(c)" as sub-paragraph "(a)".

3.3. After clause 14.3.1, insert the following clauses—

"14.3.1A If a prescriber orders a drug, medicine or appliance by means of an electronic prescription, the prescriber must issue the patient with—

- (a) subject to clause 14.3.1C, an EPS token; and
- (b) if the patient, or where appropriate an authorised person, so requests, a written record of the prescription that has been created.

14.3.1B On and after the contractor's EPS phase 4 date, if the order is eligible for Electronic Prescription Service use, the prescriber must ascertain if the patient, or where appropriate the patient's authorised person, wants to have the electronic prescription dispensed by a nominated dispenser.

14.3.1C The prescriber must not issue the patient with an EPS token if the patient, or where appropriate the patient's authorised person, wants

NHS ENGLAND
Standard General Medical Services Contract Variation Notice – 2019

to have the electronic prescription dispensed by a nominated dispenser."

3.4. Omit clauses 14.3.3 and 14.3.4.

4. The following amendments are made to **clause 14.4**—

4.1. In clause 14.4.1—

4.1.1. in the opening words, after "its patients, it must", insert ", if a patient, or where appropriate the patient's authorised person, so requests,"; and

4.1.2. in sub-paragraph (a), after "chosen by the patient", insert ", or where appropriate the patient's authorised person".

4.2. Omit clause 14.4.3.

4.3. In clause 14.4.4—

4.3.1. in sub-paragraph (a), after "a patient" insert "or a patient's authorised person"; and

4.3.2. in sub-paragraph (b)—

4.3.2.1. after "by the patient", insert "or the patient's authorised person",

4.3.2.2. after "whom the patient", insert "or the patient's authorised person",
and

4.3.2.3. after "provide the patient", insert "or, as the case may be, the patient's authorised person".

4.4. Renumber clause "14.4.4" as "14.4.3".

Parts 15 to 28

No Variations

Schedules 1 to 6

No Variations

Schedule 7

5. The following amendments are made to **paragraph 4(a)** –

NHS ENGLAND
Standard General Medical Services Contract Variation Notice – 2019

- 5.1. After the words “on behalf of the Contractor”, for the word “who” substitute “and whom the Contractor anticipates”;
 - 5.2. Omit the word “also”; and
 - 5.3. Following the words “pharmaceutical services” insert “on the behalf of the Contractor”.
6. The following amendments are made to **paragraph 9** –
- 6.1. At the end of paragraph 9(b)(ii) for the “,” substitute “; or”.
 - 6.2. Following paragraph 9(b)(ii) insert the following clause:
 - “(iii) any person presents the **dispensing doctor** with an EPS token that relates to an order of a kind specified in paragraphs 9(a)(i) – (iii) and requests the provision of drugs or appliances in accordance with the related **electronic prescription form**;
7. The following amendments are made to **paragraph 10** –
- 7.1. In paragraph 10(a)(ii) for the word “Contractor” substitute “**dispensing doctor**”
 - 7.2. In paragraph 10(b) following the words “the **dispensing doctor** receives” insert the words “as a **nominated dispensing contractor**”.
 - 7.3. At the end of paragraph 10(b)(ii) for the “,” substitute “; or”.
 - 7.4. Following paragraph 10(b)(ii) the following clause is inserted:
 - “(c) any person presents the **dispensing doctor** with an EPS token that relates to an order of a kind specified in paragraph 10(a)(i) – (iv) and requests the provision of drugs or appliances in accordance with the related **electronic prescription form**;
 - 7.5. Following the words “and such of the appliances so ordered as *the*”, for the word “Contractor” substitute the words “**dispensing doctor**”.
8. Following paragraph 13, after the words “Dispensing of drugs and appliances by the” for the word “Contractor” substitute the words “**dispensing doctor**”.
9. The following amendments are made to paragraph 14 –
- 9.1. For the word “requested” substitute the word “required”.
10. The following amendments are made to **paragraph 15** –
- 10.1. In paragraph 15(a):

NHS ENGLAND
Standard General Medical Services Contract Variation Notice – 2019

- 10.1.1. Following the words “a **dispensing doctor** must ask any person who makes” insert “, or duly completes,”.
- 10.1.2. Following the words “a declaration” insert “, as or on behalf of the person named on the prescription form or repeatable prescription,”.
- 10.1.3. For the words “regulation 3(1) or (2)” substitute the words “regulation 4(1)”.
- 10.1.4. Omit the words “sub paragraph (a), (c), (d), (e), (f), or (g) of”.
- 10.1.5. Following the words “by virtue of regulation 5 of the **Remission**” insert the word “**of**”.
- 10.1.6. In paragraph 15(b)(ii) following the words “under the **Remission**” insert the word “**of**”.
- 10.1.7. In paragraph 15(d):
 - 10.1.7.1. For the words “transmit to the *Electronic Prescription Service*” substitute the words “ensure that”.
 - 10.1.7.2. Following the words “paragraph 16” insert the words “are duly entered into the records managed by the **Information Centre** that are accessible as part of the Electronic Prescription Service (if either it is not already recorded in those records or a check, known as a real time exemption check, has not produced satisfactory evidence as mentioned in sub-paragraph (a))”.

11. Following paragraph 16 insert the following paragraphs –

- “16A. For the purposes of paragraphs 15 and 16, satisfactory evidence includes evidence derived from a check, known as a real time exemption check, of electronic records that are managed by **NHS BSA** for the purposes (amongst other purposes) of providing advice, assistance and support to patients or their representatives in respect of whether a charge is payable under the Charges Regulations.
- 16B. If the **dispensing doctor** dispenses an electronic prescription, the **dispensing doctor** must send the form duly completed by or on behalf of the patient, if one is required under regulations 4(2)(b) or (3A) of the Charges Regulations in respect of that electronic prescription (which may be the associated EPS token), to the **NHS BSA**.”

12. Following paragraph 21 insert the following paragraph –

- “21A. The **dispensing doctor** may refuse to provide a drug or appliance ordered on an electronic prescription if the access that the **dispensing doctor** has to the Electronic Prescription Service is not

NHS ENGLAND
Standard General Medical Services Contract Variation Notice – 2019

such as to enable the **dispensing doctor** to dispense that prescription promptly (or at all).”.

I/We [] acknowledge receipt of the notice of variation dated [] of which the above is a duplicate. I/We acknowledge that this notice will take effect from [].

Signed:

[on behalf of -----]: -----

Print name:

Date: