

STATES OF JERSEY



DRAFT HEALTH INSURANCE (PERFORMERS LIST FOR GENERAL MEDICAL PRACTITIONERS) (AMENDMENT) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 10th May 2017
by the Minister for Health and Social Services**

STATES GREFFE



Jersey

DRAFT HEALTH INSURANCE (PERFORMERS LIST FOR GENERAL MEDICAL PRACTITIONERS) (AMENDMENT) (JERSEY) REGULATIONS 201-

REPORT

The proposed amendments update the Health Insurance (Performers List for General Medical Practitioners (Jersey) Regulations 2014 to facilitate the introduction of trainees into general practice in Jersey. Without the amendments to the Regulations, trainees would not be permitted to access the Health Insurance Fund for the purpose of claiming medical benefit and prescribing. This would restrict established practices in hosting them.

The Regulations state that any medical practitioner in general practice in Jersey has to be on the Performers List if they are to be permitted to access the Health Insurance Fund (for the purposes of claiming rebates for consultations and for prescription fees).

At present, there is no provision for doctors who wish to qualify as G.P.s, known as Specialty Trainees and Foundation Year 2 trainees, to be on the List. Therefore a change to the legislation is required for this to occur.

A Foundation Year 2 doctor is someone in their second year of the post-graduate programme, which may include time training in general practice. These doctors then apply to enter a specialist training scheme. A Specialist Trainee in general practice is someone on a programme training to become an accredited G.P.

There is an appetite amongst trainees who are already in rotation within secondary care, as part of the structured G.P. training programme, to undertake a general practice placement on the Island with a view to becoming Jersey G.P.s upon completion of training. There have also been historic requests to complete training on-Island. In addition, there is a will amongst G.P. practices to host Foundation Year 2 trainees and Specialty Trainees, with a number of G.P.s currently committed to undertaking the appropriate training to accommodate them.

The major restriction to practices offering to host one of the trainees is the ability to access the Health Insurance Fund rebate. This restriction would be lifted should the Regulations be amended to incorporate trainees on a temporary basis. Practices will offer appointments with the trainees at a reduced rate, making patient access more affordable. Without access to the health insurance rebate, this would not be possible. Offering appointments with the trainees will also create more appointments with the substantive G.P.

The draft amendment enables trainees to be permitted temporary approval as a performer for the purpose of accessing the Health Insurance Fund.

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from the adoption of these draft Regulations.

Collective responsibility under Standing Order 21(3A)

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Ministers for Health and Social Services, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

Explanatory Note

These draft Regulations would amend the Health Insurance (Performers List for General Medical Practitioners) (Jersey) Regulations 2014 (the “principal Regulations”), to enable the inclusion on the performers list of 2 kinds of doctors (“GP specialty trainees” and “Foundation Year 2 doctors”, referred to together, for the purposes of these Regulations, as “GP trainees”: *Regulation 2(1)*) who are in training in Jersey for general practice, under the supervision of qualified GPs (referred to as “GP trainers”: again, defined by *Regulation 2(1)*). Inclusion on the performers list brings access to the health insurance fund, by virtue of Article 26(1A) of the Health Insurance (Jersey) Law 1967, under which a medical practitioner must be approved by the Minister for Social Security for the purposes of payment of medical benefit under that Law.

Regulation 1 is an interpretation provision. *Regulation 2(2)* corrects a minor defect in the drafting of the principal Regulations (the reference mentioned in *Regulation 2(3)* should be to an impairment of, or concern regarding, fitness to practise, rather than fitness to practise in itself).

Regulation 3(b) amends *Regulation 3(3)* of the principal Regulations to require the performers list to contain a statement, where such is the case, that a performer is either a GP specialty trainee or a Foundation Year 2 doctor.

Regulations 3(a), 4 and 5 amend *Regulations 3, 4 and 6* of the principal Regulations respectively, to disapply, in relation to all GP trainees, requirements for inclusion on the performers list which relate to registration on the UK practitioners register or General Practitioner Register. (Doctors who are not yet qualified as general practitioners would not be able to fulfil these requirements.)

Under new *Regulation 11A* of the principal Regulations (to be inserted by *Regulation 6*) a GP trainee may be included on the performers list for a limited period, of not less than 6 months and not more than 2 years in total, which must be within the period of 2 years beginning with the date of acceptance of the application for inclusion on the list.

A GP trainee must give an undertaking not to perform any primary medical service except under supervision of his or her GP trainer (this requirement is inserted as a new paragraph 4A of Schedule 1 to the principal Regulations, by *Regulation 8(d)*). A breach of such an undertaking will result in removal of the GP trainee from the performers list, under the new provision to be added by *Regulation 7* to *Regulation 29* of the principal Regulations.

Regulation 8(a) to (c) adjusts provisions in Schedule 1 to the principal Regulations (which set out what an application for inclusion on the performers list must contain) to accommodate applications by persons who are GP trainees.

Regulation 9 gives the title by which these Regulations may be cited and provides for them to come into force 7 days after the day on which they are made.



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Arrangement

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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 27A of the Health Insurance (Jersey) Law 1967¹, and following consultation by the Minister for Health and Social Services in accordance with paragraph (13) of that Article, have made the following Regulations –

1 Interpretation

In these Regulations, a reference to a Regulation by number and without more is a reference to the Regulation of the same number in the Health Insurance (Performers List for General Medical Practitioners) (Jersey) Regulations 2014².

2 Regulation 1 amended

(1) In Regulation 1(1) –

(a) after the definition “equivalent list” there shall be inserted the following definition –

“‘Foundation Year 2 doctor’ means a registered medical practitioner who has a licence to practise and is participating in the second year of a 2 year postgraduate foundation programme, part of which includes being trained in general practice by a GP trainer;”;

(b) after the definition “General Practitioner Register” there shall be inserted the following definitions –

“‘GP specialty trainee’ means a registered medical practitioner who has a licence to practise and who is being, or is to be, trained in general practice by a GP trainer;

‘GP trainee’ means –

- (a) a GP specialty trainee; or
- (b) a Foundation Year 2 doctor,

as the case may be;

‘GP trainer’ means –

- (a) in relation to any GP trainee, a registered medical practitioner whose name is included in the General Practitioner Register and who is approved by the General Council under section 34I(1)(c) of the Medical Act 1983 for the purposes of providing training to such a trainee; or
- (b) in relation to a Foundation Year 2 doctor, a person who is approved, by the body known as Health Education England and established under section 96 of the Care Act 2014 of the United Kingdom, for the purpose of supervising doctors in training for general practice;”.

- (2) In Regulation 1(3) after the words “reference to” there shall be inserted the words “any impairment of, or concern regarding,”.

3 Regulation 3 amended

In Regulation 3(3) –

- (a) at the beginning of sub-paragraph (b) there shall be inserted the words “except in the case of a GP trainee,”;
- (b) after that sub-paragraph there shall be inserted the following sub-paragraph –
 - “(ba) if the performer is either a GP specialty trainee or a Foundation Year 2 doctor, a statement to such effect;”.

4 Regulation 4 amended

In Regulation 4 at the beginning of paragraph (b) there shall be inserted the words “(other than a GP trainee)”.

5 Regulation 6 amended

In Regulation 6(b) after the words “the applicant” there shall be inserted the words “(being a person other than a GP trainee)”.

6 Article 11A inserted

After Regulation 11 there shall be inserted the following Regulation –

“11A Limited period of inclusion for GP trainees

- (1) A GP trainee whose application for inclusion in the performers list has been accepted shall be included in that list (subject to Part 4) for a period of not less than 6 months, and not more than 2 years, in total.

- (2) The period of inclusion mentioned in paragraph (1) need not be continuous but shall in no case exceed the period of 2 years beginning with the date of acceptance of the application.”.

7 Regulation 29 amended

At the end of Regulation 29 there shall be added the following paragraph –

- “(3) The Medical Director must decide to remove from the performers list a performer who is a GP trainee, upon any breach by the performer of the undertaking given by him or her in accordance with paragraph 4A of Schedule 1.”.

8 Schedule 1 amended

In Schedule 1 to the Health Insurance (Performers List for General Medical Practitioners) (Jersey) Regulations 2014³ –

- (a) in paragraph 2, for sub-paragraphs (1) and (2) there shall be substituted the following sub-paragraphs –

“(1) Every application shall contain –

- (a) the applicant’s full name and residential address (being, in the case of an application by any person other than a GP trainee, the name and address with which the applicant is registered in the UK practitioners register);
- (b) the applicant’s gender and date of birth;
- (c) the applicant’s telephone number and email address; and
- (d) a full description of the applicant’s medical qualifications, including the institution which awarded such qualifications.

(2) Every application (except an application by a person who is a GP trainee) shall contain, in respect of the applicant’s registration in the United Kingdom –

- (a) the registration number assigned to the applicant in respect of his or her registration in the UK practitioners register;
- (b) the date of first registration of the applicant in the UK practitioners register;
- (c) the date by which the applicant is next due, in accordance with Regulations under section 32(1)(c) of the Medical Act 1983, to pay a retention fee in respect of the retention of the applicant’s name in the UK practitioners register; and
- (d) the applicant’s next submission date, of which the applicant has been given notice in accordance with regulation 6 (revalidation) of the General Medical Council (Licence to Practise and Revalidation) Regulations Order of Council 2012.”;

- (b) after paragraph 2(4) there shall be inserted the following paragraph –

“(4A) An application by a person who is a GP trainee shall provide the name and practice address of the person’s GP trainer.”;

- (c) for the text of paragraph 3 there shall be substituted the following –
- “The application must be accompanied by a certificate issued by the registrar of the General Council under section 34A of the Medical Act 1983 and certifying that –
- (a) the applicant is registered in the UK practitioners register; and
 - (b) (except in the case of an applicant who is a GP trainee) that the applicant is registered in the General Practitioner Register.”;
- (d) after paragraph 4 there shall be inserted the following paragraph –

“4A Undertaking by GP trainees

An application by a person who is a GP trainee must be accompanied by an undertaking that the person will not perform any primary medical services except when acting for and under the supervision of the person’s GP trainer.”.

9 Citation and commencement

These Regulations may be cited as the Health Insurance (Performers List for General Medical Practitioners) (Amendment) (Jersey) Regulations 201- and shall come into force 7 days after the day on which they are made.

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- ¹ *chapter 26.500*
² *chapter 26.500.20*
³ *chapter 26.500.20*