



Number 4 of 2012

**HEALTH (PROVISION OF GENERAL PRACTITIONER
SERVICES) ACT 2012**

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[No. 4.]

*Health (Provision of General
Practitioner Services) Act 2012.*

[2012.]

ACTS REFERRED TO

Health (Amendment) Act 2005

2005, No. 3

Health Act 1970

1970, No. 1

Medical Practitioners Act 2007

2007, No. 25



Number 4 of 2012

HEALTH (PROVISION OF GENERAL PRACTITIONER SERVICES) ACT 2012

AN ACT TO ENABLE A WIDER RANGE OF REGISTERED MEDICAL PRACTITIONERS TO PROVIDE MEDICAL SERVICES TO ELIGIBLE PERSONS UNDER THE GENERAL MEDICAL SERVICES SCHEME, TO PROVIDE FOR MODIFICATIONS TO THE OPERATION OF THAT SCHEME, AND TO PROVIDE FOR RELATED MATTERS.

[28th February, 2012]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Interpretation.

“eligible person” means a person who is entitled under the relevant section to have relevant services made available to him or her;

“Executive” means the Health Service Executive;

“General Medical Services Scheme” means the scheme for the time being in force administered by the Executive for the purposes of performing its function under the relevant section to make available without charge a general practitioner medical and surgical service for eligible persons, and includes—

- (a) any agreement forming part of that scheme,
- (b) any circulars, letters or other documents (in whatever form) establishing, amending, qualifying or supplementing that scheme, and
- (c) any administrative practices relating to that scheme;

“relevant agreement” means any agreement which forms part of, or which relates (whether in whole or in part and whether directly or indirectly) to the General Medical Services Scheme, entered into by any person (including a Minister of the Government or the Executive) or any group of persons (whether before, on or after the commencement of *section 2*), and includes—

- (a) any circulars, letters or other documents (in whatever form) amending, qualifying or supplementing the agreement, whether or not they fall within *paragraph (b)* of the definition of “General Medical Services Scheme”, and

- (b) any administrative practices relating to the agreement, whether or not they fall within *paragraph (c)* of the definition of “General Medical Services Scheme”;

“relevant medical practitioner” means a registered medical practitioner—

- (a) whose name is included in the Specialist Division of the register of medical practitioners established under section 43(2)(b) of the Medical Practitioners Act 2007, and
- (b) who holds a current certificate of registration within the meaning of section 2 of that Act in respect of the medical specialty “General Practice” recognised under section 89(1) of that Act;

“relevant section” means section 58 (as amended by section 5 of the Health (Amendment) Act 2005) of the Health Act 1970;

“relevant services” means one or more services which may be provided, under the General Medical Services Scheme, to eligible persons.

Powers to enter into agreements for purposes of relevant section not to be limited.

2.—(1) Subject to *subsection (2)*, a provision of any relevant agreement which has as its object or effect (whether in whole or in part) the limitation, by reference to an event whereby a relevant medical practitioner ceases to provide relevant services, of—

- (a) the power of the Executive to enter into an agreement with one or more than one relevant medical practitioner for the purposes of the Executive performing any of its functions under the relevant section, or
- (b) the power of a relevant medical practitioner to enter into an agreement referred to in *paragraph (a)*,

shall be void in so far as that provision has that object or effect, as the case may be, and irrespective of the nature of such event.

(2) *Subsection (1)* shall not apply to a provision of a relevant agreement entered into before, on or after the commencement of this section in so far as the provision has the object or effect of causing a relevant medical practitioner to cease to provide relevant services (whether by termination of the agreement or otherwise) on reaching the age of 70 years or such other age as is specified in that provision.

Acceptance of eligible persons on to list of patients.

3.—(1) Notwithstanding any relevant agreement but subject to *subsection (2)*, a relevant medical practitioner who has entered into an agreement with the Executive (whether before, on or after the commencement of this section) to provide relevant services shall, on and after that commencement, be entitled to accept, on to his or her list of patients, any eligible person who has nominated the practitioner as his or her practitioner of choice in the provision of such services.

(2) A relevant medical practitioner referred to in *subsection (1)* shall not exercise the entitlement referred to in that subsection if to do so would cause the number of eligible persons on his or her list of patients to exceed the number of eligible persons that he or she

is permitted, under the General Medical Services Scheme, to accept on to that list.

4.—Notwithstanding any relevant agreement, a relevant medical practitioner who has entered into an agreement with the Executive (whether before, on or after the commencement of this section) to provide relevant services shall be entitled, on the dissolution (by whatever means) of any partnership of relevant medical practitioners in which he or she is a partner, to retain, on his or her list of patients, any eligible person who was on the list immediately before the dissolution, unless the Executive is advised that the eligible person does not wish to be retained on that list.

Retention of list of patients upon dissolution of medical partnership.

5.—Notwithstanding any relevant agreement, in making a decision whether or not to enter into an agreement with a relevant medical practitioner for the provision by him or her of relevant services, the Executive shall not, for the purposes of that decision, take into consideration—

Executive not to consider economic viability when deciding whether to fill, etc., medical position.

- (a) the short-term or long-term economic viability of the medical practice to which the agreement relates, or
- (b) the short-term or long-term economic viability of any other medical practice.

6.—Notwithstanding any relevant agreement, a relevant medical practitioner who has entered into an agreement with the Executive (whether before, on or after the commencement of this section) to provide relevant services at premises approved by the Executive from time to time shall not provide such services at any other premises unless he or she has made a request to the Executive to provide such services at other premises identified in the request and the Executive has consented to the request.

Movement of medical practice to different premises.

7.—Subject to *sections 2 to 6*, nothing in this Act shall affect the operation of the General Medical Services Scheme.

Savings.

8.—(1) This Act may be cited as the Health (Provision of General Practitioner Services) Act 2012.

Short title and commencement.

(2) This Act shall come into operation on such day or days as the Minister for Health may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.