

Circular 2/95: Arrangements for the Provision of Services Under Section 58 of the Health Act, 1970

Title: Arrangements for the provision of services under section 58 of the Health Act, 1970

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From: Department of Health, Ireland

To: Each Health Board Chief Executive Officer

Re: Arrangements for the provision of services under section 58 of the Health Act, 1970

Dear Chief Executive Officer,

I am directed by the Minister for Health to refer to Circular 1/95 concerning an Agreement reached with the Irish Medical Organisation (IMO) on arrangements for the provision of services under section 58 of the Health Act, 1970. This further Circular deals with special leave, study leave and entry to the General Medical Services Scheme (GMS) as provided for in the Agreement. In accordance with paragraph 41 of the schedule to the existing Form of Agreement for the provision of such services, the terms of this Circular shall be incorporated into existing contracts with effect from 1 January, 1995.

Special Leave

General practitioners will be entitled to special leave subject to the approval of the Chief Executive Officer of the appropriate Health Board. In considering an application for such leave, the Chief Executive Officer will have to be satisfied that the general practitioner service requirements for the patients in question will be adequately met in the doctor's absence and that there will be no additional cost implications in respect of the provision by the Health Board of general practitioner services.

The GMS panel of a participating doctor who is granted special leave will be frozen for a period of up to six months from the date of commencement of such leave subject to particular service requirements and the needs of patients as determined by the Chief Executive Officer of the health board concerned.

Study Leave

General practitioners participating under the GMS will be entitled to an increase in study leave from 7 to 10 days per year. The additional 3 days study leave will relate to particular service requirements as determined by the relevant health board including attendance at approved Continuing Medical Education sessions and meetings to discuss the indicative drug target scheme. Each general practice unit will liaise with local representatives of the IMO and Irish College of General Practitioners (ICGP) in relation to the co-ordinated planning of continuing education in general practice.

The procedure for claiming study leave is being simplified. In order to have a claim for study leave processed, a participating doctor shall submit a certificate of attendance to the relevant health board with an undertaking that the doctor has taken full responsibility for the provision of locum cover. When approved by health board management, the GMS (Payments) Board will be notified accordingly for payment purposes.

ENTRY TO THE GMS

Criteria for filling vacancies/ creating new posts

Vacancies arising or new posts will be filled by open competition following public advertisement. In arriving at a decision regarding the filling of a vacancy or the creation of a new post, considerations to be taken into account include

- the provision of a proper level of access to general practitioner services for patients,
- that patients have a reasonable degree of choice in selecting a practitioner, and
- that due regard is given to the question of the viability of practices in the area in question.

Consultation process in relation to new posts created and vacancies suppressed

Before new GMS posts are created or vacancies are suppressed, the Chief Executive Officer or his representative at an appropriately senior level shall consult formally with and obtain the views of the appropriate regional branch of the IMO through the IMO head office. The final decision on the creation of new posts or the suppression of vacancies will rest with the Chief Executive Officer of the health board, following the consultative process. In the case of vacancies which can be anticipated, this consultation process should commence at least six months in advance of the position becoming vacant. Each appointment to be made following this process will be by open competition following public advertisement.

Recruitment of partners and assistants with a view to partnership

(a) Recruitment of partners and assistants with a view to partnership will be by open competition following public advertisement. Where a participating doctor wishes to recruit a partner/assistant, he/she shall apply to the Chief Executive officer of the relevant health board. This application should include all relevant factors relating to the need for a partner or assistant.

(b) Where the Chief Executive Officer of the health board is satisfied that an optimal general medical service for eligible persons and/or the orderly conduct of general practitioner services in a particular area is already adequately met by the existing arrangements, the Chief Executive Officer, following formal consultation with the appropriate regional branch of the IMO through the IMO head office, may determine that an applicant doctor shall not be entitled to recruit a partner or assistant in the G.M.S. The operation of this sub-section will be reviewed at the expiration of twelve months from its inception.

(c) Where agreement is reached on the need for the recruitment of a partner or assistant in the G.M.S. following consultation with the IMO as outlined above, an open competition following public advertisement will be conducted for each appointment.

In making a recommendation regarding the appointment of a partner or assistant with a view to partnership, the interview board must be satisfied that the proposed appointment will result in a workable arrangement.

Where no appointment is made following the competition, the applicant doctor may request that a new competition be held after a period of one year has elapsed from the date of the first competition. If no appointment is made following this competition, no further application for a partner/assistant shall be entertained.

(d) The conditions governing the termination of assistantships/partnerships contained in Circulars 9/80 and 9/81 shall continue to operate. A consolidated circular will be prepared incorporating the various aspects of assistantships/partnerships.

Interviewing of applicants for vacancies in the G.M.S.

Interview Boards

Appointments in respect of vacancies, new posts and partner/assistants, will be made from an open competition following public advertisement and competitive interview. The interview board will be composed of an independent chairman, the Director of Public Health of the health board, or a member of the health board's management team, an independent general practitioner* chosen from a panel nominated by the IMO and the ICGP and in the case of partners/assistants, the applicant doctor. If possible, candidates should be shortlisted for interview.

Candidates selected for GMS posts shall be in a state of health such as would indicate a reasonable prospect of ability to render regular and efficient service and shall be required to satisfy a medical examiner as to their fitness to hold the appointment. They shall also be obliged to produce evidence of qualifications and medical indemnity insurance.

* The independent general practitioner will be entitled to study leave while attending at the interview board. This will be in addition to the study leave entitlement provided for in this Circular.

Yours sincerely

Alan Aylward
GMS Division
6 February, 1995