Number 4 of 2012

HEALTH (PROVISION OF GENERAL PRACTITIONER SERVICES) ACT 2012

ARRANGEMENT OF SECTIONS

Section
1. Interpretation.
2. Powers to enter into agreements for purposes of relevant section not to be limited.
3. Acceptance of eligible persons on to list of patients.
4. Retention of list of patients upon dissolution of medical partnership.
5. Executive not to consider economic viability when deciding whether to fill, etc., medical position.
6. Movement of medical practice to different premises.
7. Savings.
8. Short title and commencement.
[No. 4.] Health (Provision of General Practitioner Services) Act 2012.

Acts referred to

Health (Amendment) Act 2005 2005, No. 3
Health Act 1970 1970, No. 1
Medical Practitioners Act 2007 2007, No. 25
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—

"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
Section 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 dissol-
ution, unless the Executive is advised that the eligible person does
not wish to be retained on that list.

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—

(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 prem-
ises 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.

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

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

(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.