

Health Insurance (Performers List for General Medical Practitioners)

(Jersey) Regulations 201-

CONSULTATION

Consultation is an established part of law drafting and provides an opportunity for interested parties to learn about and comment on proposed legislation.

PURPOSE

To inform medical practitioners that the Regulations to establish a performers list of general medical practitioners (GPs) under the Health Insurance (Performers List for General Medical Practitioners) (Jersey) Regulations 201- are now completed and are attached for your consideration.

As performers list regulations and medical practitioner registration are inextricably linked, a parallel consultation for the Medical Practitioners (Registration)(General Provisions) (Jersey) and the Medical Practitioners (Registration) (Responsible Officers) (Jersey) Orders is underway with all doctors in Jersey

1. BACKGROUND

The regulations now ready for consultation represent the final stage in a long process to ensure that GPs in Jersey can demonstrate that they are up-to-date and fit to practise.

Proposition 36/2010 allowed an increase of Medical Benefit for a temporary period in recognition of new costs that GPs would face in preparing for revalidation with their regulatory body, the General Medical Council (GMC).

This recognised the need for GPs to engage in annual appraisal and begin to collect supporting information to comply with the expectations of the GMC. Negotiations with the GMC in 2011 led to agreement that a responsible officer in Jersey could make recommendations that would allow doctors in Jersey to retain their licence to practise through revalidation.

The Medical Practitioners (Registration) orders that are subject to a parallel consultation allow for updates to the way in which all medical practitioners are registered in Jersey and for a responsible officer to make recommendations to the GMC.

For GPs, the GMC indicated that an enhanced local regulatory framework would be required. This led to proposition 136/2011 and the Health Insurance (Amendment no14) (Jersey) Law 2012.

This enabled the establishment of the Primary Care Governance Team (PCGT) in 2012 and the further development of clinical governance and complaints procedures.

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Amendment 14 also laid out the need for a performers list for GPs for the purpose of strengthening local governance, enabling the management of poor performance in individual doctors and providing assurance regarding the quality and safety of GPs in Jersey. This was in line with the expectations of the GMC.

The Health Insurance (Performers List for general medical practitioners) (Jersey) Regulations 201- lay out the detailed arrangements for the establishment of this performers list.

2. THE REGULATIONS

A general medical practitioner, under the Medical Practitioners (Registration) (Jersey) Law 1960 must hold a licence to practise issued by the GMC. The GMC lays out the professional standards required of doctors and requires a doctor to revalidate every five years. To revalidate, and thereby retain the licence to practise, the GP must participate in annual appraisal, produce supporting information which demonstrates that they practise to the standards laid down by the GMC and participate in clinical and corporate governance processes.

The performers list establishes a list of GPs able to work in Jersey; inclusion on the performers list allows the GMC to recognise that the responsible officer in Jersey is in an informed and suitable position to make the revalidation recommendation for individual doctors. It also allows a doctor to be approved by the Minister for Social Security under the Health Insurance (Jersey) Law 1967 and be paid medical benefit.

The regulations are in five parts.

PART 1

This deals with the establishment of the performers list and describes the grounds for inclusion in that list. The criteria for inclusion in the performers list replicate those in other jurisdictions in the UK. This is important to allow recruitment of and security for doctors practising in Jersey and ensures that doctors are not able to practise in Jersey if they are not appropriately qualified or if serious concerns or issues have arisen locally or in other jurisdictions.

The list is maintained by the Primary Care Governance Team (PCGT) through the Medical Director for Primary Care and one or more determining officers. The regulations lay out the conditions under which an application can be refused or deferred and allows for temporary inclusion on the list when a doctor plans to work in Jersey as a locum.

Regulation 40 in Part 5 ensures that doctors currently practising in Jersey who are not on the GMC GP register, entrance to which is now closed for those doctors, are not in any way disadvantaged by the introduction of the performers list.

PART 2

This establishes a process for addressing concerns that are expressed about a GP. Currently there is no formal process to address concerns when they arise. The PCGT can encourage doctors to agree to address concerns or complaints, but if the doctor refuses the next stage is to refer him or her to the

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GMC, a process that can take a long time and during which time a doctor may still practise. The GMC requires Jersey to have processes in place to address concerns locally.

The Medical Director is able to carry out a preliminary assessment and determine what, if any action should be taken. This may include referral to an inspector, who may carry out an investigation of all the relevant facts.

PART 3

This lays out the circumstances under which a GP can be suspended from the performers list. The grounds under which a suspension can take place are limited to those where serious concerns exist, primarily relating to patient safety. These powers are similar to those in other jurisdictions and are part of the governance requirements required by the GMC.

PART 4

The mechanism to allow appeals against and reviews of decisions made in these regulations are laid out in Part 4 and describe a Performers List Appeals Panel which is appointed by the Minister, with a further right of appeal to the Royal Court.

PART 5

The final part of the regulations lays out how decisions should be communicated, and transitional arrangements for inclusion on the performers list for GPs already practising in Jersey. These arrangements effectively ensure that all GPs currently in Jersey will be admitted to the list.

3. CONSULTATION

The consultation report and draft regulations will be circulated to all GPs currently approved under the Health Insurance Scheme. It will also be sent to the Primary Care Body.

The consultation will also include opportunities for GPs to discuss the draft regulations during drop-in sessions in January 2014 and in more formal meetings.

If you wish to make a written response to the proposed Regulations please send your response to c.fitton@health.gov.je or s.delahaye1@health.gov.je or via post to: Mrs C Fitton, Primary Care Manager, Primary Care Governance Team, Maison Le Pape, The Parade, St Helier JE2 3PU

4. RESPONSES

Written comments will be collected by the Primary Care Governance Team and will be collated with notes from the various briefings and drop in sessions as a report at the end of the consultation period.