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**AN BILLE SLÁINTE (SOLÁTHAR SEIRBHÍSÍ LIA-  
CHLEACHTÓIRÍ GINEARÁLTA), 2011  
HEALTH (PROVISION OF GENERAL PRACTITIONER  
SERVICES) BILL 2011**

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**EXPLANATORY MEMORANDUM**

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**Background**

The EU/IMF programme provides for the introduction of legislative changes to remove restrictions to trade and competition in sheltered sectors by the end of the 3rd quarter in 2011. This includes the elimination of restrictions on General Practitioners (GPs) wishing to obtain contracts to treat public patients under the General Medical Services (GMS) Scheme.

**GMS contract and entry arrangements**

The contract between an individual GP and the Health Service Executive (HSE) is based on an Agreement concluded between the Minister for Health and the Irish Medical Organisation (IMO) in 1989. (It has been amended on a number of occasions since then and these amendments form part of the Agreement.)

At present, GPs can only obtain GMS contracts in restricted circumstances, as follows:

- Where a vacancy arises due to the retirement, resignation or death of an existing GMS doctor;
- Where a new GMS panel is created in response to an identified need for an additional doctor in an area;
- Where an existing GMS doctor obtains approval from the HSE to recruit an Assistant with a View to Partnership within his/her practice.

The HSE is required, before filling a vacant GMS panel or creating a new panel, to take account of the potential viability of the panel and the viability of existing GP practices in that area.

The Bill will open up access to GMS contracts to all fully qualified and vocationally trained GPs. There will be no limits on the number of contractors.

Under current arrangements, two groups of GPs have certain restrictions on their rights to take on and/or retain GMS patients. These are GPs who hold a GMS contract on foot of entry provisions

put in place in 2009 and certain GPs involved in a partnership which is being dissolved or terminated. The Bill will remove these restrictions.

New GMS contract holders will be free to establish their practice in the location of their choice. A contract holder who wishes to move location may do so with the prior approval of the HSE. This is designed to ensure continuity of care for patients.

### **Main Provisions of the Bill**

The main provisions of the Bill are as follows:

*Section 1* provides for the definition of certain terms used in the Bill.

*Section 2* provides that the Health Service Executive will be entitled to enter into a GMS contract with any suitably qualified and vocationally trained General Practitioner and will not be limited to granting contracts in cases where a GMS contract holder has died, retired or resigned or where the contract has otherwise been terminated.

*Section 3* provides that GPs holding a GMS contract will be entitled to accept on to their list any patient nominating them as their doctor of choice, subject to existing rules relating to panel size.

Currently, medical practitioners who hold a GMS contract on foot of entry provisions, put in place in 2009, are restricted until 31st August 2013 to accepting onto their GMS list patients in the following categories:

- (i) Patients who, on or after the 1st October 2009, become eligible for a medical card under the provisions of the Health Act, 2008 (which deals with persons aged 70 years and over);
- (ii) Patients who, on or after the 1st October 2009, become eligible for a GP Visit Card;
- (iii) Any of their patients who become eligible for a Medical Card/GP Visit Card/Health (Amendment) Act card.

These restrictions are being removed.

*Section 4* provides that when a GP partnership dissolves or terminates, a GP who wishes to continue participating in the GMS may retain the patients on his/her GMS list on the date the partnership dissolves or terminates, unless the HSE is advised that any such patient does not wish to remain on that list.

*Section 5* provides that the HSE, when filling or creating a GP position, will not take account of the short-term or long-term economic viability of that or of other GP practices.

*Section 6* provides that any GP contract holder who wishes to change his/her place of practice shall only do so with the prior approval of the HSE.

*Section 7* provides that save for sections 2 to 6, nothing in the Bill will affect the operation of the General Medical Services Scheme.

*Section 8* provides for the short title of the Bill and for its commencement by Order or Orders of the Minister for Health.

*Department of Health,  
September, 2011.*