

PAYMENTS DURING PERIODS FOR WHICH A PRACTITIONER IS SUSPENDED BY DIRECTION OF THE NHS TRIBUNAL UNDER SECTION 49A(2) OR 49A(1) OF THE NHS ACT 1977 (Regulation 25(2))

46.1 During periods for which a practitioner is suspended by direction of the Tribunal pending its investigation or following an appeal from its decision, arrangements are to be made, including the provision of payments, to ensure that

- i. the provision of general medical services is maintained for the patients of the practitioner; and
- ii. the practitioner's level of income is protected as far as reasonably practicable.

46.2 Arrangements to secure continuity of care will fall into the following categories:

i. single-handed practice

- a. the HA appoints one or more doctors to whom the patients are temporarily assigned

ii. multi-handed partnership

- a. in consultation with the remaining partner(s) the HA appoints one or more doctors to whom the patients are temporarily assigned
- b. in consultation with the remaining partner(s) the HA assigns the patients to the remaining partner(s) who provide cover for the absent colleague.

Payments to practitioners (other than partners of the suspended practitioner) providing temporary cover

46.3 Where the HA appoints a practitioner to undertake the temporary provision of general medical services to patients of a suspended practitioner it shall pay the practitioner so appointed from the date of appointment and at intervals agreed between the appointed practitioner and the HA, based upon

- i. the availability to patients of the suspended practitioner (eg full-time or part-time; and
- ii. the duration in days of the appointment

a proportion of an annual allowance up to a maximum shown in paragraph 1/Schedule 1 in lieu of eligibility to any fees and allowances for taking on responsibility for providing general medical services to the absent doctor's patients set out in other parts of this statement

46.4 In cases where the HA needs to appoint more than one practitioner to maintain the full range of services provided by the suspended doctor the allowance payable shall be calculated pro rata for practitioners working less than full-time, and the aggregate of allowances paid shall not exceed the maximum referred to in paragraph 46.3 above.

46.5 Where, exceptionally, the HA is unable to make a suitable appointment within the maximum amount specified, the HA should seek the advice of the Secretary of State

Payments to practice partner(s) of the suspended practitioner providing temporary cover

46.6 Where, in consultation with the remaining partner(s), the HA appoints one (or more) of the partners to provide temporary provision of medical services for the absent colleague, payment to the practice for the period in question will be a proportion, calculated in accordance with paragraphs 46.3 and 46.4 above, of an annual allowance up to a maximum amount representing half of the rate

shown in paragraph 1/schedule 1 in lieu of eligibility to any fees and allowances for taking on responsibility for providing general medical services to the absent doctor's patients set out in other parts of this statement.

Claims in respect of services provided to patients

46.7 During the period of the suspension the practitioner(s) providing the temporary provision of general medical services shall make a claim in the name of the practitioner for whom he or she has undertaken to provide temporary cover in respect of services provided to patients for which a fee may be payable under this statement and for which a separate claim is made, eg an immunisation for which a fee is payable under paragraph 27 (see paragraph 46.8 below).

Payments to suspended practitioners

46.8 In order to maintain, as far as reasonably practicable, the level of income of the suspended practitioner throughout the period of suspension the HA shall pay, subject to paragraphs 46.9 and 46.10 below, that amount by way of fees and allowances and including reimbursement of practice costs and expenses specified in regulation 34 of the NHS (General Medical Services) Regulations 1992, as amended, which it would have paid the practitioner had he or she continued to provide general medical services personally. This includes amounts equivalent to those fees in respect of services to patients it would have paid to any practitioner appointed to act in his place and which it can calculate from the claims submitted by the practitioner providing temporary cover (see paragraph 46.7 above).

46.9 In calculating the payments due under paragraph 46.8 the HA shall take into account the extent to which the suspended practitioner continues to meet his or her practice costs and expenses which are subject to separate claims for reimbursement, eg rent and rates. The HA shall reduce that payment in any case where the practitioner is not continuing to incur and meet those expenses.

46.10 Where at the time of making its decision the Tribunal elects to extend the interim suspension to cover the period from the date of the decision to the end of the appeal process, the practitioner is not prevented from immediately undertaking work as a deputy or assistant unless the Tribunal's decision also includes the declaration (section 46(2)(c) of the NHS Act 1977) that he or she is not fit to provide medical services in any capacity. Payments to which the suspended practitioner is eligible under paragraph 46.8 above will be reduced by the amount of any income received in return for work undertaken as a deputy or assistant during this period.

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