



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

FORM OF AGREEMENT WITH REGISTERED MEDICAL PRACTITIONER FOR
PROVISION OF SERVICES TO CERTAIN PERSONS WITH LIMITED
ELIGIBILITY UNDER SECTION 58 OF THE HEALTH ACT 1970 AS
SUBSTITUTED BY THE HEALTH (AMENDMENT) ACT, 2005

AGREEMENT FOR PROVISION OF SERVICES UNDER SECTION 58 OF THE
HEALTH ACT, 1970

I. I _____

(BLOCK LETTERS)

of _____

(hereinafter called the medical practitioner) agree to provide a general practitioner medical and surgical service to persons with limited eligibility who are entitled to these services by virtue of sections 58(1) (b) and 58(1) (c) of the Health Act, 1970 as substituted by the Health (Amendment) Act, 2005 and for whom the Health Service Executive is responsible for making such services available.

The place(s) of attendance from which I shall provide these services and the days and hours during which I shall be normally available each week for surgery consultations at my place(s) of attendance shall be as follows:

Place(s) of attendance		Mon.	Tue.	Wed.	Thur.	Fri.	Sat.
(1) Principal Centre of Practice	a.m.						
	p.m.						
(2)	a.m.						
	p.m.						
(3)	a.m.						
	p.m.						

excluding such holidays as are observed in the locality.

I undertake, as long as this agreement is in force, not to change my place(s) of attendance or the days or hours of attendance so as to materially affect the convenience of my patients in the area in which I am practising on entering

into the agreement or to reside beyond reasonable access to the places of attendance listed above.

I acknowledge that 5% of my capitation payments will be paid on my behalf and for my benefit into the superannuation fund provided for under the agreement.

2. The categories of person to whom services will be provided under this agreement are set out in the Schedule hereto.
3. Save for paragraph 1, and paragraphs 18 to 21 (inclusive), of the Schedule to the "Agreement with Registered Medical Practitioners for provision of services under section 58 of the Health Act, 1970 to persons with full eligibility" (hereinafter referred to as "the GMS Contract") all of the terms and conditions of the GMS Contract together with its schedules and appendices shall apply to the provision of services under this Agreement save that wherever the phrases "eligible person(s)", "GMS Patients" or "persons with established eligibility" appear in the GMS Contract, those phrases shall be construed for the purposes of this contract as a reference to adult persons coming under section 58(1) (b) of the Health Act, 1970 and (where appropriate) their dependants under section 58(1) (c) of the 1970 Act. However, nothing in this Agreement shall be construed as making the Medical Practitioner a party to the GMS Contract or be construed as requiring the Medical Practitioner to provide services under section 58 of the Health Act, 1970 to persons with full eligibility.
4. Where a medical practitioner prescribes such drugs and medicines as s/he considers necessary for any person with limited eligibility entitled to services under section 58(1) (b) and 58(1) (c) of the Health Act 1970, s/he shall have due regard to the need for economy but shall have primary regard for the interests of the patients.
5. The medical practitioner may terminate this contract with three months' notice or such shorter notice as may be accepted by the Health Service Executive.
6. The medical practitioner shall receive a once off payment of €35 in respect of each first time qualified person for a GP visit card registered to his/her list pursuant to this agreement, subject to an overall limit in respect of the aggregate of all such payments in the State of 200,000 payments.
7. A one off entry arrangement for GPs to the GMS Scheme who currently do not hold a GMS contract will be allowed under this agreement in line with the recommendation of the Labour Relations Commission on 20 June 2005.
8. In relation to GPs who already hold a GMS contract the following applies:
 - (i) The "panel" referred to in 'Appendix A (ix) Annual Leave' and '(x) Sick Leave' of the GMS contract is the aggregate of all persons provided with services by the medical practitioner under section 58 of the Health Act, 1970 (being persons with full eligibility within section

58(1) (a) and persons with limited eligibility within section 58(1) (b) and (c) of the Health Act, 1970).

(ii) The "list" referred to in 'Appendix A (xi) Maternity Leave' and '(xii) Study Leave' of the GMS contract is the aggregate of all persons provided with services by the medical practitioner under section 58 of the Health Act, 1970 (being persons with full eligibility within section 58(1) (a) and persons with limited eligibility within section 58(1) (b) and (c) of the Health Act, 1970).

(iii) In relation to arrangements which have already been agreed by the Department of Health and Children and the Irish Medical Organisation as part of the GMS contract and which are the subject of various circular letters, including refund of medical indemnity insurance, practice staff allowances, practice support grants, practice development grants, special leave, and where reference is made therein to "list" and / or "panel" this will be the aggregate of all persons provided with services by the medical practitioner under section 58 of the Health Act, 1970 (being persons with full eligibility within section 58(1)(a) and persons with limited eligibility within section 58(1)(b) and (c) of the Health Act, 1970).

9. The parties hereto agree that the terms of this Agreement or the implementation thereof shall not be varied or modified other than following consultation, negotiation and agreement between the Irish Medical Organisation, the Health Service Executive and the Department of Health and Children. Furthermore, nothing in this Agreement shall oblige the medical practitioner to provide services to persons other than those who so qualify under the provisions of Sections 58 (1) (b) or 58 (1)(c) of the Health Act 1970 (as inserted by Section 5 of the Health (Amendment) Act 2005).

The date of my birth is _____ day of _____ 19____

Signed this day _____ of _____ 20____

(signature of
medical practitioner)

in the presence of _____

The above proposal of the medical practitioner for the provision by him/her of services in accordance with the terms and conditions aforesaid is hereby accepted on behalf of the Health Service Executive.

Signed this _____ day of _____ 20____

on behalf of the Health Service Executive

SCHEDULE

PERSONS FOR WHOM SERVICES WILL BE PROVIDED UNDER THIS AGREEMENT

The medical practitioner shall provide services or arrange for the provision of services for:

- (a) adult persons with limited eligibility who come within Section 58 (1) (b) of the Health Act, 1970 who s/he has accepted for inclusion on his/her list of eligible persons and who have been deemed eligible by the Health Service Executive to be on his/her list and who have not been notified to him/her by the Health Service Executive as having ceased to be on his/her list.
- (b) adult persons with limited eligibility who come within Section 58 (1) (b) of the Health Act, 1970 who have been assigned to him/her by the Health Service Executive in accordance with the mechanism set out in paragraph 4 of the GMS contract and who have not been notified to him/her by the Health Service Executive as having ceased to be on his/her list.
- (c) adult persons with limited eligibility who come within Section 58 (1) (b) of the Health Act, 1970 who present to him/her as temporary residents (as defined in paragraph 5 of the GMS contract).
- (d) any dependent child of an adult person coming within (a) above, from the infant's date of birth, included on his/her list whose name may not have been added to the list by the Health Service Executive, not being an infant for whom a medical practitioner has liability to provide services under Section 63 of the Health Act, 1970 in accordance with an agreement made with the Health Service Executive. The said dependant must come within the terms of Section 58 (1) (c) of the Health Act 1970.