

## **2010 Rhif 729 (Cy.70)**

### **Y GWASANAETH IECHYD GWLADOL, CYMRU**

Rheoliadau'r Gwasanaeth Iechyd  
Gwladol (Gwasanaethau Meddygol  
Sylfaenol) (Diwygiadau Amrywiol)  
(Cymru) 2010

#### **NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

Mae'r Rheoliadau hyn yn gwneud diwygiadau i Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004 ("Rheoliadau Contractau GMS") a Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestri Cyflawnwyr) (Cymru) 2004 ("Rheoliadau Rhestri Cyflawnwyr").

Mae Rhan 2 yn diwygio'r Rheoliadau Contractau GMS. Yn benodol:

- (a) mae rheoliad 2 yn diwygio rheoliad 2 o Rheoliadau Contractau GMS (dehongli) o ganlyniad i ddileu'r Awdurdod Apelu Gwasanaethau Iechyd Teulu gan Orchymyn Trosglwyddo Swyddogaethau Tribiwnlysoedd 2010 (O.S. 2010/22);
- (b) mae rheoliad 3 yn diwygio rheoliad 4 o Rheoliadau Contractau GMS (amodau: cyffredinol) o ganlyniad i Orchymyn Ymarfer Meddygol Cyffredinol ac Arbenigol (Addysg, Hyfforddiant a Chymwysterau) 2010 (O.S. 2010/234) a Gorchymyn y Cyngor ynghylch Addysg a Hyfforddiant Meddygol Ôl-raddedig 2010 (O.S. 2010/473);
- (c) mae rheoliadau 4 a 6(6) yn diweddarau cyfeiriadau at y darpariaethau sy'n ymwneud â thynnu oddi ar berson sy'n ymwneud â rheolaeth neu ofalaeth elusen neu gorff o ganlyniad i Ddeddf Elusennau a Buddsoddiadau Ymddiriedolwyr (yr Alban) 2005 y swyddogaeth honno;

- (ch) mae rheoliad 5 yn diwygio rheoliad 21 (tystysgrifau) o Reoliadau Contractau GMS o ganlyniad i gyflwyno rheolau newydd ynghylch tystiolaeth feddygol, yn Rheoliadau Nawdd Cymdeithasol (Tystiolaeth Feddygol) a Thâl Salwch Statudol (Tystiolaeth Feddygol) (Diwygio) 2010 (O.S. 2010/137);
- (d) mae rheoliad 6(2) yn mewnosod darpariaethau newydd ynglŷn â defnyddio rhifau ffôn penodol sy'n codi mwy ar gleifion na chost gyfatebol ffonio rhif daearyddol;
- (dd) mae rheoliad 6(3) yn diwygio cyfeiriad anghywir ym mharagraff 20 o Atodlen 6 i'r Rheoliadau Contractau GMS;
- (e) mae rheoliad 6(4) yn diweddarau'r cyfeiriad at y gofynion mewn perthynas â system gyfrifiadur contractwr; ac
- (f) mae rheoliad 6(5) yn gwneud newidiadau i'r trefniadau y mae'n rhaid i gontractwyr ddatgelu gwybodaeth odanynt (gyda chydysyniad y claf) mewn cysylltiad â cheisiadau am fudd-daliadau.

Mae Rhan 3 yn gwneud diwygiad i'r Rheoliadau Rhestri Cyflawnwyr o ganlyniad i'r ffaith bod y Bwrdd Addysg a Hyfforddiant Meddygol Ôl-raddedig wedi'i ddileu gan Orchymyn Ymarfer Meddygol Cyffredinol ac Arbenigol (Addysg, Hyfforddiant a Chymwysterau) 2010 a bod swyddogaethau wedi'u trosglwyddo o'r Bwrdd i'r Cyngor Meddygol Cyffredinol. Mae'r diwygiad yn deillio o ganlyniad hefyd i'r gorchymyn perthynol, sef Gorchymyn y Cyngor ynghylch Addysg a Hyfforddiant Meddygol Ôl-raddedig 2010.

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Sylfaenol) (Diwygiadau Amrywiol)  
(Cymru) 2010

*Gwnaed* 10 Mawrth 2010

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 11 Mawrth 2010

*Yn dod i rym* 1 Ebrill 2010

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adrannau 44(1), 47, 49 a 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1).

RHAN 1  
CYFFREDINOL

**Enwi, cychwyn, cymhwyso a dehongli**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Sylfaenol) (Diwygiadau Amrywiol) (Cymru) 2010 a deuant i rym ar 1 Ebrill 2010.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Yn y Rheoliadau hyn ystyr "Rheoliadau Contractau GMS" ("*GMS Contracts Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004(2).

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(1) 2006 p.42.

(2) O.S. 2004/478 (Cy.48).

## RHAN 2

### DIWYGIO'R RHEOLIADAU CONTRACTAU GMS

#### Diwygio rheoliad 2

2. Yn rheoliad 2(1) (dehongli) o'r Rheoliadau Contractau GMS—

- (a) yn lle'r diffiniad o "the 2003 Order" rhodder—  
    "the 2010 Order" means the Postgraduate Medical Education and Training Order of Council 2010(1);";
- (b) hepgorer y diffiniadau o "FHSAA" a "medical officer"; ac
- (c) yn y diffiniad o "national disqualification", yn is-baragraff (c), yn lle "is treated as a national disqualification by the FHSAA" rhodder "was treated as a national disqualification by the Family Health Services Appeal Authority(2)".

#### Diwygio rheoliad 4

3.—(1) Diwygir rheoliad 4 (amodau: cyffredinol) o'r Rheoliadau Contractau GMS fel a ganlyn.

(2) Yn lle paragraff (4), rhodder—

"(4) In paragraphs (1), (2)(a) and (3)(a), "general medical practitioner" does not include a medical practitioner whose name is included in the General Practitioner Register by virtue of—

- (a) article 4(3) of the 2010 Order (general practitioners eligible for entry in the General Practitioner Register) because of an exemption under regulation 5(1)(d) of one or more of the sets of Regulations specified in paragraph (5);
- (b) article 6(2) of the 2010 Order (persons with acquired rights) by virtue of being a restricted services principal (within the meaning of one or more of the sets of Regulations specified in paragraph (6)) included in a list specified in that article; or
- (c) article 6(6) of the 2010 Order."

(3) Ym mharagraff (5), yn lle "paragraph (4)(a)(iii) and (b)(i)(bb)" rhodder "paragraph (4)(a)".

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(1) O.S. 2010/473.

(2) Cafodd yr Awdurdod Apelau Gwasanaethau Iechyd Teulu ei gyfansoddi o dan adran 49S o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 (p.49) a'i ddileu ar 18 Ionawr 2010 gan erthygl 3 o Orchymyn Trosglwyddo Swyddogaethau Tribiwnlysoedd 2010 (O.S. 2010/22).

(4) Yn lle paragraff (6), rhodder—

“(6) The Regulations referred to in paragraph (4)(b) are the National Health Service (General Medical Services) Regulations 1992, the National Health Service (General Medical Services) (Scotland) Regulations 1995 and the General Medical Services Regulations (Northern Ireland) 1997.”.

#### **Diwygio rheoliad 5**

4. Yn rheoliad 5 (amod cyffredinol yn ymwneud â phob contract) o’r Rheoliadau Contractau GMS, ym mharagraff (2)(j)(ii), ar ôl “(powers of the Court of Session to deal with management of charities)”, rhodder “or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005(1) (powers of Court of Session)”.

#### **Diwygio rheoliad 21**

5. Yn rheoliad 21 (tystysgrifau) o’r Rheoliadau Contractau GMS, yn lle paragraff (2), rhodder—

“(2) The exception in paragraph (1)(a) does not apply where the certificate is issued in accordance with regulation 2(1) of the Social Security (Medical Evidence) Regulations 1976(2) (evidence of incapacity for work, limited capability for work and confinement) or regulation 2(1) of the Statutory Sick Pay (Medical Evidence) Regulations 1985(3) (medical information).”.

#### **Diwygio Atodlen 6**

6.—(1) Diwygir Atodlen 6 (telerau contractiol eraill) o’r Rheoliadau Contractau GMS fel a ganlyn.

(2) Ar ôl paragraff 1A (gwasanaethau ffôn), rhodder—

##### **“Cost of relevant calls**

**1B.**—(1) The contractor must not enter into, renew or extend a contract or other arrangement for telephone services unless it is satisfied that, having regard to the arrangement as a whole, persons will not pay more to make relevant calls to the practice than they would to make equivalent calls to a geographical number.

(2) Where a contractor is party to an existing contract or other arrangement for telephone services under which persons making relevant

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(1) 2005 dsa 10.

(2) O.S. 1976/615. Amnewidiwyd rheoliad 2(1) gan O.S. 2010/137.

(3) O.S. 1985/1604. Amnewidiwyd rheoliad 2(1) gan O.S. 2010/137.

calls to the practice call a number which is not a geographical number, the contractor must comply with sub-paragraph (3).

(3) The contractor must—

- (a) before 1 April 2011, review the arrangement and consider whether, having regard to the arrangement as a whole, persons pay more to make relevant calls than they would to make equivalent calls to a geographical number; and
- (b) if the contractor so considers, take all reasonable steps, including in particular considering the matters specified in sub-paragraph (4), to ensure that, having regard to the arrangement as a whole, persons will not pay more to make relevant calls than they would to make equivalent calls to a geographical number.

(4) The matters referred to in sub-paragraph (3)(b) are—

- (a) varying the terms of the contract or arrangement;
- (b) renegotiating the terms of the contract or arrangement; and
- (c) terminating the contract or arrangement.

(5) If, despite taking all reasonable steps referred to in sub-paragraph (3)(b), it has not been possible to ensure that, having regard to the arrangement as a whole, persons will not pay more to make relevant calls to the practice than they would to make equivalent calls to a geographical number, the contractor must consider introducing a system under which if a caller asks to be called back, the contractor will do so at the contractor's expense.

(6) In this paragraph—

- (a) “existing contract or other arrangement” means a contract or arrangement that was entered into prior to 1 April 2010 and which remains in force on 1 April 2010;
- (b) “geographical number” means a number which has a geographical area code as its prefix; and
- (c) “relevant calls” means calls—
  - (i) made by patients to the practice for any reason related to services provided under the contract, and
  - (ii) made by persons, other than patients, to the practice in relation

to services provided as part of the health service.”.

(3) Ym mharagraff 20 (tynnu oddi ar y rhestr ar gais y contractwr), yn is-baragraff (1), yn lle “applicant’s” rhodder “patient’s”.

(4) Ym mharagraff 72 (cofnodion cleifion), yn is-baragraff (4)(a), yn lle’r geiriau o ““General Medical” hyd at y diwedd rhodder ““General Medical Practice Computer Systems Minimum Systems Specification (MSS) Version 2.0”.”.

(5) Yn lle paragraff 78 (adroddiadau i swyddog meddygol), rhodder—

**“Provision of information to a medical officer etc.**

**78.**—(1) The contractor must, if satisfied that the patient consents—

- (a) supply in writing to any person specified in sub-paragraph (3), within such reasonable period as that person may specify, such clinical information as any of the persons mentioned in sub-paragraph (3)(a) to (d) considers relevant about a patient to whom the contractor or a person acting on behalf of the contractor has issued or has refused to issue a medical certificate; and
- (b) answer any inquiries by any person mentioned in sub-paragraph (3) about—
  - (i) a prescription form or medical certificate issued or created by, or on behalf of, the contractor, or
  - (ii) any statement which the contractor or a person acting on behalf of the contractor has made in a report.

(2) For the purposes of being satisfied that a patient consents, a contractor may rely on an assurance in writing from any person mentioned in sub-paragraph (3) that the consent of the patient has been obtained, unless the contractor has reason to believe that the patient does not consent.

(3) For the purposes of sub-paragraph (1) and (2), the persons are—

- (a) a medical officer;
- (b) a nursing officer;
- (c) an occupational therapist;
- (d) a physiotherapist; or
- (e) an officer of the Department for Work and Pensions who is acting on behalf

of, and at the direction of, any person specified in paragraphs (a) to (d).

(4) In this paragraph—

- (a) “medical officer” means a medical practitioner who is—
  - (i) employed or engaged by the Department for Work and Pensions, or
  - (ii) provided by an organisation under a contract entered into with the Secretary of State for Work and Pensions;
- (b) “nursing officer” means a health care professional who is registered on the Nursing and Midwifery Register and—
  - (i) employed or engaged by the Department for Work and Pensions, or
  - (ii) provided by an organisation under a contract entered into with the Secretary of State for Work and Pensions;
- (c) “occupational therapist” means a health care professional who is registered in the part of the register maintained by the Health Professions Council under article 5 of the Health Professions Order 2001<sup>(1)</sup> relating to occupational therapists and—
  - (i) employed or engaged by the Department for Work and Pensions, or
  - (ii) provided by an organisation under a contract entered into with the Secretary of State for Work and Pensions; and
- (d) “physiotherapist” means a health care professional who is registered in the part of the register maintained by the Health Professions Council under article 5 of the Health Professions Order 2001 relating to physiotherapists and—
  - (i) employed or engaged by the Department for Work and Pensions, or
  - (ii) provided by an organisation under a contract entered into with the

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<sup>(1)</sup> O.S. 2002/254. Cafodd diwygiad perthnasol ei wneud gan O.S. 2009/1182.



Secretary of State for Work and Pensions.”.

(6) Ym mharagraff 111(2)(m)(ii) (sy'n ymwneud â seiliau eraill i'r Bwrdd Iechyd Lleol derfynu), ar ôl “(powers of the Court of Session to deal with the management of charities)”, rhodder “or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 (powers of Court of Session)”.

### RHAN 3

#### DIWYGIO RHEOLIADAU'R GWASANAETH IECHYD GWLADOL (RHESTRI CYFLAWNWYR) (CYMRU) 2004

#### **Diwygio rheoliad 23 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Rhestri Cyflawnwyr) (Cymru) 2004**

7. Yn rheoliad 23 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Rhestri Cyflawnwyr) (Cymru) 2004(1) (cais am gael ei gynnwys mewn rhestr o gyflawnwyr meddygol) ym mharagraff (2)(b), yn lle “regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994” rhodder “article 6(6) of the Postgraduate Medical Education and Training Order of Council 2010”.

*Edwina Hart*

Y Gweinidog dros Iechyd a Gwasanaethau  
Cymdeithasol, Un o Weinidogion Cymru

10 Mawrth 2010

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(1) O.S. 2004/1020 (Cy.117).

