

Registration under the Health and Social Care Act 2008

**Scope of registration:
Independent medical practitioners
working in private practice
(changes from October 2013)**

Guidance for providers, assessors and inspectors

October 2014

Introduction

Any service provider that carries out a regulated activity listed in the Health and Social Care Act 2008 (Regulated Activities Regulations) Regulations 2010 must register with CQC. A service provider can be an individual, a partnership or an organisation (examples of organisations are companies, charities, NHS trusts and local authorities).

The current regulations (prior to October 2013) set out certain exemptions that apply to independent private medical services, which mean that some of these providers do not have to register with CQC.

From 1 October 2013 these exemptions will change.

The Department of Health has amended the regulations that affect the independent private practice of medical practitioners. You can see further information about the amendments and the Department of Health's response here:

http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Consultations/Responsestoconsultations/DH_133119

These legislative changes will mean that, in some cases, providers will no longer need to be registered with CQC. However, in a minority of cases, medical practitioners who were previously exempt from registration may now need to register with us.

The changes to the regulations mean that the requirement to register will be consistent for all medical practitioners working in independent health care and will be based on the relative risk of their practice and the potential for CQC registration to mitigate this risk.

New exemptions from 1 October 2013

For the new exemptions to apply, the service provider must be an individual medical practitioner who is (or a group of medical practitioners who **all** are):

1. A service provider, or employed by another service provider, that is registered with CQC for carrying on the regulated activity of 'treatment of disease, disorder or injury';

and

either that other service provider is a designated body, **or** the medical practitioner is on the medical performers list of a designated body*;

and

2. The provision of treatment must be carried out in a surgery or consulting room by the service provider:

and

3. The provision of treatment in the surgery or consulting room **must not include** any of the following:
- a. treatment carried out under anaesthesia or intravenously administered sedation, other than:
 - i. nail surgery and nail bed procedures on the foot and which are carried out using local anaesthesia.
 - ii. Surgical procedures involving curettage (scraping), cautery (burning) or cryocautery (freezing) of warts, verrucae or other skin lesions carried out using local anaesthesia.
 - b. medical services provided in connection with childbirth;
 - c. the termination of pregnancies;
 - d. cosmetic surgery, with the exception of the following:
 - i. the piercing of any part of the human body
 - ii. tattooing
 - iii. subcutaneous injections to enhance appearance
 - iv. removal of hair or minor skin blemishes by application of heat using an electric current;
 - e. haemodialysis or peritoneal dialysis;
 - f. endoscopy other than using a device which does not have a lumen or other channel for the purpose or design of passing fluid or instruments through, or removing body tissue or fluid or any other item from, a person's body;
 - g. the provision of hyperbaric therapy, being the administration of oxygen (whether or not combined with one or more other gases) to a person who is in a sealed chamber which is gradually pressurised with compressed air, where such therapy is carried out by or under the supervision or direction of a medical practitioner;
 - h. intravenous, intrathecal or epidural administration of medicines or diagnostic agents;
 - i. the therapeutic or diagnostic use of x-rays, radiation, protons or magnetic resonance imaging;
 - j. invasive cardiac physiology tests.

*In paragraph 1, a '**designated body**' means a body prescribed by Regulation 4 of the Medical Profession (Responsible Officers) Regulations 2010

www.legislation.gov.uk/ukxi/2010/2841/made.

For the purpose of this guidance, the granting of practising privileges by a designated body is considered the same as being employed by the designated body.

The following examples are designed to help illustrate the exemptions to registration for independent medical practitioners in private practice.

Example 1:

An individual medical practitioner has practising privileges at a private hospital. The private hospital provider is registered with CQC for the regulated activity of 'treatment of disease, disorder or injury'. The private hospital provider is a designated body.

The same individual medical practitioner also practices privately, providing treatment in a surgery or consulting room and the treatment being provided does not include any of those treatments under point 3.

In this case, the medical practitioner **is not** required to register with CQC.

Example 2:

An individual medical practitioner has practising privileges at a private clinic. The private clinic is registered with CQC for the regulated activity of 'treatment of disease, disorder or injury'. The private clinic provider is not a designated body.

The same individual medical practitioner also practices privately, providing treatment in a surgery or consulting room and the treatment being provided does not include any of those treatments under point 3.

In this case, the medical practitioner **is** required to register with CQC.

Example 3:

A group of medical practitioners work together to provide services in a surgery and the treatments they provide do not include any of those treatments referred to under point 3. Some of those medical practitioners have practising privileges at their local private hospital, which is registered with CQC for 'treatment of disease, disorder or injury' and is also a designated body. One of the other practitioners is a GP and is on the medical performers list, and another of the practitioners is employed by a provider that is registered with CQC, but is not a designated body.

In this example, the group of medical practitioners **must** register with CQC regardless of whether they carry out any of the treatments in point 3.

Example 4:

A GP is registered with CQC as an individual provider for the regulated activity of 'treatment of disease, disorder or injury'. At the weekends the individual also carries out private work in a surgery. The private work does not include any treatments referred to in point 3.

The individual is on the medical performers list of a designated body. In this case, the individual does **not** have to register with CQC.

The following flow chart is designed to help determine whether registration is required for independent medical practitioners in private practice.

Decision tool to help determine whether medical practitioners are required to register with CQC from 1 October 2013 if they are **providers** of an independent or private service

