



Contractor List Arrangements – Open and Closed Lists

Department Title

There has been confusion over the nature of closed, full and open lists under the new contractual arrangements. This guidance on Contractor List arrangements is to help contractors understand their obligations under new GMS and PMS regulations.

Open and Closed Lists

Under the new contract, the term Closed List refers to a formal closure in which the practice is closed to patient allocations/ assignments. The term closed list should not be used in relation to the current contract, as there is no formal way of closing your list to stop NHS England Area Team allocating/ assigning patients to you. Instead, the term Full is used below.

Under the current contract, you have the right to:

- Refuse to accept individual patients
- Declare your list full and refuse to accept any new patients

BUT

There is no formal way of closing your list to stop the Area Team allocating/ assigning patients to you.

Under the new GMS contract (and parallel arrangements for PMS), you still have the right to:

- Refuse to accept individual patients
- Declare your list full and refuse to accept new patients

BUT

if your list is officially open and you refuse to accept a new patient you:

- Must have reasonable grounds
- Must avoid discrimination
- Must give reasons in writing and keep a record
- Can still be allocated/assigned patients by the Area Team (there is a dispute resolutions procedure in the current regulations)

Closed Lists

The new contract enables you to apply to the Area Team to formally close your list which means that (other than in exceptional circumstances) the Area Team will not be able to allocate/assign patients to you.

BUT

Once your list is closed

- You can only accept new patients if they are immediate family members of existing patients
- The Area Team may refuse to offer you further contracts for enhanced services during the closure period
- Your list will normally remain closed for 12 months.

THUS

A GP can decline to register any patient as long as they give the patient a letter explaining why. The letter must be non-

discriminatory and can have a reason like "my list is full and it would not be in the interests of my current patients if I took any more."

What the GP cannot do is describe themselves as "Closed" because they are not. "Closed" is a legal term and describes a practice that has agreed with its Area Team that it is closed to allocations via the mechanism set out in the regulations.

This is not a loophole as an open practice must take anyone allocated to them by the Area Team. "Full" has no legal status and merely means that you do not have to register those who walk in.

Further advice can be obtained from the LMC Secretariat.

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