
WELSH STATUTORY INSTRUMENTS

2016 No. 1059 (W. 250)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (General Ophthalmic Services and Optical Charges and Payments) (Amendment) (Wales) Regulations 2016

<i>Made</i>	- - - -	<i>1 November 2016</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>3 November 2016</i>
<i>Coming into force</i>	- -	<i>1 December 2016</i>

The Welsh Ministers, in exercise of the powers conferred by sections 71, 72 105, 118, 128, 129, 130 and 203(9) and (10) of the National Health Service (Wales) Act 2006(1), make the following Regulations:

PART 1

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the National Health Service (General Ophthalmic Services and Optical Charges and Payments) (Amendment) (Wales) Regulations 2016.

(2) These Regulations come into force on 1 December 2016 and apply in relation to Wales.

(3) In these Regulations—

“the General Ophthalmic Services Regulations” (“*Rheoliadau'r Gwasanaethau Offthalmig Cyffredinol*”) means the National Health Service (General Ophthalmic Services) Regulations 1986(2);

“the Optical Charges and Payments Regulations” (“*Rheoliadau'r Ffioedd a Thaliadau Optegol*”) means the National Health Service (Optical Charges and Payments) Regulations 1997(3); and

(1) 2006 c. 42.
(2) S.I. 1986/975.
(3) S.I. 1997/818.

“the Supplementary List Regulations” (“*Rheoliadau'r Rhestr Atodol*”) means the National Health Service (General Ophthalmic Services Supplementary List) and (General Ophthalmic Services) (Amendment and Consequential Amendment) (Wales) Regulations 2006(4).

PART 2

Amendments to the General Ophthalmic Services Regulations

Amendment of regulation 7A of the General Ophthalmic Services Regulations

- 2.—(1) Regulation 7A of the General Ophthalmic Services Regulations is amended as follows.
- (2) In paragraph (1)—
- (a) in sub-paragraph (e) at the end of the sub-paragraph delete the word “or”; and
- (b) after sub-paragraph (f) insert—
- “or
- (g) that after 30 July 2002, the ophthalmic medical practitioner or optician has been convicted in the United Kingdom of any criminal offence (other than murder) and has been sentenced to a term of imprisonment (whether suspended or not) of over six months.”
- (3) Omit regulation 7A(2)(b).

Amendment of regulation 9 of the General Ophthalmic Services Regulations

- 3.—(1) Regulation 9 of the General Ophthalmic Services Regulations is amended as follows.
- (2) After regulation 9(1) insert—
- “(1A) The Local Health Board may remove the ophthalmic medical practitioner or optician from its ophthalmic list where that person has been convicted in the United Kingdom of a criminal offence (other than murder) since 30 July 2002, and has been sentenced to a term of imprisonment (whether suspended or not) of over six months.”
- (3) In regulation 9(2), for “six”, substitute “twelve”.
- (4) For regulation 9(2A), substitute—
- “(2A) In calculating the period of twelve months referred to in paragraph (2), the Local Health Board will disregard any period—
- (a) during which the contractor provided no general ophthalmic services by reason only that the practitioner was suspended from the ophthalmic list;
- (b) during which the contractor was performing whole-time service in the armed forces in a national emergency (as a volunteer or otherwise);
- (c) during which the contractor was performing compulsory whole-time service in the armed forces (including service resulting from reserve liability), or any equivalent service, if liable for compulsory whole-time service in the armed forces; and
- (d) which the Local Health Board with good cause so determines.”
- (5) Omit regulation 9(5).

Amendment of regulation 9C of the General Ophthalmic Services Regulations

4. Omit regulation 9C(1)(b).

Amendment of Schedule 1 to the General Ophthalmic Services Regulations

- 5.—(1) Schedule 1 to the General Ophthalmic Services Regulations is amended as follows.
 - (2) In paragraph 9(2) of Schedule 1, after the words “Any such claim”, insert “may be submitted electronically or on paper and”.
 - (3) For paragraph 9(3) substitute—
 - “(3) A signatory or counter-signatory is to sign any electronic claim or paper claim in digital ink or in ink with his or her initials or forename and with his or her surname in his or her own handwriting and not by means of a stamp or reproduced image.”
 - (4) Omit paragraph 10(3).

PART 3

Amendments to the Optical Charges and Payments Regulations

Amendment of regulation 1 of the Optical Charges and Payments Regulations

- 6.—(1) Regulation 1 of the Optical Charges and Payments Regulations is amended as follows.
 - (2) In paragraph (2), for the definition of “small glasses” substitute—
 - ““small glasses” means glasses—
 - (a) having a frame which is either custom made or a stock frame requiring extensive adaptation to ensure an adequate fit; and
 - (b) having a boxed centre distance of no more than 55 millimetres, and for this purpose “boxed centre” is to be construed in accordance with British Standard BS EN ISO 8624:2011 (Ophthalmic Optics. Spectacle Frames. Measuring System and Terminology) published on 28 February 2011;”.

Amendment of Schedule 2 to the Optical Charges and Payments Regulations

7. In Schedule 2 (prisms, tints, photochromic lenses, small and special glasses and complex appliances) for paragraph 1(1)(g) substitute—
 - “(g) where the voucher is issued by an ophthalmic medical practitioner or optician, an NHS trust or Local Health Board in respect of glasses, the frame of which is certified by the ophthalmic medical practitioner or optician, the NHS Trust or Local Health Board issuing that voucher as being required to be specifically manufactured on account of the person’s facial characteristics—
 - (i) by £64.20 in the case of the supply or replacement of the glasses or repair of the whole frame;
 - (ii) by £57.00 in the case of repair of the front of the frame; and
 - (iii) by £30.80 in the case of repair of a side frame.”

PART 4

Amendments to the Supplementary List Regulations

Amendment of regulation 6 of the Supplementary List Regulations

- 8.—(1) Regulation 6 of the Supplementary List Regulations is amended as follows.
- (2) In paragraph (1)—
- (a) in sub-paragraph (e) at the end of the sub-paragraph delete the word “or”; and
 - (b) after sub-paragraph (f) insert—
 - “or
 - (g) where after 1 February 2006, the practitioner has been convicted in the United Kingdom of any criminal offence (other than murder) and has been sentenced to a term of imprisonment (whether suspended or not) of over six months.”
- (3) Omit paragraph (2)(f).

Amendment of regulation 10 of the Supplementary List Regulations

- 9.—(1) Regulation 10 of the Supplementary List Regulations is amended as follows.
- (2) Omit paragraph (1)(b).
- (3) After paragraph (5)(a) insert—
- “(aa) the practitioner has been convicted in the United Kingdom of a criminal offence (other than murder), committed on or after 1 February 2006 and has been sentenced to a term of imprisonment (whether suspended or not) of over six months;”.
- (4) In paragraph (7), for “six” substitute “twelve”.
- (5) For paragraph (8) substitute—
- “(8) In calculating the period of twelve months referred to in paragraph 10(7), the Local Health Board must disregard—
 - (a) any period during which the practitioner was suspended under these Regulations;
 - (b) any period during which the practitioner was performing whole-time service in the armed forces in a national emergency (as a volunteer or otherwise), compulsory whole-time service in the armed forces (including service resulting from reserve liability), or any equivalent service, if liable for compulsory whole-time service in the armed forces; and
 - (c) any period which the Local Health Board with good cause so determines.”

1 November 2016

Vaughan Gething
Cabinet Secretary for Health, Well-being and
Sport, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Ophthalmic Services) Regulations 1986 (“the General Ophthalmic Services Regulations”), the National Health Service (Optical Charges and Payments) Regulations 1997 (“the Optical Charges and Payments Regulations”) and the National Health Service (General Ophthalmic Services Supplementary List) and (General Ophthalmic Services) (Amendment and Consequential Amendment) (Wales) Regulations 2006 (“the Supplementary List Regulations”).

Regulations 2, 3(2) and 4 amend the General Ophthalmic Services Regulations to allow a Local Health Board discretion to refuse to admit or remove an ophthalmic medical practitioner or optician (“a practitioner”) from its ophthalmic list if the practitioner has been convicted of any criminal offence (other than murder) and has been sentenced to a term of imprisonment (whether suspended or not) of over six months.

Regulation 3(3), (4) and (5) amend the General Ophthalmic Services Regulations to allow a Local Health Board discretion as to whether the Local Health Board removes a practitioner from its ophthalmic list if the practitioner has not performed general ophthalmic services in its locality in the preceding twelve months.

Regulation 5 amends the General Ophthalmic Services Regulations to allow General Ophthalmic Services forms to be signed with digital ink and submitted electronically and removes the requirement for practitioners to inform a patient’s doctor of the results of a sight test of a patient diagnosed with diabetes or glaucoma.

Regulations 6 and 7 amend the Optical Charges and Payments Regulations. Regulation 6 provides a new definition for the term “small glasses”. Regulation 7 substitutes Schedule 2 paragraph 1(1)(g) to make new provision for practitioners to issue and certify vouchers for glasses where the frame needs to be specially manufactured.

Regulation 8 amends the Supplementary List Regulations so as to provide a Local Health Board with new discretion as to whether they refuse an application by a practitioner for inclusion on a supplementary list for those assisting in the provision of general ophthalmic services (“the supplementary list”). A practitioner who has been convicted of any criminal offence (other than murder) and has been sentenced to a term of imprisonment (whether suspended or not) of over six months may, at the discretion of the Local Health Board, be included on the supplementary list.

Currently where a practitioner cannot demonstrate that he or she assisted in the provision of general ophthalmic services within a Local Health Board’s area during the preceding six months, the Local Health Board may remove the practitioner from its supplementary list. Regulation 9 extends this period from six months to twelve months.

Regulation 9 also amends the Supplementary List Regulations so as to provide a Local Health Board with new discretion as to whether they remove a practitioner from the supplementary list. A practitioner who has been convicted of any criminal offence (other than murder) and has been sentenced to a term of imprisonment (whether suspended or not) of over six months may, at the discretion of the Local Health Board, be removed from the supplementary list.