

2001 No. 370

HEALTH AND PERSONAL SOCIAL SERVICES

Optical Charges and Payments and General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 2001

Made 12th October 2001

Coming into operation 12th November 2001

The Department of Health, Social Services and Public Safety(a), in exercise of the powers conferred on it by Articles 62, 98, 106, and 107(6) of, and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(b) and of all other powers enabling it in that behalf, with the approval of the Department of Finance and Personnel, and after consultation with such organisations as appeared to the Department to be representative of medical practitioners practising as ophthalmic medical practitioners, and ophthalmic opticians, as required by Article 62(3) of the said Order, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Optical Charges and Payments and General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 12th November 2001.

(2) In these Regulations—

(a) “the 1997 Regulations” means the Health and Personal Social Services (Optical Charges and Payments) Regulations (Northern Ireland) 1997(c);

(b) “the 1986 Regulations” means the General Ophthalmic Services Regulations (Northern Ireland) 1986(d).

Amendment of the 1997 Regulations

2. In Regulation 1(2) of the 1997 Regulations (interpretation), in the definition of “health service sight test fee”, for the amount of “£42.79 substitute “£42.85” and for the amount “£15.46” substitute “£15.52”.

(a) Department’s (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)) — *see* Article 3(6)
(b) S.I. 1972/1265 (N.I. 14) as amended by Article 3(2) of, and paragraph 3 of Schedule 1 to, the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)); paragraphs 4 and 5 of Article 8 of the Health and Medicines (Northern Ireland) Order 1988 (S.I. 1988/2249 (N.I. 24)); Article 34 of, and Part II of Schedule 5 to, the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)); there are other amendments which are not relevant
(c) S.R. 1997 No. 191, relevant amending Regulations are S.R. 1999 No. 111, S.R. 2000 Nos. 51 and 341, and S.R. 2001 No. 133
(d) S.R. 1986 No. 163 as amended by S.R. 1988 No. 110, S.R. 1989 No. 113, S.R. 1990 No. 191, S.R. 1996 No. 135, S.R. 1999 No. 394, and S.R. 2000 No. 51

3.—(1) Regulation 12 of the 1997 Regulations (use of vouchers for supply of optical appliances) shall be amended in accordance with the following provisions.

(2) In paragraph (1) for “paragraphs (4) and (5)” substitute “paragraphs (4), (5) and (6),”.

(3) After paragraph (5) add—

“(6) When the patient presents the voucher—

(a) the supplier shall ask him to produce satisfactory evidence that he is an eligible person, unless the supplier, in cases other than where the patient is an eligible person by virtue of regulation 8(2)(c) or (d), already has satisfactory evidence of entitlement available to him; and

(b) if the patient is requested to produce satisfactory evidence, but does not do so, the supplier shall record the fact on the voucher.”.

4. At the end of regulation 13 of the 1997 Regulations (payments to suppliers), add—

“(3) The Agency shall also make a payment, to be determined by the Department, to the supplier to meet or contribute to the cost incurred by the supplier in complying with regulation 12(6).”.

5. In Regulation 16 of the 1997 Regulations (completion of vouchers), for paragraphs (2) and (3) substitute—

“(2) In the case of a replacement, the supplier shall—

(a) ask the patient to produce satisfactory evidence of entitlement, unless the supplier, in cases other than where the patient is an eligible person by virtue of regulation 8(2)(c) or (d), already has satisfactory evidence of entitlement available to him;

(b) mark on the voucher the letter code specified in column 2 of Schedule 1, which relates to the type of optical appliance to be replaced, as set out in column 1 of that Schedule;

(c) duly complete the relevant parts of the voucher with—

(i) the name and address of the patient,

(ii) the patient’s date of birth;

(d) if the patient has been asked for, but not shown satisfactory evidence of entitlement, record the fact on the voucher.

(3) In the case of a repair, the supplier shall—

(a) ask the patient to produce satisfactory evidence of entitlement, unless the supplier, in cases other than where the patient is an eligible person by virtue of regulation 8(2)(c) or (d), already has satisfactory evidence of entitlement available to him;

(b) mark on the voucher the letter code specified in column 2 of Schedule 1 which relates to the type of optical appliance to be replaced as set out in column 1 of that Schedule;

- (c) indicate on the voucher the nature of the repair of the appliance to be undertaken and, in particular, whether it comprises—
 - (i) the replacement or repair of one or more lenses included in the appliance and, if so, how many,
 - (ii) the repair of a frame and, if so, whether it is the whole frame, the front of a frame or one or both sides of a frame,
- (d) duly complete the relevant parts of the voucher with—
 - (i) the name and address of the patient,
 - (ii) the patients' date of birth; and
- (e) if the patient has been asked for, but not shown satisfactory evidence of entitlement, record the fact on the voucher.”.

6. At the end of regulation 18 of the 1997 Regulations (payments to suppliers for replacement or repair), add—

“(3) The Agency shall also make a payment, to be determined by the Department, to the supplier to meet or contribute to the cost incurred by the supplier in order to comply with regulation 16(2) or (3)”.

Amendment of 1986 Regulations

7. In regulation 2 of the 1986 Regulations (interpretation), the following shall be inserted in the appropriate alphabetical order—

“ “day centre” means an establishment in the area of a Board attended by patients who would have difficulty in obtaining such services from practice premises because of physical or mental illness or disability or because of difficulties in communicating their health needs unaided;”

“ “mobile practice” means a contractor who does not have practice premises in a Board’s area, but who has undertaken to provide general ophthalmic services at day or residential centres in that area;”

“ “residential centre” means an establishment in the area of a Board for patients who normally reside in that establishment and who are unable to leave the establishment unaccompanied because of physical or mental illness or disability”.”

8.—(1) Regulation 8 of the 1986 Regulations (ophthalmic list) shall be amended in accordance with the following provisions.

(2) In paragraph (3)(b) after “provide general ophthalmic services” add “, or in the case of a mobile practice, the address to which correspondence in connection with such provision may be sent, and the address of any day or residential centres visited regularly;”.

(3) In paragraph (3)(c) after “at those addresses” add “, or in the case of day or residential centres, the months in which visits are intended to take place and the planned interval between such visits”.

9. Regulation 15A (sight tests — applications) shall be amended in accordance with the following provisions.

(2) For paragraph (4)(a) substitute—

“(4)(a) Subject to paragraph (5)—

- (i) satisfy himself that the person is an eligible person by asking for satisfactory evidence of entitlement, unless the contractor, in cases other than where the patient is a person specified in regulation 15(1)(c), already has satisfactory evidence of it available to him; and
- (ii) where the patient has been asked for but not produced satisfactory evidence that he is an eligible person, then the contractor shall record the fact on the patient’s sight test form;”.

(3) After paragraph (5) add the following paragraphs—

“(6) Where the contractor has provided the sight test at the place where the patient normally resides, he shall record on the sight test form the reason given by the patient, or on his behalf, for not being able to leave home unaccompanied.

(7) The contractor may appoint a member of his staff to carry out the requirements placed on him by paragraph (4)(a)(i) and (ii) on his behalf, provided that he ensures that person is given instruction by him to enable him to fulfil the requirements on his behalf.”.

10. In regulation 19 (service of documents) after “undertaken to provide general ophthalmic services.” add “, or, in the case of a mobile practice, the address notified to the Board and the Agency as the address to which correspondence may be sent”.

11.—(1) Schedule 1 (terms of service) shall be amended in accordance with the following provisions.

(2) In paragraph 2 (incorporation of provisions)—

(a) for sub-paragraph (b)(iii) substitute—

“(iii) the investigation of excessive issuing of optical vouchers following a sight test;”;

(b) for sub-paragraph (c) substitute—

“regulation 9 of the Health and Personal Social Services (Optical Charges and Payments) Regulations (Northern Ireland) 1997”.

(3) In paragraph 3 (premises at which general ophthalmic services are to be provided), for sub-paragraph (2) substitute—

“(2) Where requested to do so by or on behalf of a patient, who is—

- (a) unable to leave home unaccompanied because of physical or mental illness or disability, a contractor may agree to provide general ophthalmic services at the place at which the patient normally resides; or
- (b) attending a day centre, a contractor may agree to provide general ophthalmic services at that day centre.”.

(4) After paragraph 3 insert the following paragraph—

“*Visits*

3A.—(1) In the case of mobile practices, a contractor shall give the relevant Board and the Agency notice in accordance with sub-paragraph (2) of any visits which he intends to make to provide general ophthalmic services to at least three persons at day centres or in residential centres in its area.

(2) The contractor shall notify the Board and the Agency at least a month in advance of the beginning of the month in which he intends to visit any establishment in the area of that Board and the intervals at which he intends to make return visits.”.

(5) In paragraph 4 (premises and equipment)—

(a) in sub-paragraph (1) after “Subject to” insert “sub-paragraph (1A) and”;

(b) after sub-paragraph (1) insert—

“(1A) In the case of a mobile practice, the contractor shall provide suitable equipment for the provision of the general ophthalmic services which he has undertaken to provide.”;

(c) in sub-paragraph (2) after “Subject to” insert “sub-paragraph (2A) and”;

(d) after sub-paragraph (2) insert—

“(2A) In the case of a mobile practice, the contractor, on receipt of a written request from the Department, the Board, the Agency or the Committee, shall arrange for an authorised officer of the Department, the Board, the Agency, or of the Committee, to be allowed to inspect at a reasonable time the facilities and equipment that he uses.”.

(6) In paragraph 5 (notices), for “the National Health Service (Optical Charges and Payments) Regulations 1989” substitute “the Health and Personal Social Services (Optical Charges and Payments) Regulations (Northern Ireland) 1997”.

(7) In paragraph 10 (testing of sight), in sub-paragraph (2) for “he shall so inform the patient’s doctor” substitute “he shall, if appropriate, and with the consent of the patient, inform the patient’s doctor of his opinion.”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 12th October 2001.

(L.S.)

D. A. Baker

Senior Officer of the Department of
Health, Social Services and Public Safety

The Department of Finance and Personnel hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel
on 12th October 2001.

(L.S.)

Rodney Scott
Senior Officer of the Department of
Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Optical Charges and Payments Regulations (Northern Ireland) 1997 (“the 1997 Regulations”) which provide for payments to be made, by means of a voucher system, in respect of costs incurred by certain categories of persons in connection with the supply, replacement and repair of optical appliances. The Regulations also amend the General Ophthalmic Services Regulations (Northern Ireland) 1986 (“the 1986 Regulations”) which provide for the arrangements under which ophthalmic medical practitioners and ophthalmic opticians provide General Ophthalmic Services.

Regulations 3 and 4 make amendments to the 1997 Regulations to require the supplier to ask the patient for satisfactory evidence that he is an eligible person when he presents a voucher to obtain an optical appliance under the Regulations, unless, in cases other than where the patient is eligible by virtue of his lack of resources, the supplier already has satisfactory evidence. If the patient does not do so, the supplier must record the fact on the voucher.

A number of amendments are made to the 1986 Regulations. Regulation 7 amends regulation 2 of the 1986 Regulations to insert some additional definitions. Regulation 8 imposes some additional requirements in respect of mobile practices responsible for the provision of general ophthalmic services.

Regulation 9 amends regulation 15A to provide that a contractor must ask the patient for satisfactory evidence of entitlement that he is an eligible person when the patient applies for a sight test under the Regulations unless, in cases other than where the patient is eligible by virtue of his lack of resources, the contractor already has satisfactory evidence. If the patient cannot produce such evidence, the contractor shall record the fact on the sight test form. In addition, where the contractor has carried out the sight test at a patient's home, he must record on the sight test form the reason for the patient not being able to leave home unaccompanied.

The Regulations make some amendments to the terms of service set out in Schedule 1 to the 1986 Regulations. Paragraph 3 of the Schedule is amended to allow contractors to agree to provide general ophthalmic services at day centres or where the patient normally resides in specified circumstances. Provision is made in a new paragraph 3A to require mobile practices to notify a Health and Social Services Board and the Central Services Agency in advance when they intend to make visits to day centres or residential centres in that Board's area. Paragraph 4 is amended to require mobile practices to provide suitable equipment and for this to be inspected, together with their facilities, by a person authorised by the Department, the Board, the Agency or the Ophthalmic Committee. Paragraph 10 is amended so that information shall be given to a patient's doctor following a sight test only if it is appropriate and with the consent of the patient.

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