
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 135

The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006

PART IV

GENERAL ARRANGEMENTS

The Statement

17.—(1) The Scottish Ministers shall, after consultation with such organisations as appear to them to be representative of contractors providing general ophthalmic services, make provision in a determination (in these Regulations referred to as “the Statement”) as to—

- (a) the fees to be paid by a Board to ophthalmic medical practitioners and opticians for providing general ophthalmic services;
- (b) the allowances to be paid by the Board for continuing education and training undertaken by ophthalmic medical practitioners and opticians other than a body corporate registered in the register of bodies corporate maintained under section 9 of the Opticians Act 1989 carrying on business as an optometrist; and
- (c) the allowances, or reimbursement of expenses, to be paid by the Board for the provision of services by ophthalmic medical practitioners and opticians.

(2) Any such determination—

- (a) shall be published;
- (b) may be amended, in whole or in part, after consultation with those organisations referred to in paragraph (1).

(3) A determination or an amendment to a determination shall be in respect of a period beginning on or after a date specified in the determination or the amendment to a determination, which may be the date of the determination or an amendment to the determination or an earlier or later date, but may be an earlier date only if it, taking the determination as a whole, it is not detrimental to the person to whose remuneration it relate.

Terms of service

18. The arrangements for the provision of general ophthalmic services made by a Board shall incorporate the terms of service and the Statement.

Arrangements for particular districts

19. Where it appears to a Board that provision is required to meet the needs of the residents of any particular district in the Board area, the Board may, after consultation with the area optical committee and with the approval of the Scottish Ministers, make arrangements with an optician or an ophthalmic medical practitioner whereby the optician or the ophthalmic medical practitioner

undertakes to provide general ophthalmic services at suitable centres in that district on such terms as may be specified in the arrangements.

Payment

20.—(1) Each Board shall make or cause to be made by the Agency to contractors within its area payments in accordance with the Statement, and any payments which may become due to contractors by virtue of arrangements made under regulation 19.

(2) Where the Agency considers that it has made a payment to a contractor owing to an error or in circumstances where it was not due, it shall, except to the extent that the Scottish Ministers on the application of the Board direct otherwise, draw the overpayment to the attention of the contractor and the amount overpaid shall be recoverable as a debt by any lawful means.

(3) Recovery of an overpayment under the provisions of this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.

(4) A contractor who is unable to complete for a patient the general ophthalmic services which he has undertaken to provide shall inform the Agency accordingly in writing, and if the Agency is satisfied that the inability is due to a reasonable cause it shall make payment in accordance with the Statement to the contractor for such part of those services as he shall have provided.

Payments to ophthalmic medical practitioners and opticians suspended

21.—(1) A Board shall authorise the Agency to make payments to any ophthalmic medical practitioner or optician who is suspended by direction of the Tribunal or by the Board in accordance with regulation 11 in accordance with the Scottish Ministers' determination for the time being in force in relation to such payments.

(2) The Scottish Ministers shall make the determination in accordance with paragraphs (3) and (4) after consultation with the organisations referred to in regulation 17(1), and it shall be published with the Statement there referred to.

(3) Any determination under paragraph (1)—

- (a) shall determine any sum payable by reference to remuneration which the ophthalmic medical practitioner or optician might have received during the period that person was suspended; and
- (b) may also determine any sum payable by reference to any other payment received or which might have been received by the ophthalmic medical practitioner or optician had that person not been suspended.

(4) The Scottish Ministers' determination may include provision that payments in accordance with the determination are not to exceed a specified amount in any specified period.

(5) Regulation 17(2) shall apply to determinations under this regulation as it applies to determinations under that regulation.

(6) Regulation 20(2) shall apply to payments made under this regulation as it applies to payments made under that regulation.

Status:

Point in time view as at 01/04/2006.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006, PART IV.