

## SCHEDULE 2

### PART B

#### INFORMATION, CONSENTS, DECLARATIONS, CERTIFICATES [<sup>F1</sup>, DISCLOSURE REQUESTS, DISCLOSURE RECORDS] AND UNDERTAKINGS TO BE INCLUDED IN AN APPLICATION FOR INCLUSION IN THE SECOND PART OF THE OPHTHALMIC LIST

##### Textual Amendments

**F1** Words in sch. 2 Pt. B title inserted (28.2.2011) by [The National Health Service \(General Ophthalmic Services and General Dental Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/378\)](#), regs. 1(1), **2(9)(a)** (with reg. 4)

1. An application shall contain the following information:—
  - (a) [<sup>F2</sup>except where the applicant is an optician that is a body corporate,] the applicant's full name, sex, date of birth and private address and telephone number;
  - (b) [<sup>F3</sup>except where the applicant is an optician that is a body corporate,] a full description of the applicant's qualifications including the institution which awarded them;
  - (c) the applicant's professional registration number and date of first registration;
  - (d) an indication of whether the applicant is an ophthalmic medical practitioner, a registered optometrist or a body corporate;
  - (e) [<sup>F4</sup>except where the applicant is an optician that is a body corporate,] chronological details of the applicant's professional experience (including the starting and finishing dates of each appointment together with explanation of any gaps between appointments) with any additional supporting particulars, and an explanation of why the applicant was dismissed from any post;
  - (f) details of any list or equivalent list from which the applicant [<sup>F5</sup>(and, where the applicant is an optician that is a body corporate, all directors of the body corporate)] has ever been disqualified, conditionally disqualified, removed, suspended, contingently removed or suspended or to which admission was refused or granted subject to conditions together with reasons for such disqualification, conditional disqualification, removal, suspension or refusal or imposition of conditions;
  - (g) [<sup>F6</sup>except where the applicant is an optician that is a body corporate,] name and addresses of two referees who are willing to provide clinical references relating to two recent posts as an ophthalmic medical practitioner or optometrist which lasted at least 3 months without a significant break and which may include a current post, or, where this is not possible a full explanation and name and address of an alternative referee or referees;
  - (h) [<sup>F7</sup>except where the applicant is an optician that is a body corporate,] if the applicant is a national of an EEA state, evidence that the applicant has a knowledge of English which, in the interests of the applicant and of patients who may receive general ophthalmic services from the applicant, is necessary for providing general ophthalmic services;
  - (i) if the applicant <sup>F8</sup>... is the director or one of the persons with control of a corporate body, [<sup>F9</sup>or, if the applicant is an optician that is a body corporate, the body corporate's name, registered office and registered number, telephone number, e-mail address and a list of the

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full names, dates of birth, private addresses and (if they have one) the national insurance numbers, of all the directors and the secretary];

- (j) if the applicant [<sup>F10</sup>(and, where the applicant is an optician that is a body corporate, all directors of the body corporate)] is, or has been where the outcome was adverse, the subject of any investigation <sup>F11</sup>... in relation to fraud.

#### Textual Amendments

- F2** Words in sch. 2 Pt. B para. 1(a) inserted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(11)(a)(i)**
- F3** Words in sch. 2 Pt. B para. 1(b) inserted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(11)(a)(ii)**
- F4** Words in sch. 2 Pt. B para. 1(e) inserted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(11)(a)(iii)**
- F5** Words in sch. 2 Pt. B para. 1(f) inserted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(11)(a)(iv)**
- F6** Words in sch. 2 Pt. B para. 1(g) inserted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(11)(a)(v)**
- F7** Words in sch. 2 Pt. B para. 1(h) inserted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(11)(a)(vi)**
- F8** Words in sch. 2 Pt. B para. 1(i) omitted (28.2.2011) by virtue of The National Health Service (General Ophthalmic Services and General Dental Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/378), regs. 1(1), **2(9)(b)(i)** (with reg. 4)
- F9** Words in sch. 2 Pt. B para. 1(i) substituted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(11)(a)(vii)**
- F10** Words in sch. 2 Pt. B para. 1(j) inserted (28.2.2011) by The National Health Service (General Ophthalmic Services and General Dental Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/378), regs. 1(1), **2(9)(b)(ii)** (with reg. 4)
- F11** Words in sch. 2 Pt. B para. 1(j) omitted (1.4.2007) by virtue of The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2007 (S.S.I. 2007/193), regs. 1, **2(16)(b)**

2. An application shall contain the following declarations as to whether or not the applicant:–
- (a) has been convicted of a criminal offence in the British Islands or has been convicted elsewhere of an offence which would constitute a criminal offence if committed in Scotland;
  - (b) is currently the subject of any proceedings anywhere in the world which might lead to a conviction specified in sub-paragraph (a);
  - (c) has in summary proceedings in respect of an offence, been the subject of an order discharging the applicant absolutely (without proceeding to conviction);
  - (d) has accepted and agreed to pay either a procurator fiscal fine under section 302 of the Criminal Procedure (Scotland) Act 1995 or a penalty under section 115A of the Social Security Administration Act 1992;
  - (e) has accepted a police caution in the British Islands;
  - (f) has been bound over following a criminal conviction in the British Islands;
  - (g) has been subject to any investigation into the applicant's professional conduct by any licensing, regulatory or other body anywhere in the world where the outcome was adverse;
  - (h) is currently subject to any investigation into the applicant's professional conduct by any licensing, regulatory or other body anywhere in the world;

- (i) is the subject of any investigation or proceedings by another Board or equivalent body which might result in the applicant being disqualified, conditionally disqualified, refused entry, granted entry subject to conditions, removed, contingently removed or suspended from a list, or equivalent list;
  - (j) is, or has been, where the outcome was adverse, the subject of any investigation into applicant's professional conduct in respect of any previous or current employment;
  - (k) is, or has in the preceding 6 months been, or was at the time of the events that gave rise to conviction, proceedings or investigation, a director or one of the body of persons with control of a body corporate, which—
    - (i) has been convicted of a criminal offence in the British Islands;
    - (ii) has been convicted elsewhere of an offence which would constitute a criminal offence if committed in the British Islands;
    - (iii) is currently the subject of any proceeding anywhere in the world which might lead to such a conviction;
    - (iv) has been subject to any investigation into its provision of professional services by any licensing, regulatory or other body anywhere in the world; or
    - (v) is, to the applicant's knowledge, or has been, where the outcome was adverse, the subject of any investigation by the Agency in relation to fraud;
3. An applicant must include with the application—
- [<sup>F12</sup>(a) where the applicant is an ophthalmic medical practitioner or an optician (except where the optician is a body corporate)—
    - (i) a disclosure request for any disclosure record required under regulation 7(3)(f); and
    - (ii) where required by the Board under that regulation, any existing disclosure record the applicant holds;
  - (aa) where the applicant is a body corporate, an enhanced criminal record certificate in relation to each director, dated not earlier than 28 days before the date of the application, or an application for such a certificate completed and signed by each director who is not already on the Board's Ophthalmic List; and]
  - (b) a certificate [<sup>F13</sup>, dated not earlier than 2 years before the date of the application where the applicant has not worked in Scotland within that 2 year period,] from a provider of training approved by NHS Education for Scotland that the applicant has satisfactorily completed a course of training in the use of slit lamp biomicroscopy, condensing lens biomicroscopy, [<sup>F14</sup>contact applanation tonometry using a Goldmann type tonometer] and threshold visual fields

#### Textual Amendments

- F12** Sch. 2 Pt. B para. 3(a)(aa) substituted (28.2.2011) by [The National Health Service \(General Ophthalmic Services and General Dental Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/378\)](#), regs. 1(1), **2(9)(c)** (with reg. 4)
- F13** Words in sch. 2 Pt. B para. 3(b) inserted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(16)(c)**
- F14** Words in sch. 2 Pt. B para. 3(b) substituted (1.10.2018) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/212\)](#), regs. 1(2), **12**

4. An application shall include the following consent and undertakings:—

- (a) that the applicant will participate in appropriate and relevant NHS audit procedures;

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- (b) that the applicant will be bound by the terms of service;
- (c) that the applicant will notify the Health Board in writing within 7 days of its occurrence if he or she—
  - (i) is charged in the British Islands with a criminal offence, the sentence for which could be a term of imprisonment or is charged elsewhere with an offence which, if committed in Scotland, would constitute such a criminal offence;
  - (ii) is convicted of a criminal offence in the British Islands or is convicted elsewhere of an offence which would constitute a criminal offence if committed in Scotland;
  - (iii) has, in summary proceedings, in respect of an offence, been the subject of an order discharging him or her absolutely (without proceeding to conviction);
  - (iv) has accepted and agreed to pay either a procurator fiscal fine under section 302 of the Criminal Procedure (Scotland) Act 1995 or a penalty under section 115A of the Social Security Administration Act 1992;
  - (v) has accepted a police caution in the British Islands;
  - (vi) is bound over following a criminal conviction in the British Islands;
  - (vii) becomes the subject of any investigation into the applicant's professional conduct by any licensing, regulatory or other body anywhere in the world;
  - (viii) is informed by any licensing, regulatory or other body anywhere in the world of the outcome of any investigation into his or her professional conduct, and there is a finding against the applicant;
  - (ix) becomes, to the applicant's knowledge, the subject of any investigation by the Agency in relation to fraud, or is informed of the outcome of any such investigation, where it is adverse;
  - (x) becomes the subject of any investigation or proceedings by another Board or equivalent body, which might result in the applicant being disqualified, conditionally disqualified, refused entry, allowed entry subject to conditions, removed, contingently removed or suspended from a list, or equivalent list;
  - (xi) is disqualified, conditionally disqualified, refused entry, allowed entry subject to conditions, removed or contingently removed or suspended from or refused admission to any list or equivalent list;
  - (xii) is, was in the preceding 6 months, or was at the time of the events that gave rise to the charge, conviction or investigation, a director or one of the persons with control of a body corporate and that body corporate—
    - (aa) is charged in the British Islands with a criminal offence, or is charged elsewhere with an offence which, if committed in the British Islands, would constitute a criminal offence;
    - (bb) is convicted of a criminal offence in the British Islands;
    - (cc) is convicted elsewhere of an offence which, if committed in the British Islands, would constitute a criminal offence;
    - (dd) becomes the subject of any investigation into its provision of professional services by any licensing, regulatory or other body anywhere in the world;
    - (ee) is informed by any licensing, regulatory or other body anywhere in the world of the outcome of any investigation into its provision of professional services, and there is a finding against it; or

- (ff) becomes, to his or her knowledge, the subject of any investigation by the Agency in relation to fraud, or is informed of the outcome of any such investigation, if adverse,
- together with details of the occurrence, including approximate dates, and where any investigation or proceedings were or are to be brought, the nature of that investigation or proceedings, and any outcome;
- (d) that the applicant [<sup>F15</sup>and, where the applicant is an optician that is a body corporate, all directors of the body corporate,] shall consent to a request being made by the Health Board to the Agency, any employer or former employer [<sup>F16</sup>of the applicant or of any director as the case may be], licensing, regulatory or other body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse, into the applicant or a body corporate referred to in this paragraph and, for the purposes of this sub-paragraph, “employer” includes any partnership of which the applicant is or was a member;
- (e) that the applicant consents to disclosure of information in terms of regulation 14; <sup>F17</sup> ...
- <sup>F18</sup>(f) .....
- [<sup>F19</sup>(g) that the applicant (except where the applicant is a body corporate) will remain a scheme member.]

**Textual Amendments**

- F15** Words in sch. 2 Pt. B para. 4(d) inserted (1.4.2010) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(11)(b)(i)**
- F16** Words in sch. 2 Pt. B para. 4(d) inserted (1.4.2010) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(11)(b)(ii)**
- F17** Word in sch. 2 Pt. B para. 4(e) omitted (28.2.2011) by virtue of [The National Health Service \(General Ophthalmic Services and General Dental Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/378\)](#), regs. 1(1), **2(9)(d)(i)** (with reg. 4)
- F18** Sch. 2 Pt. B para. 4(f) omitted (3.2.2014) by virtue of [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2013 \(S.S.I. 2013/355\)](#), regs. 1, **9(c)**
- F19** Sch. 2 Pt. B para. 4(g) and word inserted (28.2.2011) by [The National Health Service \(General Ophthalmic Services and General Dental Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/378\)](#), regs. 1(1), **2(9)(d)(ii)** (with reg. 4)

**Changes to legislation:**

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