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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These regulations amend the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006 (“the Regulations”) which provide for arrangements for the provision of general ophthalmic services under the National Health Service in Scotland, and for the preparation and maintenance by each Health Board in Scotland of an Ophthalmic List.

Regulation 2(2) amends regulation 2(1) of the Regulations by amending the definitions of “enhanced criminal record certificate” and “records” and inserting definitions of “practice premises” and “record of complaints”.

Regulation 2(3) amends regulation 6 of the Regulations. Regulation 6 is amended to refer to practice premises. Regulation 6(3)(j) and (4)(c) is amended so that the information required on the Ophthalmic List includes, where appropriate, the date of subsequent registration with the General Ophthalmic Council, in the case of an optician, and the General Medical Council, in the case of an ophthalmic medical practitioner.

Regulation 2(4) and (5) amend regulations 7 and 8 of the Regulations to allow an application to specify other Health Boards on whose Ophthalmic List the applicant wishes to be included. A Health Board must inform other Health Boards of its decision on whether or not to include the applicant in its Ophthalmic List. Inclusion in an Ophthalmic List is to be allowed by another Health Board without further enquiry where the decision is that the applicant should be included in the Ophthalmic List or where the applicant is already on an Ophthalmic List.

Regulation 2(6) to (11) make minor amendments to regulations 9(6), 12(8), 14(3)(a), 15(1) and (2), 16(2) and 20(4) of the Regulations.

Regulation 2(12) substitutes regulation 21(6) of the Regulations to allow the Common Services Agency to recover overpayments made to ophthalmic medical practitioners or opticians owing to an error or in circumstances where the payment was not due.

Regulation 2(13) amends regulation 25 of the Regulations to refer to practice premises.

Regulation 2(14) makes a minor amendment to regulation 26(7) of the Regulations.

Regulation 2(15) amends Schedule 1 to the Regulations. Paragraphs 4 and 6 are amended to refer to practice premises. Paragraphs 9 and 10 are amended to allow an ophthalmic medical practitioner or optician to deputise for or employ another ophthalmic medical practitioner or optician. Paragraph 11 is amended to refer to practice premises and to ensure that contractors keep a record of complaints. Paragraph 14 is amended so that an ophthalmic medical practitioner or optician shall carry out an eye examination on accepting an application for a supplementary eye examination only following a primary eye examination.

Regulation 2(16) amends Schedule 2 to the Regulations to refer to practice premises and to ensure that an applicant provides a certificate from a provider of training dated not earlier than two years before the date of the application where the applicant has not worked in Scotland within that two year period.

Regulation 2(17) and (18) amend Schedules 3 and 4 to the Regulations by providing that patients who are 60 and over with diabetes are entitled to an internal eye examination with miadriasis using slit lamp biomicroscopy as part of a primary eye examination and patients who are under 60 with diabetes are entitled to the same as part of a supplementary eye examination.