
WELSH STATUTORY INSTRUMENTS

2006 No. 181

The National Health Service (General Ophthalmic Services Supplementary List) and (General Ophthalmic Services) (Amendment and Consequential Amendment) (Wales) Regulations 2006

PART 1

Supplementary List

Conditional inclusion

8.—(1) A Local Health Board may determine that if a practitioner is to be included in the supplementary list, the practitioner is to be subject, whilst he or she remains included in that list, to the imposition of conditions, having regard to the requirements of section 43D(5) (purpose of conditions).

(2) If a practitioner fails to comply with a condition, which has been imposed by the Local Health Board, it may remove that practitioner from its supplementary list.

(3) Where the Local Health Board is considering the removal of a practitioner from its supplementary list for breach of a condition, it must give the practitioner—

- (a) notice of any allegation against him or her;
- (b) notice of the grounds for the action it is considering;
- (c) the opportunity to make written representations to it within 28 days of the date of the notification under sub-paragraph (b); and
- (d) the opportunity to put his or her case at an oral hearing before it, if the practitioner requests one within the 28 day period mentioned in sub-paragraph (c).

(4) If the practitioner does not make any representations within the period specified in paragraph (3)(c), the Local Health Board will decide the matter and inform the practitioner of—

- (a) its decision and the reasons for it (including any facts relied upon); and
- (b) any right of appeal under regulation 15

within 7 days of making that decision.

(5) If the practitioner does make representations, the Local Health Board must take them into account before reaching its decision, it will then notify the practitioner of—

- (a) its decision and the reasons for making it (including any facts relied upon); and
- (b) any right of appeal under regulation 15

within 7 days of making that decision.

(6) If the practitioner requests an oral hearing, this must take place before the Local Health Board reaches its decision and it must then notify the practitioner of—

- (a) its decision and the reasons for making it (including any facts relied upon); and
- (b) any right of appeal under regulation 15

within 7 days of making that decision.

(7) When the Local Health Board notifies the practitioner of any decision made in accordance with this regulation, it must inform the practitioner that if he or she wishes to exercise a right of appeal, the practitioner must do so within 28 days, beginning with the date on which notice of the decision was given, and it must tell the practitioner how to exercise any such right.

(8) The Local Health Board must also notify the practitioner of the practitioner's right to have the decision reviewed in accordance with regulation 14.

(9) Where the Local Health Board determines that a practitioner—

- (a) may be included in its supplementary list, but subject to conditions imposed under this regulation; or
- (b) is to be subject to conditions while the practitioner remains included in its supplementary list,

the practitioner's name may be included (or continue to be included) in its supplementary list during the period for bringing any appeal to the FHSAA pursuant to regulation 15, of if an appeal is brought, until such time as the appeal has been decided, provided the practitioner agrees in writing to be bound by the conditions imposed until the time for appeal has expired or the appeal is decided.