
WELSH STATUTORY INSTRUMENTS

2023 No. 1053

The National Health Service (Ophthalmic Services) (Wales) Regulations 2023

PART 4

Combined lists

CHAPTER 3

Inclusion in a list

Decisions and grounds for refusal

- 13.**—(1) A Local Health Board that receives an application under regulation 12 must—
- (a) decide whether to approve the qualified practitioner for inclusion in its ophthalmic or supplementary list (as the case may be), and
 - (b) unless regulation 15 applies, notify the qualified practitioner of its decision within 7 days of that decision.
- (2) Before deciding an application under paragraph (1)(a), the Local Health Board must—
- (a) check, as far as reasonably practicable, the information provided by the qualified practitioner, in particular that provided under Schedule 3,
 - (b) check with the NHS Counter Fraud Authority whether the qualified practitioner has any record of fraud,
 - (c) check with the Welsh Ministers for, and consider, any facts that the Welsh Ministers consider relevant relating to past or current investigations or proceedings involving or relating to the qualified practitioner, and
 - (d) obtain references from the referees named by the qualified practitioner under paragraph 3(l) or 5(h) of Schedule 3 (as appropriate) and consider the references provided.
- (3) The Local Health Board must refuse to include a qualified practitioner in its combined list where any of the grounds in paragraph 8 of Schedule 3 applies.
- (4) The Local Health Board may refuse to include a qualified practitioner in its combined list where any of the grounds in paragraph 9 of Schedule 3 applies.
- (5) When considering a refusal under paragraph (4), the Local Health Board must consider the factors set out in paragraph 10 of Schedule 3.
- (6) Where the Local Health Board refuses an application, the notice under paragraph (1)(b) must contain—
- (a) a statement of the reasons for the Local Health Board’s decision (including any facts relied upon), and
 - (b) details of how to appeal the refusal under regulation 28.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(7) Where an application is made to a Local Health Board in accordance with regulation 12, the Local Health Board may refuse the application only in accordance with paragraphs (3) and (4).