STATUTORY RULES OF NORTHERN IRELAND

2005 No. 292

HEALTH AND PERSONAL SOCIAL SERVICES

General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 2005

Made - - - -	*13th June 2005*
Coming into operation	*4th July 2005*

The Department of Health, Social Services and Public Safety(**1**), in exercise of the powers conferred on it by Articles 62, 106 and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(**2**) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel and after consultation with such organisations as appeared to the Department to be representative of medical practitioners practising as ophthalmic medical practitioners, and ophthalmic opticians, as required by Article 62(3) of the said Order, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 4th July 2005.

(2) In these Regulations "the Ophthalmic Regulations" means the General Ophthalmic Services Regulations (Northern Ireland) 1986(**3**).

Amendment of regulation 2 of the Ophthalmic Regulations

2.—(1) Regulation 2 of the Ophthalmic Regulations (interpretation)(**4**) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) –

(a) For the definitions of "deputy", "mobile practice" and "optician" there shall be substituted respectively –

> ""deputy" means an ophthalmic medical practitioner or optician, who is included in the ophthalmic list and assists in the provision of general ophthalmic services;";

(**1**) *See*S.I. 1999/283 (N.I. 1) Article 3(6)
(**2**) S.I. 1972/1265 (N.I. 14)
(**3**) S.R. 1986 No. 163; relevant amending regulations are S.R. 1988 No. 110, S.R. 1989 Nos. 113 and 269, S.R. 1990 No. 191, S.R. 1995 No. 115, S.R. 1996 Nos. 135 and 416, S.R. 1999 Nos. 100 and 394, S.R. 2000 No. 51, S.R. 2001 No. 370, S.R. 2002 No. 85, S.R. 2003 Nos. 74, 176 and 424 and S.R. 2004 Nos. 92, 113, 156 and 162
(**4**) Relevant amendments are in S.R. 2001 No. 370

""mobile practice" means a contractor who has made arrangements with the Board to provide mobile services and does not have premises in its area;"; and

""optician" means a registered optometrist under section 7 (register of opticians) of the Opticians Act 1989(**5**);".

(b) The following definitions shall be inserted at the appropriate alphabetical places –

""mobile services" means general ophthalmic services provided at –

(a) a day centre;

(b) a residential centre; or

(c) the patient's home, where the patient is unable to leave it unaccompanied because of physical or mental illness or disability,

which a contractor has made arrangements with the Board to provide in its area;"; and

""ophthalmic list" means the list prepared by the Agency under regulation 8 of the Ophthalmic Regulations;".

Amendment of regulation 8 of the Ophthalmic Regulations

3.—(1) Regulation 8 of the Ophthalmic Regulations (ophthalmic list)(**6**) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (3) –

(a) for sub-paragraph (b) there shall be substituted –

"(b) except in the case of a mobile practice, the addresses of any places in the Board's area at which they have undertaken to provide general ophthalmic services, other than mobile services;";

(b) in sub-paragraph (c) from ", or in the case of" to the end shall be deleted;

(c) in sub-paragraph (d) –

(i) after "or employee", there shall be inserted "in assisting", and

(ii) at the end, there shall be added "or in the provision of mobile services"; and

(d) at the end, there shall be added sub-paragraph (e) –

"(e) if the contractor has made arrangements with the Board to provide mobile services –

(i) that fact,

(ii) the addresses of any day or residential centres visited regularly, with particulars of the months in which visits are planned to take place and the planned interval between such visits, and

(iii) if that contractor is a mobile practice, that fact and the addresses to which correspondence in connection with such provision may be sent.".

Amendment of regulation 9 of the Ophthalmic Regulations

4.—(1) Regulation 9 of the Ophthalmic Regulations (application for inclusion in ophthalmic list)(**7**) shall be amended in accordance with the following provision of this regulation.

(**5**) Section 7 was amended by S.I. 2005/848
(**6**) Relevant amendments are in S.R. 2001 No. 370
(**7**) Relevant amendments are in S.R. 1996 No. 135

(2) In paragraph (1)(a), after "terms of service" there shall be inserted –

"and if wishing to provide mobile services, a statement to that effect, with an undertaking to provide mobile services and to comply with the terms of service relevant to the provision of mobile services".

Amendment of regulation 12 of the Ophthalmic Regulations

5.—(1) Regulation 12 of the Ophthalmic Regulations (The Statement) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) –

(a) after "as to" insert –

"(a)";
and

(b) at the end add –

"and

the allowances to be paid in respect of continuing education and training by ophthalmic medical practitioners and opticians.".

Amendment of Schedule 1 to the Ophthalmic Regulations

6.—(1) Schedule 1 to the Ophthalmic Regulations (terms of service)(**8**) shall be amended in accordance with the following provisions of this regulation.

(2) For paragraphs 3 (premises at which general ophthalmic services are to be provided) and 3A (visits) there shall be substituted –

"**Premises at which general ophthalmic services are to be provided**

3. Subject to paragraph 3A, a contractor shall provide general ophthalmic services only at an address which is included in relation to him in the ophthalmic list.

Provision of mobile services

3A.—(1) A contractor, who has made arrangements with the Board to provide mobile services, may provide them only in accordance with sub-paragraph (2), after giving notice in accordance with sub-paragraph (3).

(2) The contractor may only provide mobile services if –

(a) the patient has requested the contractor to provide those services to him, or, where the patient is incapable of making such a request, a relative of his, a carer of that patient or a duly authorised person has made such a request; and

(b) subject to sub-paragraphs (5), (6) and (7), he has notified the Board in accordance with sub-paragraphs (3) and, if applicable, (4) and the Board has not informed the contractor that it is not content with those changes.

(3) The contractor shall give notice to the Board of his intention to provide mobile services –

(a) where they are to be provided to three or more persons at a day centre or residential centre, at least three weeks in advance; or

(**8**) Relevant amending regulations are S.R. 1988 No. 110, S.R. 1989 Nos. 113 and 269, S.R. 1990 No. 191, S.R. 1996 No. 135, S.R. 2000 No. 51, S.R. 2001 No. 370, S.R. 2003 No. 74 and S.R. 2004 Nos. 92 and 156