STATUTORY RULES OF NORTHERN IRELAND

2001 No. 370

HEALTH AND PERSONAL SOCIAL SERVICES

Optical Charges and Payments and General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 2001

Made - - - -	*12th October 2001*
Coming into operation	*12th November 2001*

The Department of Health, Social Services and Public Safety(**1**), in exercise of the powers conferred on it by Articles 62, 98, 106, and 107(6) of, and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**2**) and of all other powers enabling it in that behalf, with the approval of 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 Optical Charges and Payments and General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 12th November 2001.

(2) In these Regulations—

(a) "the 1997 Regulations" means the Health and Personal Social Services (Optical Charges and Payments) Regulations (Northern Ireland) 1997(**3**);

(b) "the 1986 Regulations" means the General Ophthalmic Services Regulations (Northern Ireland) 1986(**4**).

(**1**) Department's (Northern Ireland) Order 1999 (S.I.1999/283 (N.I. 1)) — *see* Article 3(6)

(**2**) S.I. 1972/1265 (N.I. 14) as amended by Article 3(2) of, and paragraph 3 of Schedule 1 to, the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)); paragraphs 4 and 5 of Article 8 of the Health and Medicines (Northern Ireland) Order 1988 (S.I. 1988/2249 (N.I. 24)); Article 34 of, and Part II of Schedule 5 to, the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)); there are other amendments which are not relevant

(**3**) S.R. 1997 No. 191, relevant amending Regulations are S.R. 1999 No. 111, S.R. 2000 Nos. 51 and 341, and S.R. 2001 No. 133

(**4**) S.R. 1986 No. 163 as amended by S.R. 1988 No. 110, S.R. 1989 No. 113, S.R. 1990 No. 191, S.R. 1996 No. 135, S.R. 1999 No. 394, and S.R. 2000 No. 51

Amendment of the 1997 Regulations

2. In Regulation 1(2) of the 1997 Regulations (interpretation), in the definition of "health service sight test fee", for the amount of "£42·79" substitute "£42·85" and for the amount "£15·46" substitute "£15·52".

3.—(1) Regulation 12 of the 1997 Regulations (use of vouchers for supply of optical appliances) shall be amended in accordance with the following provisions.

(2) In paragraph (1) for "paragraphs (4) and (5)" substitute "paragraphs (4), (5) and (6),".

(3) After paragraph (5) add—

"(6) When the patient presents the voucher—

(a) the supplier shall ask him to produce satisfactory evidence that he is an eligible person, unless the supplier, in cases other than where the patient is an eligible person by virtue of regulation 8(2)(*c*) or (*d*), already has satisfactory evidence of entitlement available to him; and

(b) if the patient is requested to produce satisfactory evidence, but does not do so, the supplier shall record the fact on the voucher.".

4. At the end of regulation 13 of the 1997 Regulations (payments to suppliers), add—

"(3) The Agency shall also make a payment, to be determined by the Department, to the supplier to meet or contribute to the cost incurred by the supplier in complying with regulation 12(6).".

5. In Regulation 16 of the 1997 Regulations (completion of vouchers), for paragraphs (2) and (3) substitute—

"(2) In the case of a replacement, the supplier shall—

(a) ask the patient to produce satisfactory evidence of entitlement, unless the supplier, in cases other than where the patient is an eligible person by virtue of regulation 8(2)(*c*) or (*d*), already has satisfactory evidence of entitlement available to him;

(b) mark on the voucher the letter code specified in column 2 of Schedule 1, which relates to the type of optical appliance to be replaced, as set out in column 1 of that Schedule;

(c) duly complete the relevant parts of the voucher with—

(i) the name and address of the patient,

(ii) the patient's date of birth;

(d) if the patient has been asked for, but not shown satisfactory evidence of entitlement, record the fact on the voucher.

(3) In the case of a repair, the supplier shall—

(a) ask the patient to produce satisfactory evidence of entitlement, unless the supplier, in cases other than where the patient is an eligible person by virtue of regulation 8(2)(*c*) or (*d*), already has satisfactory evidence of entitlement available to him;

(b) mark on the voucher the letter code specified in column 2 of Schedule 1 which relates to the type of optical appliance to be replaced as set out in column 1 of that Schedule;

(c) indicate on the voucher the nature of the repair of the appliance to be undertaken and, in particular, whether it comprises—

(i) the replacement or repair of one or more lenses included in the appliance and, if so, how many,

(ii) the repair of a frame and, if so, whether it is the whole frame, the front of a frame or one or both sides of a frame,

(d) duly complete the relevant parts of the voucher with—

(i) the name and address of the patient,

(ii) the patients' date of birth; and

(e) if the patient has been asked for, but not shown satisfactory evidence of entitlement, record the fact on the voucher.".

6. At the end of regulation 18 of the 1997 Regulations (payments to suppliers for replacement or repair), add—

"(3) The Agency shall also make a payment, to be determined by the Department, to the supplier to meet or contribute to the cost incurred by the supplier in order to comply with regulation 16(2) or (3)".

Amendment of 1986 Regulations

7. In regulation 2 of the 1986 Regulations (interpretation), the following shall be inserted in the appropriate alphabetical order—

""day centre" means an establishment in the area of a Board attended by patients who would have difficulty in obtaining such services from practice premises because of physical or mental illness or disability or because of difficulties in communicating their health needs unaided;"

""mobile practice" means a contractor who does not have practice premises in a Board's area, but who has undertaken to provide general ophthalmic services at day or residential centres in that area;"

""residential centre" means an establishment in the area of a Board for patients who normally reside in that establishment and who are unable to leave the establishment unaccompanied because of physical or mental illness or disability".

8.—(1) Regulation 8 of the 1986 Regulations (ophthalmic list) shall be amended in accordance with the following provisions.

(2) In paragraph (3)(*b*) after "provide general ophthalmic services" add ", or in the case of a mobile practice, the address to which correspondence in connection with such provision may be sent, and the address of any day or residential centres visited regularly;".

(3) In paragraph (3)(*c*) after "at those addresses" add ", or in the case of day or residential centres, the months in which visits are intended to take place and the planned interval between such visits".

9. Regulation 15A (sight tests — applications) shall be amended in accordance with the following provisions.

(2) For paragraph (4)(*a*) substitute—

"(4) Subject to paragraph (5)—

(i) satisfy himself that the person is an eligible person by asking for satisfactory evidence of entitlement, unless the contractor, in cases other than where the patient is a person specified in regulation 15(1)(*c*), already has satisfactory evidence of it available to him; and