

2014 No. 2

HEALTH AND PERSONAL SOCIAL SERVICES

**The General Ophthalmic Services (Amendment) Regulations
(Northern Ireland) 2014**

Made - - - - - *8th January 2014*

Coming into operation - *3rd February 2014*

The Department of Health, Social Services and Public Safety^(a) makes the following Regulations in exercise of the powers conferred by Articles 62, 95 and 106 of the Health and Personal Social Services (Northern Ireland) Order 1972^(b), and in conjunction with the Department of Finance and Personnel^(c).

In accordance with Article 62(3) of that Order it has consulted with such organisations as appear to the Department to be representative of medical practitioners practising as ophthalmic medical practitioners and ophthalmic opticians.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 2014 and shall come into operation on 3rd February 2014.

(2) In these Regulations “the principal Regulations” means the General Ophthalmic Services Regulations (Northern Ireland) 2007^(d).

Amendment of regulation 2 of the principal Regulations

2.—(1) Regulation 2 of the principal Regulations shall be amended in accordance with the following provisions.

(2) For the definition of “Board” substitute —

““Board” means the Regional Board;”.

(3) For the definition of “mobile services” substitute—

““mobile services” means general ophthalmic services provided at—

- (a) a day care setting;
- (b) a nursing home;
- (c) a residential care home; or
- (d) the patient’s home, where the patient is unable to leave it unaccompanied because of physical or mental illness or disability,

(a) See S.I. 1999/238 (N.I. 1) Article 3(6)

(b) S.I. 1972/1265

(c) Formerly Department of Finance: See S.I. 1982/338 (N.I. 6) Art.3

(d) S.R. 2007 No. 436; relevant amending Regulations are S.R. 2009 Nos. 16 and 152.

which a contractor has made arrangements with the Board to provide;”.

(4) At the appropriate places insert the following definitions—

““the 2003 Order” means the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (a);”;

““day care setting” has the same meaning as in Article 2 of the 2003 Order;”;

““medical card” means a card issued to a person by the RBSO in a form approved by the Department for the purpose of enabling that person to obtain or establish a title to receive primary medical services, including maternity medical services, general dental services or general ophthalmic services;”;

““nursing home” has the same meaning as in Article 2 of the 2003 Order;”;

““residential care home” has the same meaning as in Article 2 of the 2003 Order;”.

Amendment of regulation 17 of the principal Regulations

3. For regulation 17(4)(b) of the principal Regulations substitute—

“(b) ensure that particulars of the patient, including the patient’s name and address, sex, date of birth and Health and Care number as shown on the patient’s medical card, and the approximate date of the last testing, if any, of the patient’s sight are inserted in a sight test form by the patient or on his behalf; and”.

Amendment of Schedule 1 to the principal Regulations

4.—(1) Paragraph 4 of Schedule 1 to the principal Regulations shall be amended in accordance with the following provisions.

(2) For sub-paragraph (3) substitute—

“(3) The contractor shall notify the Board of his intention to provide mobile services at a location at least 48 hours (except that no part of a Saturday, Sunday or public holiday shall count towards that period) in advance of the date on which the contractor intends to provide the mobile services, identifying the persons to whom the services are to be provided by specifying—

(a) each patient’s name and address, sex, date of birth and Health and Care number as shown on the patient’s medical card; and

(b) the date and approximate time the contractor will provide them.”.

(3) For sub-paragraph (8) substitute—

“(8) The contractor shall be permitted to provide emergency mobile services without due notification to the Board in accordance with sub-paragraph (3), provided that the contractor notifies the Board of the location at which the emergency mobile services were provided as soon as possible, specifying—

(a) the patient’s name and address, sex, date of birth and Health and Care number as shown on the patient’s medical card;

(b) the date and approximate time the services were provided; and

(c) the reasons for the provision of the services.”.

(4) After sub-paragraph (8) insert—

“(9) The contractor shall not—

(a) offer any inducement (except any discount or special offer available to patients) to use the mobile services provided by the contractor and in particular no such inducement shall be offered by the contractor, directly or indirectly, to the proprietor, manager or staff of a nursing home, residential care home or day care

setting to secure that the contractor is asked or permitted to provide mobile services at that establishment; or

- (b) seek to mislead any person about the availability, quality and extent of the mobile services provided.”.

5. In paragraph 14 of Schedule 1 to the principal Regulations omit sub-paragraph (3).

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 8th January 2014



Heather Stevens

A senior officer of the Department of Health, Social Services and Public Safety

Sealed with the Official Seal of the Department of Finance and Personnel on 8 January 2014



John McKibbin

A senior officer of the Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the General Ophthalmic Services Regulations (Northern Ireland) 2007 (the principal Regulations) to update provision in relation to mobile services.

They clarify to whom mobile services may be provided and the information that contractors must provide to the Regional Health and Social Care Board prior to providing mobile services.

The Regulations introduce a new provision which forbids the offer of any inducements by contractors in order to secure the provision of mobile services.

In addition, these Regulations omit paragraph 14(3) of Schedule 1 to the principal Regulations, so that where a contractor tests the sight of a patient with diabetes or glaucoma there is no longer a requirement to notify the patient's doctor of the test results.