

1973. No. 417

[C]

HEALTH AND PERSONAL SOCIAL SERVICES**General Ophthalmic Services**

REGULATIONS, DATED 27TH SEPTEMBER 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE HEALTH AND PERSONAL SOCIAL SERVICES (NORTHERN IRELAND) ORDER 1972.

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The Ministry of Health and Social Services (hereinafter referred to as "the Ministry") on behalf of the Secretary of State, and in exercise of the powers conferred on it by Articles 62, 95, 98, 106 and 107 of and paragraph 7(5) of Schedule 3 and Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(a) and of all other powers enabling it in that behalf and in conjunction with the Ministry of Finance hereby makes the following regulations.

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

Interpretation

2. In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them—

“the Agency” means the Northern Ireland Central Services Agency for the Health and Social Services established under Article 26 of the Order;

“Board” means a Health and Social Services Board established under Article 16 of the Order for any area;

“Committee” means the Ophthalmic Committee, constituted under regulation 3;

“dispensing optician” means a person or body corporate qualified as a dispensing optician in accordance with regulation 12;

“Education and Library Board” means an Education and Library Board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1972(b);

“Form OC2” is the form approved by the Ministry and available from the Agency for use by ophthalmic medical practitioners and opticians in connection with the testing of sight and supply of glasses;

“Form OC2A” is the form approved by the Ministry and available from the Agency for use by ophthalmic medical practitioners and opticians in connection with the replacement or repair of glasses;

“full-time school education” means full-time instruction in a school within the meaning of the Education and Libraries (Northern Ireland) Order 1972 or in a corresponding establishment elsewhere;

“glasses” includes any optical appliance which may be supplied under Article 62 of the Order;

“glasses of a special type” means glasses of a more expensive type than standard glasses.

“Local Ophthalmic Medical Committee” and “Local Ophthalmic Optical Committee” mean the committees recognised by the Ministry under Article 55 of the Order as representative of ophthalmic medical practitioners and ophthalmic and dispensing opticians, respectively;

“medical card” means a card issued to a person, in a form approved by the Ministry, for the purpose of enabling that person to obtain or establish a title to receive general medical services, including maternity medical services, general dental services or general ophthalmic services and shall include any card provided for a like purpose under the National Health Insurance (Medical Benefit) Regulations (Northern Ireland), 1938(c);

“Minister” means the Minister of Health and Social Services;

(b) S.I. 1972, No. 1263 (N.I. 12).

(c) S.R. & O. (N.I.) 1938, No. 141.

"ophthalmic medical practitioner" means a medical practitioner having the qualifications prescribed by regulation 10;

"ophthalmic optician" means a person or body corporate qualified as an ophthalmic optician in accordance with regulation 11;

"optician" means either an ophthalmic optician or a dispensing optician as the context may require;

"Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;

"replacement" means the supply of glasses in place of glasses previously supplied under these regulations which have been lost, damaged or destroyed and which contained lenses conforming to the same prescription;

"standard glasses" means glasses specified as such in the statement referred to in regulation 5;

"supply" in relation to glasses includes replacement;

"the relevant time" means the time of the testing of sight leading to the supply of glasses, or the first such testing of sight;

"the Tribunal" means the Tribunal constituted under Schedule 11 to the Order.

PART II

OPHTHALMIC COMMITTEE

Constitution of Ophthalmic Committee

3. The provisions set out in Schedule 2 shall apply to the Committee which shall be constituted by the Agency for the purpose of carrying out the duties assigned to it by these regulations.

Delegation of duties

4. The Committee may delegate to an officer or officers of the Agency such of its duties with respect to the approval of forms for general ophthalmic services as it thinks fit.

PART III

GENERAL ARRANGEMENTS FOR THE PROVISION OF GENERAL OPHTHALMIC SERVICES

Preparation of statement determining fees etc

5.—(1) The Ministry shall, after consultation with such organisations as the Minister may recognise as representative of medical practitioners practising as ophthalmic medical practitioners, ophthalmic and dispensing opticians, cause to be prepared a statement which shall specify:—

(a) the fees payable by the Agency for the testing of sight by ophthalmic medical practitioners and ophthalmic opticians and for the dispensing of glasses by ophthalmic and dispensing opticians;

(b) the types and quality of glasses which may be supplied;

(c) the charges to be paid by the Agency in respect of the supply or repair of glasses;

(d) the charges to be paid by a person to whom or for whom an ophthalmic or dispensing optician supplies or repairs glasses.

(2) All payments which are due to be made by the Agency under arrangements made under Article 62 of the Order shall be approved by the Committee and be made by the Agency normally within one calendar month of the end of the month in which the claim for payment has been lodged with the Committee.

(3) The said statement may be amended from time to time by the Ministry after consultation with such organisations as aforesaid.

Terms of service for ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians

6. The arrangements which a Board is required by Article 62 of the Order to make with ophthalmic medical practitioners and ophthalmic and dispensing opticians for the provision of general ophthalmic services shall incorporate the terms of service contained in Parts I, II and III respectively of Schedule 1 and the statement referred to in regulation 5.

Ophthalmic list

7.—(1) The Agency shall from information obtained from the Boards prepare a list, to be called "the ophthalmic list", of ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians who, having made the appropriate applications, are entitled to be included in the list.

(2) The ophthalmic list shall contain, in addition to the names of ophthalmic medical practitioners and ophthalmic and dispensing opticians:—

- (a) the address and telephone number of any place at which they undertake to attend for the purpose of the testing of sight or the supply of glasses;
- (b) particulars of the days and hours at which the service will normally be provided.

(3) An ophthalmic medical practitioner, ophthalmic optician, or dispensing optician on the ophthalmic list shall within 14 days notify the Board of any change or addition affecting the entries which the ophthalmic list is required to contain in relation to him.

(4) The Agency shall send a copy of the ophthalmic list to the Ministry, each Board, the Local Ophthalmic Medical Committee and the Local Ophthalmic Optical Committee and shall within 14 days inform each of them of any alteration which may from time to time be made therein.

(5) Copies of the ophthalmic list shall be made available for inspection at the offices of each Board, at the office of the Agency and at such other places as appear to the Agency to be convenient for informing all persons interested.

Applications for inclusion in the ophthalmic list

8.—(1) Any ophthalmic medical practitioner who wishes to have his name included in the ophthalmic list shall apply on a form approved by the Ministry and available from the Board. Application shall be made to the Board in whose area his premises are situated.

(2) Any ophthalmic optician or dispensing optician who wishes to have his name included in the ophthalmic list shall apply on a form approved by the Ministry and available from the Board. Application shall be made to the Board in whose area his premises are situated.