

POLICY NOTE

THE NATIONAL HEALTH SERVICE (OPTICAL CHARGES AND PAYMENTS) (SCOTLAND) AMENDMENT REGULATIONS 2019

SSI 2019/50

The above instrument was made in exercise of the powers conferred by sections 70(1) and 105(7) and paragraphs 2 and 2A of schedule 11 of the National Health Service (Scotland) Act 1978. The instrument is subject to negative procedure.

This instrument amends The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998, SI 1998/642, to require suppliers of optical appliances (those who supply new optical appliances as well as those who carry out repairs or supply replacements) to electronically submit optical voucher payment claims to NHS National Services Scotland on and after 1 April 2019. Paper form claims will cease from that date unless the payment claim relates to an optical voucher issued by a Health Board.

Policy Objectives

Mandatory electronic submission of optical voucher payment claims

In 2011, the Scottish Government set out the objectives of the Eyecare Integration Programme¹, a national programme to deliver electronic payments and electronic referrals for the community eyecare services workforce (“the Programme”).

As part of progressing the work of the Programme, The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2018, SSI 2018/212, amend The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006, SSI 2006/135, to require the electronic submission of payment claims for NHS funded eye examinations to NHS National Services Scotland (“NSS”). These amendments come into force on 1 April 2019 meaning that payment claims for NHS funded eye examinations on and after this date will be required to be submitted electronically.

In continuing to progress the work of the Programme, this instrument makes amendments to The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998 (“the 1998 Regulations”), requiring suppliers of optical appliances (those who supply new optical appliances as well as those who carry out repairs or supply replacements) to electronically submit optical voucher payment claims to NSS on and after 1 April 2019. Paper form claims will cease from that date unless the payment claim relates to an optical voucher issued by a Health Board.

This instrument allows payment claims in respect of optical vouchers issued by Health Boards to be submitted electronically or to NSS by post. In practice, all payment claims in respect of optical vouchers issued by Health Boards are currently submitted by post. NSS is in the process of developing a system to enable the electronic submission of payment claims for these types of optical vouchers. Therefore, the 1998 Regulations will already provide for the electronic submission of payment claims for optical vouchers issued by Health Boards when the new electronic system is put in place.

¹ [https://www.sehd.scot.nhs.uk/pca/PCA2011\(O\)02.pdf](https://www.sehd.scot.nhs.uk/pca/PCA2011(O)02.pdf)

Written records of the replacement or repair of an optical appliance

This instrument amends the conditions which a supplier is required to fulfil before a payment is made in respect of an optical voucher for replacement or repair of an optical appliance. When a supplier makes a written record of the replacement or repair of an optical appliance, they are now required to include specific details of the replacement or repair carried out. This is to ensure that the supplier has recorded sufficient information in relation to the repair or replacement to facilitate post-payment verification checks and to allow decisions to be made in relation to a patient's eligibility for an optical voucher for the replacement or repair of an optical appliance under regulations 15(1)(b) and 16(6) of the 1998 Regulations.

In addition, this instrument includes a saving provision. Where a replacement or repair of an optical appliance is carried out before 1 April 2019 and a supplier makes a written record of that replacement or repair before that date, the record making requirements in the 1998 Regulations will continue to apply to that written record as they applied immediately before 1 April 2019.

Minor consequential amendments

This instrument also makes minor consequential amendments to the 1998 Regulations, mainly regarding adding cross-references to new provisions contained in this instrument and removing references to provisions revoked in a previous instrument (regulations 5 and 6 of the 1998 Regulations were revoked by The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2006, SSI 2006/138).

Consultation

Optometry Scotland and NHS Boards have been consulted. They are in support of the policy objectives and their views have been factored into the preparation of this instrument.

The community eyecare services workforce and NHS Boards were originally informed in December 2017² about the Scottish Government's intention to lay legislation before the Scottish Parliament to deliver these policy objectives from 1 April 2019. This message has been re-communicated several times since, most recently in a series of 'roadshow' events across Scotland which took place in October and November 2018. No major objections to the policy have been received.

Impact Assessments

No impact assessments have been completed. There are no Equality, Privacy, Children's Rights and Wellbeing or Strategic Environmental impact issues arising from this instrument.

Financial Effects

The Cabinet Secretary for Health and Sport confirms that no Business and Regulatory Impact Assessment is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Population Health
Primary Care Division

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² [https://www.sehd.scot.nhs.uk/pca/PCA2017\(O\)02memorandum.pdf](https://www.sehd.scot.nhs.uk/pca/PCA2017(O)02memorandum.pdf)