

OFFERYNNAU STATUDOL CYMRU

2001 Rhif 1423 (Cy.98)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) a (Gwasanaethau Offthalmig Cyffredinol) (Diwygio) (Rhif 2) (Cymru) 2001

Wedi'u gwneud - - 5 Ebrill 2001

Yn dod i rym - - 1 Mai 2001

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 38, 39, 78, 126(4) a 127 o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(1) a pharagraffau 2 a 2A o Atodlen 12 iddi, drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn, dehongli a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) a (Gwasanaethau Offthalmig Cyffredinol) (Diwygio) (Rhif 2) (Cymru) 2001, a deuant i rym ar 1 Mai 2001.

(2) Yn y Rheoliadau hyn, oni bai bod y cyd-destun yn mynnu fel arall—

ystyr “Rheoliadau 1997” (“*the 1997 Regulations*”) yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) 1997(2);

- (1) 1977 p.49; gweler adran 128(1) fel y'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) (“Deddf 1990”), adran 26(2)(g) ac (i) i gael y diffiniadau o “prescribed” a “regulations”.
Diwygiwyd adran 38 gan Ddeddf Gwasanaethau Iechyd 1980 (p.53) (“Deddf 1980”), adran 1 ac Atodlen 1, paragraff 51; gan Ddeddf Iechyd a Nawdd Cymdeithasol 1984 (p.48) (“Deddf 1984”), adran 1(3); gan O.S.1985/39, erthygl 7(11); gan Ddeddf Iechyd a Meddyginiaethau 1988 (p.49) (“Deddf 1988”), adran 13(1); a chan Ddeddf Awdurdodau Iechyd 1995 (p.17) (“Deddf 1995”), Atodlen 1, paragraff 27.
Estynnwyd adran 39 gan Ddeddf 1988, adran 17; a'i diwygio gan Ddeddf 1980, adran 1 ac Atodlen 1, Rhan I, paragraff 52; gan Ddeddf 1984, adran 1(4) ac Atodlen 1, paragraff 1 ac Atodlen 8; gan O.S.1985/39, erthygl 7(12); a chan Ddeddf 1995, Atodlen 1, paragraff 28.
Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2) a chan Ddeddf Iechyd 1999 (p.8) (“Deddf 1999”), Atodlen 4, paragraff 37(6).
Amnewidiwyd paragraff 2(1) o Atodlen 12 gan Ddeddf 1988, Atodlen 2, paragraff 8(1);
Mewnosodwyd paragraff 2A o Atodlen 12 gan Ddeddf 1984, Atodlen 1, Rhan 1, paragraff 3 a'i ddiwygio gan Ddeddf 1988, adran 13(2) a (3).
Cafodd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 38, 39, 78, 126(4) a 127 o Ddeddf y Gwasanaeth Iechyd Gwladol 1977, a pharagraffau 2 a 2A o Atodlen 12 iddi, eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S.1999/672, erthygl 2 ac Atodlen 1, fel y'i diwygiwyd gan adran 66(5) o Ddeddf 1999.
- (2) O.S.1997/818; yr offerynnau diwygio perthnasol yw O.S.1997/2488, 1998/499, 1999/609, 2000/978 a 2000/3119.

ystyr “Rheoliadau 1986” (“*the 1986 Regulations*”) yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) (Cymru) 1986(3).

(3) Bydd y Rheoliadau hyn yn gymwys i Gymru yn unig.

Diwygio Rheoliadau 1997

2. Yn rheoliad 1(2) o Reoliadau 1997 (dehongli), yn y diffiniad o “NHS sight test fee”, yn lle'r swm “£42.79” rhwch “£42.85” ac yn lle'r swm “£15.46” rhwch “£15.52”.

3.—(1) Caiff rheoliad 12 o Reoliadau 1997 (defnyddio talebau ar gyfer cyflenwi cyfarpar optegol) ei ddiwygio yn unol â'r darpariaethau canlynol.

(2) Ym mharagraff (1) yn lle “paragraphs (4) and (5)”, rhwch “paragraphs (4), (5) and (6)”.

(3) Ar ôl paragraff (5) ychwanegwch—

“(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 of entitlement, but does not do so, the supplier shall record the fact on the voucher.”.

4. Ar ddiwedd rheoliad 13 o Reoliadau 1997 (taliadau i gyflenwyr), ychwanegwch—

“(3) The responsible authority shall also make a payment, the amount of which shall be determined by the National Assembly for Wales, to the supplier to meet or contribute to the cost incurred by the supplier in complying with regulation 12(6).”.

5. Yn rheoliad 16 o Reoliadau 1997 (cwbllhau talebau), yn lle paragraffau (2) a (3) rhwch—

“(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 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;

(3) O.S.1986/975; yr offerynnau diwygio perthnasol yw O.S. 1988/486, 1989/395, 1989/1175, 1990/1051, 1991/583, 1992/404, 1995/558, 1996/705, 1996/2320, 1999/693 a 1999/2481.

- (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 to 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 patient's 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. Ar ddiwedd rheoliad 18 o Reoliadau 1997 (taliadau i gyflenwyr am amnewid a thrwsio), ychwanegwch—

“(3) The responsible authority shall also make a payment, the amount of which shall be determined by the National Assembly for Wales, to the supplier to meet or contribute to the cost incurred by the supplier in order to comply with regulation 16(2) or (3).”.

Diwygio Rheoliadau 1986

7. Yn rheoliad 2 o Reoliadau 1986 (dehongli), caiff y canlynol ei fewnosod yn y lle priodol yn nhrefn yr wyddor—

““day centre” means an establishment attended by patients who would have difficulty in obtaining general ophthalmic 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 locality, but who has undertaken to provide general ophthalmic services at day or residential centres in that locality;

“residential centre” means an establishment 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) Caiff rheoliad 6 o Reoliadau 1986 (rhestr offthalmig) ei ddiwygio yn unol â'r darpariaethau canlynol.

(2) Ym mharagraff (3)(b) ar ôl “provide general ophthalmic services” ychwanegwch “, or in the case of a mobile practice, the address to which correspondence in connection with such provision may be sent, and the addresses of any day or residential centres they intend to visit more than once;”.

(3) Ym mharagraff (3)(c) ar ôl “at those addresses” ychwanegwch “, or in the case of day or residential centres, the months in which such visits are intended to take place and the planned interval between such visits;”.

9.—(1) Caiff rheoliad 13A (profion golwg - ceisiadau), ei ddiwygio yn unol â'r darpariaethau canlynol.

(2) Yn lle paragraff 4(a) rhowch—

- (a) “(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 13(1)(c), already has satisfactory evidence of it available to him; and
- (ii) where the patient has been asked for, but not produced, satisfactory evidence that he is an eligible person, then the contractor shall record the fact on the patient's sight test form;".

(3) Ar ôl paragraff (5) ychwanegwch y paragraffau canlynol—

“(6) Where the contractor has provided the sight test at the place where the patient normally resides, he shall record on the sight test form the reason given by the patient, or on the patient's behalf, for not being able to leave home unaccompanied..

(7) The contractor may appoint a member of his staff to carry out the requirements of paragraph (4)(a)(i) and (ii) on his behalf, and he shall ensure the member of staff so appointed is given instruction to enable that person to fulfil the requirements on his behalf.”.

10. Yn lle rheoliad 16 (cyflwyno dogfennau i contractwyr) rhwch—

“Service of documents on contractors

16 Subject to regulation 9(6), any document which is required or authorised under these regulations (including the terms of service) to be given to a contractor may be given by delivering it to him or by sending it addressed to him at any address notified by him to the Health Authority for inclusion in the ophthalmic list as a place at which he has undertaken to provide general ophthalmic services, or in the case of a mobile practice, the address notified to the Health Authority as the address to which correspondence may be sent.”.

11.—(1) Caiff Atodlen 1 (telerau gwasanaeth) ei diwygio yn unol â'r darpariaethau canlynol.

(2) Ym mharagraff 2 (ymgorffori darpariaethau)—

(a) yn lle is-baragraff (b)(iii) rhwch—

“(iii) the investigation of excessive issuing of optical vouchers following a sight test;”;

(b) yn lle is-baragraff (c) rhwch—

“(c) regulation 9 of the National Health Service (Optical Charges and Payments) Regulations 1997; **(4)**

(3) Ym mharagraff 3 (safleoedd lle mae gwasanaethau offthalmig cyffredinol i gael eu darparu) yn lle is-baragraff (2) rhwch—

“(2) Where requested to do so by or on behalf of a patient, who is—

(a) unable to leave home unaccompanied because of physical or mental illness or disability, a contractor may agree to provide general ophthalmic services at the place at which the patient normally resides; or

(b) attending a day centre, a contractor may agree to provide general ophthalmic services at that day centre.”.

(4) ar ôl paragraff 3 mewnosodwch y paragraff canlynol—

“Visits by mobile practices

3A.—(1) The contractor shall give a Health Authority notice in accordance with sub-paragraph (2) of any visits, which he intends to make to provide general ophthalmic services to at least three persons at a day centre or residential centre in its locality.

(2) The contractor shall notify the Health Authority at least a month in advance of the beginning of the month in which he intends to visit any day centre or residential centre in its locality and the intervals at which he intends to make return visits.”.

(5) Ym mharagraff 4 (safleoedd ac offer)—

(a) yn is-baragraff (1) ar ôl “Subject to” mewnosodwch “sub-paragraph (1A) and”;

(b) ar ôl is-baragraff (1) mewnosodwch—

“(1A) In the case of a mobile practice, the contractor shall provide suitable equipment for the provision of the general ophthalmic services that he has undertaken to provide.”;

(c) yn is-baragraff (2) ar ôl “Subject to” mewnosodwch “sub-paragraph (2A) and”;

(ch) ar ôl paragraff (2) mewnosodwch—

“(2A) In the case of a mobile practice, the contractor, on receipt of a written request from a Health Authority or the National Assembly for Wales, shall arrange for an authorised officer of the Health Authority or of the National Assembly for Wales to be allowed to inspect at a reasonable time the facilities and equipment that he uses.”.

(6) Ym mharagraff 5 (hysbysiadau), yn lle “the National Health Service (Optical Charges and Payments) Regulations 1989” rhowch “the National Health Service (Optical Charges and Payments) Regulations 1997”.

(7) Yn lle paragraff (6) (cofnodion) rhowch—

“Records

6.—(1) A contractor shall keep a proper record in respect of each patient to whom he provides general ophthalmic services, giving appropriate details of sight testing.

(2) Subject to paragraph 8(5), a contractor shall retain all such records for a period of seven years, and shall during that period produce them when required to do so by a Health Authority or the National Assembly for Wales—

(a) to an officer authorised by a Health Authority or by the National Assembly for Wales; and

(b) within such period, not being less than 14 days, as the Health Authority or the National Assembly for Wales may specify.”.

(8) Ym mharagraff 10 (profi'r golwg), yn is-baragraff (2) yn lle “he shall so inform the patient’s doctor” rhowch “he shall, if appropriate, and with the consent of the patient, inform the patient’s doctor of his opinion.”.

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ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth
Cymru 1998(5)

5 Ebrill 2001

D. Elis Thomas
Llywydd y Cynulliad Cenedlaethol

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio ymhellach Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) 1997 ("Rheoliadau 1997") a Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) 1986 ("Rheoliadau 1986"). Mae Rheoliadau 1997 yn darparu ar gyfer cynllun taliadau i'w gwneud gan yr Awdurdodau Iechyd ac Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol drwy gyfrwng system dalebau mewn perthynas â chostau a dynnir gan gategoriâu penodol o bersonau mewn cysylltiad â phrofion golwg a chyflenwi, amnewid a thrwsio cyfarpar optegol. Mae Rheoliadau 1986 yn cynnwys darpariaeth ar gyfer trefniadau gwasanaethau offthalmig cyffredinol o dan y Gwasanaeth Iechyd Gwladol.

Mae Rheoliad 2 yn diwygio'r diffiniad o "NHS sight test fee" yn rheoliad 1(2) o Reoliadau 1997 er mwyn adlewyrchu gwerthoedd y ddwy lefel o ffioedd am brofion golwg y Gwasanaeth Iechyd Gwladol sy'n daladwy i ymarferwyr meddygol offthalmig ac optegwyr ar yr adeg y daw'r rheoliadau hyn i rym. Mae'r symiau hyn yn berthnasol ar gyfer penderfynu ar y cymhwyster i gael taleb tuag at gost prawf golwg a gwerth y daleb ar gyfer adbrynu.

Yn rheoliadau 3 a 5 gwneir diwygiadau i Reoliadau 1997 er mwyn ei gwneud yn ofynnol i'r cyflenwr ofyn i'r claf roi tystiolaeth ddigonol ei fod yn berson cymwys pan fydd yn cyflwyno taleb i gael cyfarpar optegol o dan y rheoliadau, oni bai bod gan y cyflenwr dystiolaeth foddhaol eisoes, mewn achosion heblaw achosion lle y mae'r claf yn gymwys yn rhinwedd ei ddiffyg adnoddau ariannol. Os nad yw'r claf yn gwneud hyn, rhaid i'r cyflenwr gofnodi'r ffaith honno ar y daleb.

Mae rheoliadau 4 a 6 yn diwygio Rheoliadau 1997 er mwyn darparu y gall taliadau, yn ôl cyfradd sydd i'w phenderfynu gan Gynulliad Cenedlaethol Cymru, gael eu rhoi i gyflenwyr am wneud y gwiriadau y darperir ar eu cyfer yn rheoliadau 3 a 5.

Gwneir nifer o ddiwygiadau i Reoliadau 1986. Mae rheoliad 7 yn diwygio rheoliad 2 o Reoliadau 1986 er mwyn mewnosod diffiniadau ychwanegol.

Mae rheoliad 8 yn gosod gofynion ychwanegol mewn perthynas â phractisau symudol sy'n gyfrifol am ddarparu gwasanaethau offthalmig cyffredinol.

Mae rheoliad 9 yn diwygio rheoliad 13A i ddarparu bod rhaid i contractiwr ofyn i'r claf roi tystiolaeth foddhaol o'r hawl bod y claf yn berson cymwys pan fydd yn gwneud cais am brawf golwg o dan y Rheoliadau, oni bai bod gan y contractiwr dystiolaeth foddhaol eisoes, mewn achosion heblaw achosion lle y mae'r claf yn gymwys yn rhinwedd ei ddiffyg adnoddau ariannol. Os nad yw'r claf yn gallu dangos tystiolaeth o'r fath, rhaid i'r contractiwr gofnodi'r ffaith honno ar ffurflen y prawf golwg. Hefyd, os yw'r contractiwr wedi cynnal y prawf yng nghartref y claf, rhaid i'r contractiwr gofnodi'r rheswm na allai'r claf ymadael â'i gartref ar ei ben ei hun ar ffurflen y prawf golwg.

Mae'r Rheoliadau hefyd yn diwygio rywfaint ar y telerau gwasanaeth a nodir yn Atodlen 1 i Reoliadau 1986.

Mae paragraff 3 o'r Atodlen yn cael ei ddiwygio i ganiatáu i contractwyr gytuno, o dan amgylchiadau penodedig, i ddarparu gwasanaethau offthalmig cyffredinol mewn canolfannau dydd neu mewn man lle y mae'r claf yn preswyl fel rheol. Gwneir darpariaeth mewn paragraff 3A newydd i'w gwneud yn ofynnol i bractisau symudol roi gwybod ymlaen llaw i Awdurdod Iechyd os ydynt yn bwriadu ymweld â chanolfannau dydd neu ganolfannau preswyl yn ardal yr Awdurdod Iechyd hwnnw.

Mae paragraff 4 yn cael ei ddiwygio i'w gwneud yn ofynnol i bractisau symudol ddarparu offer addas ar gyfer darparu gwasanaethau offthalmig cyffredinol ac i'r offer gael ei archwilio, ynghyd

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â'u cyfleusterau, gan berson a awdurdodir gan Gynulliad Cenedlaethol Cymru neu gan yr Awdurdod Iechyd.

Mae paragraff 6 yn cael ei ddiwygio i ddarparu bod rhaid i gofnodion gael eu cadw a'u cadw'n ddiogel, a bod rhaid eu dangos i gael eu harchwilio gan berson a awdurdodir gan Gynulliad Cenedlaethol Cymru neu gan yr Awdurdod Iechyd.

Mae paragraff 10 yn cael ei ddiwygio fel na all gwybodaeth gael ei rhoi i feddyg claf yn sgil prawf golwg oni bai ei bod yn briodol gwneud hynny, a hyn gyda chydsyniad y claf.