

## SCHEDULES

### SCHEDULE 3

#### Combined lists

### PART 2

#### Information and undertakings to be provided in applications

##### **Ophthalmic lists: information to be included in an application**

**3.** A qualified practitioner applying to be included in a Local Health Board's ophthalmic list must provide the following information—

- (a) the qualified practitioner's full name;
- (b) the qualified practitioner's professional registration number, with—
  - (i) suffixed to that number, the organisational code given by the Welsh Ministers to the Local Health Board, and
  - (ii) prefixed to that number, the initials OL;
- (c) in the case of an individual, where consent is given, that person's date of birth or where consent is not given or in the case of a corporate optician, the date of their first registration in the register;
- (d) details of the addresses of any places in the Local Health Board's locality at which the qualified practitioner undertakes to provide primary ophthalmic services;
- (e) the names of every other ophthalmic medical practitioner or optometrist who is regularly engaged as a deputy, director or employee in assisting in the provision of primary ophthalmic services at any of those addresses or in the provision of mobile services;
- (f) if the qualified practitioner wishes to provide mobile services, the addresses to which correspondence in connection with such provision may be sent;
- (g) particulars of the days on which and hours between which the qualified practitioner agrees to provide primary ophthalmic services;
- (h) company number, if appropriate;
- (i) the qualified practitioner's private address, or in the case of a corporate optician, the address of its registered office, and, in either case, a telephone number;
- (j) qualifications and where they were obtained;
- (k) chronological details of the qualified practitioner's professional experience (including starting and finishing dates of each appointment together with an explanation of any gaps between appointments), with any supporting particulars, and an explanation of why the qualified practitioner was dismissed from any post;
- (l) names and addresses of two referees who are willing to provide references in respect of two recent posts (which may include any current post) as a qualified practitioner, which

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- lasted for at least 3 months without a significant break, and where this is not possible, a full explanation and the names and addresses of alternative referees;
- (m) any information that the qualified practitioner has undertaken to provide under this Schedule;
  - (n) particulars of any outstanding or deferred application for inclusion in the ophthalmic list, or any other list of a Local Health Board or equivalent body, with the name of the Local Health Board or equivalent body in question;
  - (o) particulars of any Local Health Board or equivalent body in whose lists the qualified practitioner is included, or from which the qualified practitioner has been removed or contingently removed, or is suspended, or to which they have been refused admission or in which they have been conditionally included, with an explanation as to why;
  - (p) if the applicant is a director of a body corporate that is included in any list or equivalent list, or which has an outstanding application (including a deferred application) for inclusion in such a list, the name and address of the registered office of that body and details of the Local Health Board or equivalent body concerned;
  - (q) if the applicant is, or was in the preceding 6 months, or was at the time of the originating events, a director of a body corporate, details of any list or equivalent list to which that body has been refused admission, in which it has been conditionally included, from which it has been removed, contingently removed or from which it is currently suspended, with an explanation as to why and details of the Local Health Board or equivalent body concerned;
  - (r) all necessary authority to enable a request to be made by the Local Health Board to any employer (or former employer), licensing, regulatory or other body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse, by them into the qualified practitioner;
  - (s) any other information the Local Health Board may reasonably require.

#### **Ophthalmic lists: undertakings and consent**

4. A qualified practitioner applying to be included in a Local Health Board's ophthalmic list must provide the following undertakings and consent—

- (a) an undertaking to provide the information required by this Schedule and any further information requested by the Local Health Board;
- (b) an undertaking to notify the Local Health Board within 7 days of any material changes to the information provided in the application until the application is finally determined;
- (c) an undertaking to neither provide nor assist in the provision of primary ophthalmic services in the area of another Local Health Board or equivalent body from whose combined list or equivalent list the qualified practitioner has been removed, except where that removal was at the qualified practitioner's request or in accordance with regulation 17(3)(e), without the consent, in writing of that Local Health Board or equivalent body;
- (d) consent to the disclosure of information in accordance with these Regulations.

#### **Supplementary lists: information to be provided in an application**

5. A qualified practitioner applying to be included in a Local Health Board's supplementary list must provide the following information—

- (a) the qualified practitioner's full name;
- (b) the qualified practitioner's date of birth;
- (c) the qualified practitioner's private address and telephone number;

- (d) details of the qualified practitioner's qualifications and where they were obtained;
- (e) a declaration that the qualified practitioner is a fully registered ophthalmic medical practitioner or optometrist, or student optometrist, included in the register;
- (f) the qualified practitioner's professional registration number and their date of first registration in the register;
- (g) chronological details of the qualified practitioner's professional experience (including starting and finishing dates of each appointment together with an explanation of any gaps between appointments), with any supporting particulars, and an explanation of why the qualified practitioner was dismissed from any post;
- (h) except where the applicant is a student optometrist, names and addresses of two referees who are willing to provide references in respect of two recent posts (which may include any current post) as a qualified practitioner, which lasted for at least 3 months without a significant break, and where this is not possible, a full explanation and the names and addresses of alternative referees;
- (i) whether the qualified practitioner has any outstanding application, including a deferred application, to be included in a combined list or an equivalent list and, if so, particulars of that application;
- (j) details of any Local Health Board or equivalent list from which the qualified practitioner has been removed or contingently removed, or to which they have been refused admission or in which they have been conditionally included, with an explanation as to why;
- (k) if the qualified practitioner is the director of a body corporate that is included in any combined list or equivalent list, or which has an outstanding application (including a deferred application) for inclusion in such a list, the name and address of the registered office of that body and details of the Local Health Board or equivalent body concerned;
- (l) where the practitioner is or was, in the preceding six months or at the time of the originating events, a director of a body corporate, details of any combined list or equivalent list to which that body has been refused admission, in which it has been conditionally included, from which it has been removed, contingently removed or from which it is currently suspended, with an explanation as to why and details of the Local Health Board or equivalent body concerned;
- (m) any other information the Local Health Board may reasonably require.

### **Supplementary lists: undertakings and consents**

6. A qualified practitioner applying to be included in a Local Health Board's supplementary list must provide the following undertakings and consents—

- (a) an undertaking to provide the information and document, if applicable, required by regulation 16;
- (b) an undertaking not to assist in the provision of primary ophthalmic services in the area of another Local Health Board or equivalent body from whose combined list or equivalent list the qualified practitioner has been removed, except where that removal was at the qualified practitioner's request or in accordance with regulation 17(3)(e), without the consent in writing of that Local Health Board or equivalent body;
- (c) an undertaking to notify the Local Health Board within 7 days of any material changes to the information provided in the application until the application is finally determined;
- (d) an undertaking to notify the Local Health Board if the qualified practitioner is included, or applies to be included, in any other combined list or equivalent list held by a Local Health Board or equivalent body;

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- (e) consent to the disclosure of information in accordance with these Regulations;
- (f) consent a request being made by the Local Health Board to any employer (or former employer), licensing, regulatory or other body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse, by them into the qualified practitioner.

## **Declarations**

7.—(1) A qualified practitioner applying to be included in the Local Health Board’s combined list must declare whether the qualified practitioner—

- (a) has any criminal convictions in the United Kingdom;
- (b) has been bound over following a criminal conviction in the United Kingdom;
- (c) has accepted a police caution in the United Kingdom;
- (d) has accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995(1) (fixed penalty: conditional offer by procurator fiscal) or agreed to pay a penalty under section 115A of the Social Security Administration Act 1992(2) (penalty as alternative to prosecution);
- (e) has, in proceedings in Scotland for an offence, been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 (admonition and absolute discharge) discharging the practitioner absolutely;
- (f) has been convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales;
- (g) is charged in the United Kingdom with a criminal offence, or is charged elsewhere with an offence which, if committed in England and Wales, would constitute a criminal offence;
- (h) is currently the subject of any proceedings which might lead to such a conviction, which have not yet been notified to the Local Health Board;
- (i) has been subject to any investigation into the professional conduct of the qualified practitioner by any licensing, regulatory or other body anywhere in the world, where the outcome was adverse;
- (j) is currently subject to any investigation into the professional conduct of the qualified practitioner by any licensing, regulatory or other body anywhere in the world;
- (k) is, or has been where the outcome was adverse, the subject of any investigation into the professional conduct of the qualified practitioner in respect of any current or previous employment;
- (l) becomes to the qualified practitioner’s knowledge the subject of any investigation by the NHS Counter Fraud Authority in relation to fraud, or is notified of the outcome of such an investigation, where it is adverse;
- (m) is the subject of an investigation by another Local Health Board or equivalent body, which might lead to the qualified practitioner’s removal from a primary care list or equivalent list;
- (n) has been removed, contingently removed or suspended from, refused admission to or conditionally included in a primary care list or equivalent list, and if so, why and the name of that Local Health Board or equivalent body;
- (o) is, or has ever been, subject to a national disqualification.

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(1) 1995 c. 46.

(2) 1992 c. 5.

(2) A declaration under sub-paragraph (1) must give details, including approximate dates, of where the investigation or proceedings were or are to be brought, the nature of that investigation or those proceedings, and any outcome.

(3) If the qualified practitioner applying to be included in the Local Health Board's combined list is, has in the preceding 6 months been, or was at the time of the originating events, a director of a body corporate, the qualified practitioner must declare whether the body corporate—

- (a) has any criminal convictions in the United Kingdom;
- (b) has been convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales;
- (c) is currently the subject of any proceedings which might lead to such a conviction, which have not yet been notified to the Local Health Board;
- (d) is charged in the United Kingdom with a criminal offence, or is charged elsewhere with an offence which, if committed in England and Wales would constitute a criminal offence;
- (e) has been subject to any investigation into its provision of professional services by any licensing, regulatory or other body anywhere in the world, where the outcome was adverse;
- (f) is currently subject to any investigation into its provision of professional services by any licensing, regulatory or other body anywhere in the world;
- (g) becomes to the qualified practitioner's knowledge the subject of any investigation by the NHS Counter Fraud Authority in relation to fraud, or is notified of the outcome of such an investigation, where it is adverse;
- (h) is the subject of any investigation by another Local Health Board which might lead to its removal from a primary care list or equivalent list;
- (i) has been removed, contingently removed or suspended from, refused admission to or conditionally included in a primary care list or equivalent list, and if so, why and the name of that Local Health Board or equivalent body.

(4) A declaration under sub-paragraph (3) must give the name and address of the registered office of the body corporate and details of any investigation or proceedings which were or are to be brought, including the nature of the investigation or proceedings, where and approximately when that investigation or those proceedings took place or are to take place, and any outcome.

(5) Where the qualified practitioner applying to be included in a Local Health Board's ophthalmic list is a corporate optician, the qualified practitioner must declare whether any of its directors—

- (a) has any criminal convictions in the United Kingdom;
- (b) has been bound over following a criminal conviction in the United Kingdom;
- (c) has accepted a police caution in the United Kingdom;
- (d) has accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal) or agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution);
- (e) has, in proceedings in Scotland for an offence, been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 (admonition and absolute discharge) discharging that director absolutely;
- (f) has been convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales;
- (g) is currently the subject of any proceedings which might lead to such a conviction which have not yet been notified to the Local Health Board;

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- (h) is currently subject to any investigation into that director's professional conduct by any licensing, regulatory or other body;
  - (i) is to that director's knowledge the subject of any investigation by the NHS Counter Fraud Authority in relation to fraud, or is notified of the outcome of such an investigation, where it is adverse;
  - (j) is the subject of any investigation by another Local Health Board or equivalent body which might lead to that director's removal from a primary care list or equivalent list;
  - (k) has been removed, contingently removed or suspended from, refused admission to, or conditionally included in a primary care list or equivalent list, and if so, why and the name of that Local Health Board or equivalent body.
- (6) A declaration under sub-paragraph (5) must give details, including approximate dates, of where any investigation or proceedings were or are to be brought, the nature of that investigation or those proceedings, and any outcome.