

POLICY NOTE

THE NATIONAL HEALTH SERVICE (GENERAL OPHTHALMIC SERVICES) (SCOTLAND) AMENDMENT REGULATIONS 2018

SSI 2018/212

The above instrument was made in exercise of the powers conferred by sections 26, 28A(4), 105(7) and 106(a) of the National Health Service (Scotland) Act 1978. This instrument is subject to negative procedure.

Policy objectives

The instrument amends the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006 (“the 2006 Regulations”). In addition to minor amendments, this instrument makes the changes detailed below.

Emergency eye examinations

The Community Eyecare Services Review¹ (“the Review”) published in April 2017 showed that the number of people accessing free NHS funded eye examinations has increased significantly since the current General Ophthalmic Services (“GOS”) arrangements were introduced in 2006. The Review recommended that the Scottish Government consider with the optometry profession the changing role of community optometry in the early detection of eye disease and being the first port of call for unplanned and emergency eyecare, which is helping to reduce the burden on GPs and the hospital eye service.

Optometrists and ophthalmic medical practitioners (“OMPs”) already have a professional responsibility to ensure that anyone presenting to them with an emergency eye condition is appropriately managed, either by undertaking an emergency examination of the person themselves, or by directing the person to an appropriate healthcare professional.

This instrument amends the 2006 Regulations to reflect this current professional responsibility by inserting a new regulation 21B from 1 October 2018 which places a duty on all listed optometrists or OMPs, as a condition of providing GOS in Scotland, to either examine a person presenting with an emergency eye-related problem or, if for any reason they cannot examine the patient, to take, with the person’s agreement, all reasonable steps to make an arrangement with another listed optometrist or OMP, hospital or GP practice to examine the patient.

Mandatory training

This instrument inserts a new paragraph 3A into schedule 1 of the 2006 Regulations from 1 October 2018 providing that all listed optometrists and OMPs (except bodies corporate) must, as a condition of being able to provide GOS, satisfactorily complete training provided by NHS Education for Scotland. The first period within which the training must be completed is 1 October 2018 to 31 December 2020 and thereafter the training must be completed annually.

Mandatory electronic submission of claims for GOS eye examinations

In 2010, the Scottish Government approved a national optometry programme to deliver electronic payment and electronic referrals for the optometry community, called the Eyecare

¹ <http://www.gov.scot/Publications/2017/04/7983>

Integration Programme². Linked to this work, this instrument makes amendments to the 2006 Regulations (mainly to regulation 22 and paragraph 13 of schedule 1) which require that, from 1 April 2019, GOS eye examination claims will only be able to be submitted electronically to NHS National Services Scotland (paper form claims will cease from that date).

Changes to rules relating to the frequency of primary eye examinations

The Review recommended that the “Scottish Government should discuss with the profession a revised national framework for GOS, to be provided by all listed optometrists, which has a focus on patient need and greater flexibility for professional judgement. This would also include the potential to review, in the light of international evidence, the frequency of eye examinations for those at minimal risk, and the nature of the primary and follow-up examinations for those with specific clinical conditions.”

The Scottish Government has worked with key stakeholders, including Optometry Scotland and NHS Boards, to review both the 2006 Regulations and the GOS Statement of remuneration (which is made and published by Scottish Ministers under section 17 of the 2006 Regulations).

From 1 October 2018, the frequencies of primary and supplementary eye examinations will become a condition of remuneration in the Statement. The 2006 Regulations will provide that primary eye examinations are not to be carried out more frequently than permitted as a condition of remuneration by the Statement. An eye examination carried out more frequently than this must be undertaken as a supplementary eye examination. A revised GOS Statement of remuneration will be published and come into effect from 1 October 2018.

Consultation

Optometry Scotland and NHS Boards have been consulted in the preparation of this instrument. The Scottish Government also undertook a series of ‘roadshow’ events across Scotland in August and September 2017 involving the community eyecare sector, and has engaged with patient representatives groups. These views have also been factored into the preparation of this instrument.

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 business and the third sector. The financial effect on the Scottish Government will be met from within existing budgets.

Scottish Government
Directorate of Population Health
Primary Care Division
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² <http://www.gov.scot/Topics/Health/Services/Eyecare/Integration>