
WELSH STATUTORY INSTRUMENTS

2023 No. 1053

The National Health Service (Ophthalmic Services) (Wales) Regulations 2023

PART 4

Combined lists

CHAPTER 4

Removal etc. from, and readmission to, a list

Contingent removal from a supplementary list

19.—(1) In an efficiency or a fraud case relating to a qualified practitioner in a Local Health Board's supplementary list, the Local Health Board may, instead of deciding to remove a qualified practitioner from that list, decide to remove the qualified practitioner contingently and regulation 17(7) and (8) will apply to that decision.

(2) Where a Local Health Board is considering contingently removing a qualified practitioner under paragraph (1), it must, before making that decision, follow the procedure in paragraph 12(1) to (3) of Schedule 3.

(3) If it so decides, the Local Health Board must impose such conditions as it may decide on the qualified practitioner's inclusion in its supplementary list with a view to—

- (a) removing any prejudice to the efficiency of the services in question (in an efficiency case),
or
- (b) preventing further acts or omissions (in a fraud case).

(4) Where the Local Health Board decides to contingently remove a practitioner under paragraph (1), that decision must not take effect until the later of—

- (a) the end of a period of 28 days starting with the date the Local Health Board made its decision, or
- (b) the date any appeal is determined by the First-tier Tribunal.

(5) If the Local Health Board decides that the qualified practitioner has failed to comply with a condition, it may decide to—

- (a) vary the conditions imposed,
- (b) impose new conditions, or
- (c) remove the qualified practitioner from its supplementary list.

(6) In this regulation, “efficiency case” and “fraud case” have the meaning given in regulation 17.

(7) A Local Health Board may, and if requested in writing by the qualified practitioner to do so must, review its decision to contingently remove the qualified practitioner under this regulation.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(8) A qualified practitioner may not request a review under paragraph (7) until after a three month period beginning with the date of the Local Health Board includes the qualified practitioner in its combined list.

(9) After a review has taken place, the qualified practitioner may not request a further review before the end of a six month period beginning with the date of the decision on the previous review.

(10) Where a Local Health Board reviews its decision under this regulation, it may—

- (a) vary the conditions imposed on the qualified practitioner,
- (b) impose different conditions on the qualified practitioner, or
- (c) remove the qualified practitioner from its supplementary list.