



Guidance on Primary Ophthalmic Services Regulations

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Contents

Contents.....	3
Introduction	4
Sight Tests Eligibility	5
Sight tests – applications.....	6
Sight test treated as a test under general ophthalmic services	7
Applications and signatures by children or persons incapable	8
Entitlement to additional services.....	9

Introduction

1. This note provides guidance to Primary Care Trusts on the Primary Ophthalmic Services Regulations 2008. The Regulations set out who is entitled to an NHS funded sight test whether provided at a fixed optical practice or provided by way of mobile services at a day centre, residential centre or in an individual's own home. In the Regulations, sight tests at a fixed premises optical practice are referred to as "mandatory services" and sight tests at day centres, residential homes and individuals' own homes are referred to as "additional" services.
2. This guidance should be read alongside the relevant regulations and is not a substitute for reading those regulations.

Sight Tests Eligibility

3. The Regulation set out those groups of people who are eligible for an NHS funded sight test. An eligible person is someone:
 - (a) who is under the age of 16 years;
 - (b) who is under the age of 19 years and receiving qualifying full-time education;
 - (c) who is aged 60 years or more;
 - (d) whose resources are treated in accordance as being less than, or equal to, his requirements;
 - (e) who requires to wear a complex appliance;
 - (f) who is registered blind or partially sighted under section 29 of the National Assistance Act 1948;
 - (g) who has been diagnosed as suffering from diabetes or glaucoma, or has been advised by an ophthalmologist that he is predisposed to the development of glaucoma;
 - (h) who is aged 40 or over and is the parent, brother, sister or child of a person who has been diagnosed as suffering from glaucoma; or
 - (i) who is a prisoner (but see paragraph 5 below).
4. Eligibility for people aged under 19 and receiving qualifying full-time education applies to all such people. "Qualifying full-time education" means full-time instruction at a recognised educational establishment or by other means accepted as comparable by the Secretary of State, and, for the purpose of this definition, a "recognised educational establishment" means an establishment recognised by the Secretary of State as being, or as comparable to, a school, college or university. To be receiving full-time education a student would have had to have actually joined the course at the start of the academic year. Once on the course they would be eligible throughout the year, i.e. eligibility would continue through holidays. PCTs are advised to liaise with Local Education Authorities as term dates may differ between areas. Between years, or if changing schools, a letter saying that the person was a current pupil or that they had been at school X and would be starting at school Y in September would be sufficient. The situation between school and University is a little less clear due to the possibility of students taking a gap year. Prospective students will have received a letter offering them a place on a University course. If PCTs are satisfied that the student will be starting University in the term immediately following the end of their school term then they would be eligible for an NHS funded sight test during the long vacation.
5. In the case of a prisoner he is only an eligible person when he is able to go to an optical practice i.e. is on a form of intermittent custody or day release. NHS funded sight tests and optical appliances for the prison population are directly commissioned by Primary Care Trusts and have no call on General Ophthalmic Services funds.
6. The Regulations set out in detail how a person's resources are to be calculated in relation 3(d) above.

Sight tests – applications

7. An eligible person may make an application to any contractor to have the sight tested and for those entitled to additional services to any contractor, which has contracted to provide such services. Contractors cannot exclude categories of patients nor establish preconditions before considering an application e.g. they cannot require that, in addition to being an eligible person that the applicant be part of a membership scheme whether or not the individual pays a fee to the practice as part of any membership scheme. The guidance on the NHS Contract Regulations refer to this from the point of view of unsuitability to be a contractor.

Sight test treated as a test under general ophthalmic services

8. The regulations allow for specific cases where a person who has not applied for a General Ophthalmic Services sight test may become eligible for one. Firstly, if during the course of the sight test it is found that the patient requires to wear a complex appliance (the “Interpretation” section of these Regulations provides the definition of “complex appliance”). Secondly, if within three months of the sight test having taken place the patient meets specific income or benefit criteria. Specifically the requirements which the patient must fall within to have their sight test be considered as having been provided under General Ophthalmic Services are set out at Regulation 3(2):

“(c) his income resources as calculated in accordance with regulation 6 of, and Schedule 1 to, the Remission Regulations for the purposes of remission of charges under the Act are less than or equal to his requirements as so calculated or exceed his requirements as so calculated by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) (supply of drugs and appliances by chemists) of the National Health Service (Charges for Drugs and Appliances) Regulations 2000 and his capital resources as so calculated do not exceed the capital limit;

(d) he is a member of the same family as a person described in sub-paragraph (c),

(g) he is a member of a family—

(i) one member of which is receiving—

(aa) working tax credit and child tax credit,

(bb) working tax credit which includes a disability element, or

(cc) child tax credit, but is not eligible for working tax credit, and

(ii) where the relevant income of the person or persons to whom an award of a tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £15,050; or

(h) he is a person in respect of whom there is a current notice of entitlement; or

(i) he is a member of the same family as a person who is receiving pension credit guarantee credit.”

Applications and signatures by children or persons incapable

9. An application for a sight test cannot be signed by the contractor to whom the application is made, nor by any person employed by the contractor. Where a person is unable to sign for themselves the Regulations allow for parents or relatives or adults having care of the person to sign on their behalf. It is important to be clear that the eligible person must be “unable to sign for themselves” in order for somebody else to sign for them. It is not an option that the carer may exercise if they wish.
10. Where the person applying for an NHS funded sight test is in the care of an authority under the Children and Young Persons Act 1969 or the Child Care Act 1980, then a person duly authorised by the authority may sign the application. Similarly for people under age 18 and in the care of a voluntary organisation, then that organisation or a person duly authorised by them may sign. A “duly authorised” person is someone who has been authorised according to the procedures of the appropriate local authority or organisation with whom PCTs are advised to liaise as necessary.

Entitlement to additional services

11. Any person who is entitled to an NHS funded sight test except a prisoner is entitled to have their sight tested by mobile services subject to additional criteria. Mobile services are defined in the Regulations as:

“the sight testing service provided by a contractor to patients—

(a) attending at a day centre;

(b) residing at a residential centre; or

(c) at their home, where the patient is unable to leave it unaccompanied because of physical or mental illness or disability, where the contractor has entered into a contract with a PCT to provide additional services in its locality.”

12. Both “day centre” and “residential centre” are terms defined in the Regulations and mobile services may only be provided at centres which fall within those definitions. The definitions are strict and limited to specific centres. The definitions are:

“Day centre” means an establishment in the locality of the PCT attended by persons, including eligible persons, who would have difficulty in obtaining sight testing services from practice premises because of physical or mental illness or disability or because of difficulties in communicating their health needs unaided;

“residential centre” means an establishment in the locality of the PCT for persons, including eligible persons, who normally reside in that establishment and who are unable to leave the establishment unaccompanied because of physical or mental illness or disability;”

13. Therefore, to be eligible for mobile services the applicant must

- be in one of the groups set out at paragraph 3 above (with the exception of a prisoner);
- and meet the criteria for mobile services set out at paragraph 11;
- and the centre must fall within the definitions at paragraph 12 above.

14. It is important to note that in the case of patients at residential centres the patient must “normally reside” in the establishment and be “unable” to leave the establishment unaccompanied because of “physical or mental illness or disability”. Physical or mental illness or disability will be an ongoing condition and not a temporary illness which prevents