
DIRECTIONS

NATIONAL HEALTH SERVICE, ENGLAND

The General Ophthalmic Services Contracts (Payments) Directions 2021

The Secretary of State for Health and Social Care gives the following Directions as to payments to be made under general ophthalmic services contracts in exercise of the powers conferred by sections 120, 272(7) and (8) and 273(1) of the National Health Service Act 2006(a).

In accordance with section 120(4) of that Act, the Secretary of State for Health and Social Care has consulted the body appearing to the Secretary of State to be representative of persons to whose remuneration these Directions relate and has consulted such other persons as the Secretary of State considers appropriate.

Citation, commencement, extent and application

1.— These Directions may be cited as the General Ophthalmic Services Contracts (Payments) Directions 2021.

- (1) These Directions come into force on 1st April 2021.
- (2) These Directions extend to England and Wales, but apply to England only(b).
- (3) These Directions are given to the Board.

Interpretation

2. In these Directions—

“the Board” means the National Health Service Commissioning Board(c);

“GOS contract” means a general ophthalmic services contract within the meaning of section 117 of the National Health Service Act 2006(d) (general ophthalmic services contracts: introductory);

“contractor” means a party to a GOS contract other than the Board;

“the GOS Contracts Regulations” means the General Ophthalmic Services Contracts Regulations 2008(e); and

“patient” means an eligible person to whom the contractor is providing or proposes to provide services under the GOS contract.

Fees for sight tests provided under a GOS contract

3.— Where a contractor—

- (a) provides a sight test to a patient under a GOS contract for mandatory services, and

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- a) 2006 c41. Section 120(3) was amended by paragraph 58 of Schedule 4 to the Health and Social Care Act 2012 (c.7) (“the 2012 Act”).
 - b) By virtue of section 271(1) of the National Health Service Act 2006 (“the 2006 Act”), the powers being exercised by the Secretary of State in making of these Directions are exercisable only in relation to England.
 - c) The National Health Service Commissioning Board (known as “NHS England”) was established by section 1H of the 2006 Act. Section 1H was inserted by section 9(1) of the 2012 Act.
 - d) Section 117 was amended by paragraph 55 of Schedule 4 to the 2012 Act.
 - e) S.I. 2008/1 185; relevant amendments are S.I. 2008/1700, 2010/634, 2013/365, 2014/418 and 2017/1056.

- (b) makes a claim for a fee for that sight test in accordance with regulation 16(5) to (7) of the GOS Contracts Regulations (fees, charges and financial interests of the contractor),

the fee payable by the Board to the contractor for such a sight test is £21.71.

(2) Where a contractor—

- (a) provides a sight test to a patient under a GOS contract for additional services,
- (b) makes a claim for a fee for that sight test in accordance with regulation 16(5) to (7) of the GOS Contracts Regulations, and
- (c) that sight test is provided to a patient attending at a day centre,

the fee payable by the Board to the contractor for such a sight test is £21.71.

(3) Where a contractor—

- (a) provides a sight test to a patient under a GOS contract for additional services,
- (b) makes a claim for a fee for that sight test in accordance with regulation 16(5) to (7) of the GOS Contracts Regulations, and
- (c) that sight test is provided to a patient—
 - (i) residing at a residential centre, or
 - (ii) at their home, where the patient was unable to leave it unaccompanied because of physical or mental illness or disability,

the fee payable by the Board to the contractor for such a sight test is £21.71 plus an additional fee as specified in paragraph (4).

(4) The additional fee referred to in paragraph (3) is—

- (a) £38.27 in respect of each of the first and second sight tests provided to patients during the course of any one visit, and
- (b) £9.58 for the third and for each subsequent sight test provided to patients during that visit.

Payments in respect of sight tests not completed

4. Where a contractor—

- (a) is unable to complete a sight test provided to a patient under a GOS contract which that contractor has undertaken to provide,
- (b) has informed the Board of this in writing, and
- (c) the Board is satisfied that the inability to complete a sight test is due to a reasonable cause,

the Board must make a pro rata payment in accordance with these Directions to that contractor for such part of the sight test as the contractor provided.

Revocation and Savings

5.— Subject to paragraph (2), the General Ophthalmic Services Contracts (Payments) Directions 2015(a) ("the 2015 Directions") are revoked.

(1) The 2015 Directions continue to apply to the extent necessary to—

- (a) establish entitlement to payment,
- (b) make any payment due, or
- (c) recover a payment made,

a) A copy of these Directions are available from the Department of Health and Social Care website at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/453367/Ophthalmic_payments_directions_2015_acc.pdf.

under those Directions.

Signed by authority of the Secretary of State for Health and Social Care

A handwritten signature in blue ink, appearing to read 'E Scully', enclosed in a thin black rectangular border.

Edward Scully
A Member of the Senior Civil Service
Department of Health and Social Care

Date: 29 March 2021