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## DIRECTIONS

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# NATIONAL HEALTH SERVICE, ENGLAND

## The General Ophthalmic Services Contracts (Payments) Directions 2022

The Secretary of State gives the following Directions in exercise of the powers conferred by sections 120, 272(7) and (8) and 273(1) of the National Health Service Act 2006(a).

The Secretary of State has, in accordance with section 120(4) of that Act consulted with the body appearing to the Secretary of State to be representative of persons to whose remuneration these Directions relate.

### Citation, commencement, extent and application

1.—(1) These Directions may be cited as the General Ophthalmic Services Contracts (Payments) Directions 2022.

(2) These Directions come into force on 1st April 2022.

(3) These Directions extend to England and Wales, but apply to England only(b).

(4) 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);

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

“mandatory services” has the meaning given in regulation 2 of the GOS Contracts Regulations (interpretation);

“additional services” has the meaning given in regulation 2 of the GOS Contracts Regulations.

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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. 2008/1185; relevant amendments are S.I. 2008/1700, 2010/634, 2013/365, 2014/418 and 2017/1056.

### **Fees for sight tests provided under a GOS contract**

**3.**—(1) A sight test fee, set out in paragraph (2) is payable by the Board if the conditions in Direction 4 are met.

(2) The sight test fee payable by the Board to the contractor is—

- (a) £22.14, where the contractor provided a sight test to a patient under—
  - (i) a GOS contract for mandatory services, or
  - (ii) a GOS contract for additional services to a patient attending a day centre;
- (b) £22.14 plus an additional fee calculated in accordance with paragraph (3), where the contractor has provided a sight test under a GOS contract for additional services to a patient—
  - (i) at a residential centre if the patient resides there, or
  - (ii) at their home, where the patient was unable to leave it unaccompanied because of their physical or mental illness or disability.

(3) The additional fee is—

- (a) £39.04 in respect of each of the first and second sight tests provided to patients during the course of any one visit, and
- (b) £9.77 for the third and for each subsequent sight test provided to patients during that visit.

### **Conditions for sight test fees**

**4.** The sight test fee is payable by the Board to the contractor if the contractor—

- (a) has provided a sight test to a patient under a GOS contract for mandatory or additional services, and
- (b) makes a claim for a fee for that sight test in accordance with regulation 16(5) and (7) of the GOS contracts Regulations.

### **Payments in respect of sight tests not completed**

**5.** Where a contractor has provided only part of a sight test, the Board must make a pro rata payment to the contractor if the contractor—

- (a) is unable to complete the 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 the sight test is due to a reasonable cause.

### **Revocation and Savings**

**6.**—(1) Subject to paragraph (2), the General Ophthalmic Services Contracts (Payments) Directions 2021(a) (“the 2021 Directions”) are revoked.

(2) The 2021 Directions continue to apply in respect of sight tests conducted before 1st April 2022 to the extent necessary to—

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

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

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(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/974797/Ophthalmic\\_sight\\_test\\_payment\\_directions\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974797/Ophthalmic_sight_test_payment_directions_2021.pdf).

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