

WG21-11

THE NATIONAL HEALTH SERVICE (WALES) ACT 2006

The National Health Service (Wales Eye Care Services) Directions 2021

Made 24 February 2021

Coming into force 25 February 2021

The Welsh Ministers in exercise of the powers conferred on them by sections 13(2)(c) and (4)(c), 203(9) and (10), and 204(1) of the National Health Service (Wales) Act 2006⁽¹⁾ give the following Directions.

Title, application, commencement and expiration

1.—(1) The title of these Directions is the National Health Service (Wales Eye Care Services) Directions 2021.

(2) These Directions are given to Local Health Boards.

(3) These Directions—

- (a) come into force on 25 February 2021,
- (b) take effect from 25 August 2020, and
- (c) expire on 31 March 2021.

Interpretation

2. In these Directions—

“accredited practitioner” (“*ymarferydd achrededig*”) means a practitioner who satisfies all of the accreditation requirements set out—

- (a) for the purposes of Eye Health Examination Wales, in paragraph 9 of the Specification in the Schedule to the Eye Health Examination

Service Committee (Wales) Directions 2016(1), and

- (b) for the purposes of the Low Vision Service Wales, in paragraph 11 of the Specification in the Schedule to the Low Vision Service Committee (Wales) Directions 2016(2);

“EHEW” (“*AILIC*”) means Eye Health Examination Wales;

“Eye Health Examination Wales” (“*Archwiliadau Iechyd Llygaid Cymru*”) means the Eye Health Examination Wales Service which consists of arranging the provision of eye health examinations for clients who require such examination, the provision of advice for such clients and the onward referral to, and signposting of, further services to such clients as provided for by the Eye Health Examination Service Committee (Wales) Directions 2016;

“financial year” (“*blwyddyn ariannol*”) means the period of one year beginning on 1 April and ending on 31 March;

“Local Health Board” (“*Bwrdd Iechyd Lleol*”) means a Local Health Board established in accordance with section 11(2) of the National Health Service (Wales) Act 2006;

“Low Vision Service Wales” (“*Gwasanaeth Golwg Gwan Cymru*”) means the national Low Vision Service Wales which consists of arranging the provision of low vision assessments and rehabilitation support for clients and securing the provision of low vision aids to clients as provided for by the Low Vision Service Committee (Wales) Directions 2016;

“LVSW” (“*GGGC*”) means Low Vision Service Wales;

“pre-Covid” means before 17 March 2020;

“relevant host Local Health Board” (“*Bwrdd Iechyd Lleol cynhaliol perthnasol*”) means—

- (a) for the purposes of Eye Health Examination Wales, Aneurin Bevan University Health Board, and
- (b) for the purposes of Low Vision Service Wales, Hywel Dda University Health Board;

“Wales Eye Care Services” (“*Gwasanaethau Gofal Llygaid Cymru*”) means Eye Health Examination Wales and Low Vision Service Wales and includes any urgent or emergency eye care provided as part of those services;

(1) 2016 No. 10.

(2) 2016 No. 11.

“WECSAM Top Up payment” means the Wales Eye Care Services Average Monthly Top Up payment an accredited practitioner may opt to receive in accordance with Direction 3.

Wales Eye Care Services Average Monthly Top Up payment

3. For the period beginning with 25 August 2020 and ending with 31 March 2021, the relevant host Local Health Board must offer an accredited practitioner the option to receive a Wales Eye Care Services average monthly top up payment for each month of that period as reimbursement for their provision of EHEW and LVSU, with such sum payable at the monthly rate that accredited practitioner received for the period beginning with 17 March 2020 and ending with 24 August 2020 calculated in accordance with the National Health Service (Wales Eye Care Services payments during the COVID-19 Pandemic) (Wales) Directions 2020(1).

4. Payment of an accredited practitioner’s WECSAM Top Up payment—

- (a) will be made in monthly instalments, in arrears, on the fourteenth day of each calendar month, and
- (b) where a claim by an accredited practitioner for any month in the period beginning 25 August 2020 and ending with 31 March 2021 exceeds the sum of the WECSAM Top Up payment payable in accordance with Direction 3, will be paid in the sum of the WECSAM Top Up payment and the accredited practitioner will not be paid any amount claimed for which exceeds that sum.

Conditions attached to the WECSAM Top Up payment

5. If an accredited practitioner opts to receive the WECSAM Top Up payment in accordance with Direction 3, the WECSAM Top Up, or any part thereof, is only payable if the accredited practitioner satisfies the following conditions—

- (a) the accredited practitioner must provide the relevant Local Health Board with evidence that—
 - (i) service delivery is adhering to that practitioner’s pre-Covid contractual opening hours, and

(1) WG20-24.

- (ii) maintaining, as a minimum, that practitioner’s pre-Covid ratio of NHS appointments to private appointments;
- (b) the accredited practitioner must, no later than 9 April 2021, submit—
 - (i) all claims for payment of their provision of EHEW and LVSU for the period beginning with 25 August 2020 and ending with 31 March 2021, and
 - (ii) a signed declaration confirming that any financial hardship is as a direct result of COVID-19 impact on the practice;
- (c) the accredited practitioner must maintain accurate records of all Wales Eye Care Services activity undertaken, including emergency and urgent eye care; and
- (d) all information supplied by the accredited practitioner to the relevant host Local Health Board pursuant to or in accordance with this paragraph must be accurate to the accredited practitioner’s best knowledge and belief.

6. If the accredited practitioner breaches any of the conditions in paragraph 5, the relevant host Local Health Board may in appropriate circumstances, withhold payment of, or any part of, a WECSAM Top Up payment that is otherwise payable.

7. All WECSAM Top Up payments will be subject to Post Payment Verification arrangements and appropriate recoveries will be made in accordance with the National Health Service (General Ophthalmic Services) Regulations 1986 as required.

Amendment to the Eye Health Examination Service Committee (Wales) Directions 2016

8. In paragraph 5 of Schedule 1 to the Eye Health Examination Service Committee (Wales) Directions 2016(1) after paragraph 5.1 insert—

“5.1A. During the period beginning with 25 August 2020 and ending with 31 March 2021, as an alternative to the payment claimed under paragraph 5.1, accredited practitioners may opt to receive the Wales Eye Care Services Average Monthly Top Up payment as reimbursement for their provision of EHEW for that period and in accordance with the National Health Service (Wales Eye Care Services payments during the COVID-19 Pandemic) (Wales) Directions 2021.”

(1) 2016 No. 10.

**Amendment to the Low Vision Service Committee
(Wales) Directions 2016**

9. In paragraph 7 of Schedule 1 to the Low Vision Service Committee (Wales) Directions 2016(1) after paragraph 7.1 insert—

“7.1A. During the period beginning with 25 August 2020 and ending with 31 March 2021, as an alternative to the payment claimed under paragraph 7.1, accredited practitioners may opt to receive the Wales Eye Care Services Average Monthly Top Up payment as reimbursement for their provision of LVSW for that period and in accordance with the National Health Service (Wales Eye Care Services payments during the COVID-19 Pandemic) (Wales) Directions 2021.”



Signed by Alex Slade, Deputy Director, Primary Care Division, under the authority of the Minister for Health and Social Services, one of the Welsh Ministers

Dated: 24 February 2021