

STATEMENT OF GENERAL OPHTHALMIC SERVICES REMUNERATION (COVID-19 Average Monthly Payment)

The Welsh Ministers, in exercise of powers conferred by sections 76 and 77 of the National Health Service (Wales) Act 2006⁽¹⁾ and regulation 10 of the National Health Service (General Ophthalmic Services) Regulations 1986⁽²⁾, after consultation with the organisation recognised by them as representing contractors providing general ophthalmic services, make the following determination.

Part 1

Title, Commencement and Interpretation

Title, commencement and interpretation

1.—(1) The title of this determination is the Statement of General Ophthalmic Services Remuneration (COVID-19 Average Monthly Payment).

(2) This determination comes into force on the 23 May 2020.

(3) In this determination—

“contractor” (“*contractwr*”) means a person who has undertaken to provide General Ophthalmic Services and whose name is included in the ophthalmic list;

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

“General Ophthalmic Services” (“*Gwasanaethau Offthalmig Cyffredinol*”) means the services which a contractor must provide pursuant to the terms set out in paragraph 10 of Schedule 1 to the National Health Services (General Ophthalmic Services) Regulations 1986;

“GOS” (“*GOC*”) means General Ophthalmic Services;

“GOSAMP” (“*TMCGOC*”) means the General Ophthalmic Services Average Monthly Payment payable to a contractor for the provision of General Ophthalmic Services in accordance with this determination;

“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; and

“ophthalmic list” (“*rhestr offthalmig*”) means the list prepared by a Local Health Board in accordance with regulation 6 of the National Health Service (General Ophthalmic Services) Regulations 1986.

(1) 2006 c.42.

(2) S.I. 1986/975. Regulation 10 was amended by S.I. 2007/1026 (W. 93) and S.I. 2008/577 (W. 56). There are other amendments but none are relevant.

Part 2

COVID-19 Average Monthly Payments

General Ophthalmic Services Average Monthly Payments during the COVID-19 pandemic

2. A General Ophthalmic Services Average Monthly Payment, calculated in accordance with paragraphs 5 or 6, is payable to a contractor for the provision of GOS from the 17 March 2020.

3. A contractor that provides any emergency and urgent eye care⁽³⁾ on or after 17 March 2020 will receive a payment of 25% of that contractor's calculated GOSAMP value, in addition to their GOSAMP.

4. Payment of a contractor's GOSAMP will be made in monthly instalments, in arrears and on the 14th day of each calendar month.

Calculation of GOSAMP value for contractors with at least 3 years NHS claim history

5. A contractor who has made NHS claims for General Ophthalmic Services for at least 3 years prior to the date of this determination coming into force will have their GOSAMP value calculated using the contractor's NHS claims for GOS made for each month during the previous 3 financial years (2017-18, 2018-19 and 2019-20) as follows—

- (a) the sum of the contractor's GOS claims made for each calendar month during the financial years 2017-2018 (FYC17), 2018-2019 (FYC18) and 2019-2020 (FYC19) divided by thirty-six, and
- (b) the GOSAMP value calculation can be expressed as—

$$GOSAMP\ value = (FYC17 + FYC18 + FYC19) \div 36.$$

Calculation of GOSAMP value for contractors with less than 3 years NHS claim history

6.—(1) A contractor who has made NHS claims for General Ophthalmic Services for less than 3 years prior to the date of this determination coming into force will have their GOSAMP value calculated using the contractor's NHS claims for GOS in accordance with sub-paragraphs (2) to (5) as applicable.

(2) A contractor who has made NHS claims for GOS for a period in total of at least 12 months but not more than 36 months prior to this determination coming into force, will have their GOSAMP value calculated using the NHS claims for GOS the contractor made during the financial year 2019-2020 as follows—

- (a) the sum of a contractor's claims for GOS per month for the 12 months of April 2019 to March 2020 inclusive (SMC) divided by 12, and
- (b) the GOSAMP value calculation for the purposes of this sub-paragraph can be expressed as—

$$GOSAMP\ value = SMC \div 12.$$

(3) See the Chief Optometric Adviser's letters to the Optometric Profession in Wales dated 17 and 19 March 2020 for what constitutes emergency and urgent eye care.

(3) A contractor who has made NHS claims for GOS for a period in total of at least 6 months but not more than 12 months prior to this determination coming into force, will have their GOSAMP value calculated using the NHS claims for GOS the contractor made for the final 6 months of the financial year 2019-2020 as follows—

- (a) the sum of the contractor's claims for GOS per month for the 6 months of October 2019 to March 2020 inclusive (*SMC*) divided by 6, and
- (b) the GOSAMP value calculation for the purposes of this sub-paragraph can be expressed as—

$$\text{GOSAMP value} = \text{SMC} \div 6.$$

(4) A contractor who has made NHS claims for GOS for a period in total of at least 3 months but not more than 6 months prior to this determination coming into force, will have their GOSAMP value calculated using the NHS claims for GOS the contractor made for the final 3 months of the financial year 2019-2020 as follows—

- (a) the sum of the contractor's claims for GOS per month for the 3 months of January, February and March 2020 (*SMC*) divided by 3, and
- (b) the GOSAMP value calculation for the purposes of this sub-paragraph can be expressed as—

$$\text{GOSAMP value} = \text{SMC} \div 3.$$

(5) A contractor who has made NHS claims for a period of less than 3 months prior to this determination coming into force, will have their GOSAMP value calculated using the NHS claims for GOS the contractor made for each month during the financial year 2019-2020 as follows—

- (a) the sum of the contractor's claims for GOS per month (*SMC*) divided by the number of months for which claims were submitted (*NMC*), and
- (b) the GOSAMP value calculation for the purposes of this sub-paragraph can be expressed as—

$$\text{GOSAMP value} = \text{SMC} \div \text{NMC}.$$

Conditions attached to General Ophthalmic Services Average Monthly Payments

7. The GOSAMP, or any part thereof, is only payable if the contractor satisfies the following conditions—

- (a) the contractor must make available to the Local Health Board any information which the Local Health Board does not have but needs, and the contractor either has or could reasonably be expected to obtain, in order to calculate the contractor's GOSAMP,
- (b) the contractor must maintain accurate records of all GOS activity undertaken, including emergency and urgent eye care, and
- (c) all information supplied by the contractor to the Local Health Board pursuant to or in accordance with this paragraph must be accurate to the contractor's best knowledge and belief.

8. If the contractor breaches any of the conditions in paragraph 7, the Local Health Board may, in appropriate circumstances, withhold payment of, or any part of, a GOSAMP that is otherwise payable.

PART 3
REVOCATIONS

9. The determination of the Minister for Health and Social Services which came into force on 13 May 2019 relating to the remuneration of contractors is revoked.

A handwritten signature in black ink, appearing to read 'A Slade', with a stylized initial 'A'.

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

Date: 22 May 2020