

EXPLANATORY MEMORANDUM

Explanatory Memorandum to The National Health Service (Amendments relating to Optical Charges and Payments) (Wales) Regulations 2009

This Explanatory Memorandum has been prepared by Department of Health and Social Services and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

(i) **Description**

These Regulations amend the National Health Service (Optical Charges and Payments) Regulations 1997 and the National Health Service (General Ophthalmic Services) Regulations 1986. The Regulations provide for an increase in the payments to be made by means of a voucher system in respect of costs incurred by certain categories of persons in connection with the supply, replacement and repair of optical appliances. The Regulations also provide for an increase to the NHS sight test fee and an increase to the amount used as a basis for calculating entitlement to optical vouchers or a free NHS sight test.

(ii) **Matters of special interest to the Subordinate Legislation Committee**

None.

(iii) **Legislative Background**

The Regulations will be made pursuant to powers under sections 71, 128, 129, 130 and 203 (9) and (10) of the National Health Service (Wales) Act 2006.

This instrument will follow the negative resolution procedure.

(iv) **Purpose and intended effect of the legislation**

It is recognised that certain groups of the general public should be entitled to help towards the cost of glasses and contact lenses.

Help towards the cost of glasses and contact lenses is via an NHS optical voucher, the values of which are reviewed annually. The voucher scheme is intended to provide children and people on benefits or low incomes, with a voucher that they may use either to buy from a basic range of spectacles or put towards a more expensive pair of their choice or alternatively put towards the cost of contact lenses. The value of the voucher is determined by the power of the prescription required by the patient. There are nine voucher bands currently ranging from £35.50 to £196.10.

The voucher values will be increased by 2% for 2008/09.

The NHS sight test fee and associated allowances in England are uplifted annually after negotiations between the Department of Health and the Optometric Fees Review Committee. Following negotiations, an increase of 2.3% was agreed. As in previous years, a common approach has been adopted with England whereby the fee is uplifted by the same percentage rate. The fee is payable to an optometrist or ophthalmic medical practitioner who has undertaken a sight test fee for one of the categories of people eligible to receive it under the NHS.

An increase has also been made to a person's annual income as calculated for tax credit purposes, which is used as the basis for calculating eligibility for optical vouchers or entitlement to a free NHS sight test.

(v) **Implementation**

The Regulations are due to come into force on 1st April 2009.

(vi) **Consultation**

The increase in the NHS sight test fee has been negotiated with the Optometric Fees Review Committee. The Optometric Fees Review Committee comprises of the Association of Optometrists, the Federation of Ophthalmic and Dispensing Opticians and the British Medical Association. Optometry Wales, the representatives of the profession in Wales, have been consulted on the draft Regulations which include the increase to the voucher values and the NHS sight test fee. Consultation has also taken place with the Business Services Centre, who makes payments on behalf of Local Health Boards to the profession.

(vii) **Regulatory Impact Assessment**

A Regulatory Impact Assessment has not been prepared for this instrument as it simply increases a statutory fee by a predetermined formula (for example, the rate of inflation).