
GUERNSEY STATUTORY INSTRUMENT

1995 - No. 39

**The Health Service (Ophthalmic Benefit)
Regulations, 1995**

Made 29th December, 1995.
Laid before the States
Coming into Operation 1st January, 1996.

THE GUERNSEY SOCIAL SECURITY AUTHORITY, in exercise of the powers conferred upon it by Part IIIA and section 35 of the Health Service (Benefit) (Guernsey) Law, 1990(a), as amended, and as modified by the Health Service (Ophthalmic Benefit) Ordinance, 1995(b), and of all other powers enabling it in that behalf, hereby orders:-

Interpretation

1.(1) In these regulations "the Law" means the Health Service (Benefit) (Guernsey) Law, 1990 as amended and as modified by the Health Service (Ophthalmic Benefit) Ordinance, 1995 (b).

(2) Except where the context otherwise requires, any reference in these regulations to any enactment or regulations shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced, revoked, extended or applied by or under any other enactment or by any other regulations.

(3) The Interpretation (Guernsey) Law, 1948(c) shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment.

(4) In these regulations the "Eye Clinic" means the Eye Clinic of 64a Hauteville, St Peter Port, or such other premises as may for the time being be occupied by the Ophthalmic Group.

(5) In these regulations the "Ophthalmic Group" means the partners for the time being of the ophthalmic practice known as the Eye Clinic of 64a Hauteville aforesaid.

(6) In these regulations the "Ophthalmic Contract" means the contract for the provision of ophthalmic benefit made between the States of Guernsey and the partners of the Ophthalmic Group, as amended from time to time by agreement of the parties.

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- (a) Ordre en Conseil No.XXIV of 1990; Ordinance No. XIV of 1993; Ordinance No.XXXV of 1995; Ordinance No.XXXIV of 1995.
(b) Ordinance No.XL of 1995.
(c) Ordres en Conseil Vol. XIII, P.355

Ophthalmic Benefit

2. For the purposes of Section 5A(2) of the Law "ophthalmic benefit" shall comprise, without prejudice to the provisions of Section 5B of the Law, the provision of all such ophthalmic consultations, treatment, procedures and ancillary entitlements as are contained in the Schedule to these regulations, except those contained in paragraph 7 of the Schedule, and undertaken at:-

- (i) the Princess Elizabeth Hospital; or
- (ii) the Eye Clinic; or
- (iii) any location within the Island of Alderney where suitable facilities are available, pursuant to paragraph 4 of the Schedule.

3. A person entitled under section 5A(1) of the Law to ophthalmic benefit is entitled thereto free of charge.

Supply of ophthalmic benefit otherwise than through initial referral by a medical practitioner or by an ophthalmic optician

4.(1) An approved ophthalmic practitioner or approved ophthalmic nurse, pursuant to the provisions of the Ophthalmic Contract, may provide ophthalmic benefit to a person otherwise than when that person has been referred to him by a medical practitioner or an ophthalmic optician:-

- (i) where that person was being treated by a member of the Ophthalmic Group for the same condition or disease prior to 1 January 1996; or
- (ii) where the ophthalmic benefit is required to be provided immediately by reason of that person's condition.
- (iii) where that person has been referred to him by an orthoptist.

(2) Nothing contained in this regulation shall be construed as affecting any restrictions or prohibition imposed by or under the provisions of any other enactment.

Manner in which claims for ophthalmic benefit are to be made

5. Every claim for ophthalmic benefit shall be made either by or on behalf of a claimant -

- (i) legibly, and in a form approved by the Authority; or
- (ii) in such a way, approved by the Authority, that it is readily capable of being reproduced in a legible form; or
- (iii) in such other manner as the Authority may accept as sufficient in the circumstances of any particular case or class of cases, subject to any directions given by or on behalf of the Authority in any particular case or class of cases.

Information to be given when making a claim

6. A person who makes a claim for ophthalmic benefit (the "claimant") shall furnish such certificates, documents, information and evidence for the purpose of enabling that claim to be determined as may be required by or on behalf of the Administrator and, if reasonably so required, shall for that purpose attend at such office or place as the Administrator may direct.

Amendment of claim forms

7. If, owing to the absence of due signature or such certificates, documents, information and evidence as may be required by or on behalf of the Administrator, a claim for ophthalmic benefit is defective at the date of its receipt by the Administrator, the Administrator shall refer the claim back to the claimant or the person making the claim on his behalf; and if, and only if, (unless the Administrator directs otherwise in any particular case) the form is returned to the Administrator within one month of such reference, duly signed or with the certificates, documents, information and evidence as required by the Administrator, the Administrator shall treat the claim as if it had been duly made in the first instance.

Claims for persons unable to act

8.(1) In a case of an adult person for the time being unable to act a claim may be made by a person acting in the best interests of that person.

(2) A person who has not attained the age of eighteen years may not act for a claimant under this regulation.

Claims on behalf of a child

9. Where a guardian has not been appointed to act on behalf of a child a claim on behalf of the child may be made by:-

- (a) in the case of a child living with one or both of his parents, any parent with whom he is living;
- (b) in any other case -
 - (i) a person with whom the child is living or the person having care or control of the child; or
 - (ii) where there is no such person, a person appointed by the Authority having regard to all the circumstances of the particular case.

Claims on death

10. Claims for benefit may be made on behalf of a deceased person by a person acting for the estate of the deceased person.

Time of Claims

11.(1) The prescribed time for claiming ophthalmic benefit shall be any time before such benefit is provided.

(2) If a person fails to make a claim for ophthalmic benefit prior to that benefit being provided he shall not be entitled to benefit PROVIDED THAT if a claim is received by the Administrator for benefit after an ophthalmic consultation, treatment, procedure or entitlement has been provided and the Administrator is satisfied that there was good cause for delay in making the claim the Administrator may direct that the claimant shall not be disqualified from the receipt of ophthalmic benefit in respect of the relevant consultation, treatment, procedure or entitlement.

General limitation of right to benefit

12. Notwithstanding anything contained in these regulations no sum shall be paid to any person on account of ophthalmic benefit in respect of any consultation, treatment, procedure or entitlement, provided more than 12 months before the date on which the claim therefor is made.

Repayment of the value of ophthalmic benefit

13. Where a person claims for ophthalmic benefit provided to any person and it is subsequently decided that the person to which it was provided was not entitled to it the Administrator shall:-

- (i) demand repayment of the value of the ophthalmic benefit provided; or
- (ii) deduct the value of the ophthalmic benefit provided from any other benefit properly due to him; or
- (iii) determine that the ophthalmic benefit was properly provided; or
- (iv) determine that the ophthalmic benefit was provided on account of benefit properly due to him;

and for the purposes of this regulation any value of ophthalmic benefit provided will be determined by or on behalf of the Administrator.

Extent

14. These Regulations shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Citation

15. These Regulations may be cited as the Health Service (Ophthalmic Benefit) Regulations, 1995.

Commencement

16. These Regulations shall come into operation on 1 January, 1996.

Dated this 29th day of December, 1995



L C Morgan

President of the Guernsey Social Security Authority
for and on behalf of the Authority

SCHEDULE

The Ophthalmic Group will provide the services described in this Schedule.

1 Secondary Care Cover

The Ophthalmic Group will become responsible for the ophthalmic secondary care of patients once they have accepted a referral from a medical practitioner, ophthalmic optician or orthoptist.

2 Outpatient Consultations and Treatment

The Ophthalmic Group will provide the outpatient consultations, medical treatment, medical supplies, dressings and disposables, to patients treated under the Law at the Eye Clinic.

3 Inpatient Services

The Ophthalmic Group will provide a service to the Princess Elizabeth Hospital for inpatients and day cases, the principal duties therein being admissions, treatment and discharge of both acute and elective admissions.

The Ophthalmic Group will provide 24 hour specialist cover, over and above that provided by the resident medical practitioner, for all acute inpatients at the Hospital under the care of the Ophthalmic Group. Ophthalmologists will be contactable by air call or telephone and the Hospital Director will be notified in advance of whom will be on duty. In exceptional circumstances arrangements will be made with Jersey to supply advice and if need be to perform procedures in Jersey at no charge to the States or to the patient.

4 Visiting Services

The Ophthalmic Group will continue to provide a visiting consultancy service to Alderney as long as the present facilities are provided by the current ophthalmic optician in Alderney or alternative facilities of the same nature are available. For the avoidance of doubt it is accepted that the Ophthalmic Group need access in a consulting room to a slit lamp, tonometer, visual field equipment and a set of trial lens to be able to continue this service.

5 Orthoptist Services

If the Ophthalmic Group refer an adult patient to an orthoptist, such referral shall be ophthalmic benefit and the orthoptist's fee shall be paid by the Ophthalmic Group.

6 Procedures

A list of the procedures which the Ophthalmic Group will provide follows:-

- C01.2 Enucleation of eyeball
- C01.3 Evisceration of contents of eyeball
- C03.2 Insertion of prosthetic replacement for eyeball
- C04.2 Revision of prosthetic replacement for eyeball
- C04.4 Removal of prosthetic replacement for eyeball
- C06.1 Biopsy of lesion of orbit (only if well anterior)
- C06.2 Drainage of orbit
- C08.3 Removal of fixation from fracture of orbit
- C08.4 Retroocular injection into orbit
- C10.1 Excision of lesion of eyebrow
- C10.4 Suture of eyebrow
- C10.5 Incision of lesion of eyebrow
- C11.1 Excision of lesion of canthus (not if requiring extensive plastic surgery)
- C11.6 Canthotomy
- C12.1 Excision of lesion of eyelid
- C12.2 Cauterisation of lesion of eyelid
- C12.3 Cryotherapy to lesion of eyelid
- C12.4 Curettage of lesion of eyelid
- C13.1 Blepharoplasty of both eyelids
- C13.2 Blepharoplasty of upper eyelid
- C13.3 Blepharoplasty of lower eyelid
- C14.1 Flap of skin to eyelid
- C14.2 Graft of skin to eyelid
- C15.1 Correction of ectropion
- C15.2 Correction of entropion
- C15.3 Correction of trichiasis
- C16.1 Central tarsorrhaphy
- C16.2 Lateral tarsorrhaphy
- C16.3 Medial tarsorrhaphy
- C16.4 Tarsorrhaphy nec
- C16.5 Revision of tarsorrhaphy
- C17.1 Suture of eyelid
- C18.5 Tarsomullerectomy
- C19.1 Drainage of lesion of eyelid
- C20.1 Complete protective suture of eyelid
- C20.2 Central protective suture of eyelid
- C20.3 Lateral protective suture of eyelid
- C20.4 Medial protective suture of eyelid
- C20.5 Removal of protective suture from eyelid
- C22.2 Biopsy of lesion of eyelid
- C22.3 Removal of foreign body from eyelid
- C22.4 Injection into eyelid
- C22.5 Exploration of eyelid
- C22.6 Epilation of eyelash
- C24.5 Incision of lacrimal gland
- C25.3 Dacryocystorhinostomy and insertion of tube HFQ
- C25.4 Dacryocystorhinostomy nec
- C25.5 Revision of anastomosis between lacrimal apparatus and nose
- C26.1 Excision of lacrimal sac

- C26.2 Destruction of lesion of lacrimal sac
- C26.3 Biopsy of lesion of lacrimal sac
- C26.4 Incision of lacrimal sac
- C27.1 Drainage of nasolacrimal duct
- C27.2 Dilatation of nasolacrimal duct
- C27.3 Irrigation of nasolacrimal duct
- C27.4 Removal of tube from nasolacrimal duct
- C27.5 Probing of nasolacrimal duct nec
- C29.1 Repair of canaliculus
- C29.2 Enlargement of lacrimal punctum
- C29.3 Occlusion of lacrimal punctum
- C31.1 Recession of medial rectus muscle and resection of lateral
- C31.2 Bilateral recession of medial recti muscles of eyes
- C31.3 Bilateral resection of medial recti muscles of eyes
- C31.4 Bilateral recession of lateral recti muscles of eyes
- C31.5 Bilateral resection of lateral recti muscles of eyes
- C31.8 Combined operations on muscles of eye (only simple revision of squint)
- C32.1 Recession of medial rectus muscle of eye nec
- C32.2 Recession of lateral rectus muscle of eye nec
- C32.3 Recession of superior rectus muscle of eye
- C32.4 Recession of inferior rectus muscle of eye
- C32.6 Recession of inferior oblique muscle of eye
- C32.7 Recession of combinations of muscles of eye
- C33.1 Resection of medial rectus of muscle of eye nec
- C33.2 Resection of lateral rectus muscle of eye nec
- C33.3 Resection of superior rectus muscle of eye
- C33.4 Resection of inferior rectus muscle of eye
- C34.1 Tenotomy of medial rectus muscle of eye
- C34.2 Tenotomy of lateral rectus muscle of eye
- C34.3 Tenotomy of superior rectus muscle of eye
- C34.4 Tenotomy of inferior rectus muscle of eye
- C34.6 Tenotomy of inferior oblique muscle of eye
- C37.2 Freeing of adhesions of muscle of eye
- C37.3 Biopsy of lesion of muscle of eye
- C37.4 Repair of muscle of eye nec
- C39.1 Excision of lesion of conjunctiva
- C39.2 Cauterisation of lesion of conjunctiva
- C39.3 Cryotherapy to lesion of conjunctiva
- C39.4 Curettage of lesion of conjunctiva
- C40.5 Suture of conjunctiva
- C41.1 Peritomy
- C43.1 Division of adhesions of conjunctiva
- C43.2 Biopsy of lesion of conjunctiva
- C43.3 Removal of foreign body from conjunctiva
- C43.4 Subconjunctival injection
- C43.5 Exploration of conjunctiva
- C43.6 Creation of hood of conjunctiva
- C45.2 Excision of lesion of cornea nec
- C45.3 Cauterisation of lesion of cornea
- C45.4 Cryotherapy to lesion of cornea
- C45.7 Debridement of lesion of cornea
- C47.1 Suture of cornea
- C47.2 Adjustment to suture of cornea

- C47.3 Removal of suture from cornea
- C48.1 Surgical removal of foreign body from cornea
- C49.1 Section of cornea
- C51.1 Biopsy of lesion of cornea
- C51.2 Chelation of cornea
- C51.3 Exploration of cornea
- C53.2 Excision of lesion of sclera nec
- C53.3 Cauterisation of lesion of sclera
- C53.4 Destruction of lesion of sclera nec
- C54.6 Removal of implant or explant from sclera
- C55.1 Drainage of lesion of sclera
- C57.1 Biopsy of lesion of sclera
- C57.2 Repair of sclera
- C57.4 Suture of sclera
- C59.2 Surgical iridectomy
- C60.1 Trabeculectomy
- C60.3 Fixation of iris
- C60.4 Iridoplasty nec
- C60.5 Insertion of tube anterior chamber of eye to assist DRA
- C61.1 Laser trabeculoplasty
- C62.2 Surgical iridotomy
- C62.3 Laser iridotomy
- C64.1 Excision of prolapsed iris
- C64.2 Excision of lesion of iris
- C64.3 Destruction of lesion of iris
- C64.4 Biopsy of lesion of iris
- C64.5 Removal of foreign body from iris
- C66.3 Cryotherapy to ciliary body
- C67.1 Separation of ciliary body
- C69.1 Reformation of anterior chamber of eye
- C69.2 Paracentesis of anterior chamber of eye
- C69.3 Injection into anterior chamber of eye
- C69.4 Irrigation of anterior chamber of eye
- C71.1 Simple linear extraction of lens (excluding paediatric patients)
- C71.2 Phakoemulsification of lens (excluding paediatric patients)
- C71.3 Aspiration of lens (excluding paediatric patients)
- C71.8 Extracapsular extraction of lens with implant
- C72.3 Cryoextraction of lens
- C73.2 Capsulotomy of anterior lens capsule
- C73.3 Capsulotomy of posterior lens capsule
- C73.4 Capsulotomy of lens nec
- C75.1 Insertion of prosthetic replacement for lens
- C75.2 Revision of prosthetic replacement for lens
- C75.3 Removal of prosthetic replacement for lens
- C77.1 Capsulectomy
- C77.4 Surgical removal of foreign body from lens
- C81.2 Argon laser photocoagulation of retina for tear
- C82.1 Cauterisation of lesion of retina
- C82.2 Cryotherapy to lesion of retina
- C86.2 Repair of globe
- C86.3 Suture of eye nec
- C86.4 Removal of foreign body from eye nec
- C86.6 Examination of eye under anaesthetic

Visual field analysis by campimetrist

Orthoptist examination and treatment when referred by the Ophthalmic Group under paragraph 5 of this Schedule.

The numerical references in this list are OPCS Codes taken from the 4th revision of a document entitled OPCS Tabular List of the Classification of Surgical Operations and Procedures and the description attached to each code has, in some cases, been truncated.

The abbreviation NEC means "not elsewhere classified" and the abbreviation HFQ means "however further qualified".

7 Exclusions

The following procedures are not included:

General "eye checks"

Simple sight testing

Refraction/spectacle prescription (unless medically indicated)

Contact lens fitting (other than bandage lenses)

Glaucoma screening

Diabetic retinopathy screening

Primary care of simple "red eye" conditions

Primary care of simple ocular foreign bodies

Electro-retinography

Visual evoked responses

Fluorescein angiography

Scanning laser ophthalmoscopy

The medical/laser/radiotherapeutic management of disciform maculopathy

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport).

These regulations deal with matters relating to -

- (1) the extent of ophthalmic benefit available to persons entitled to benefit, including the schedule of services to be provided by the Ophthalmic Group, under the terms of the contract which it has with the States of Guernsey;
 - (2) the supply, in exceptional cases, of ophthalmic benefit under the Law otherwise than on referral by a medical practitioner or an ophthalmic optician;
 - (3) the manner in which claims for ophthalmic benefit are to be made;
 - (4) information to be given when making a claim;
 - (5) amendment of claims;
 - (6) claims relating to -
 - (i) persons unable to act;
 - (ii) children;
 - (iii) death;
 - (7) time of claims;
 - (8) repayment of the value of ophthalmic benefit;
- and certain related matters.