

Island of



Guernsey

## Ordinance of the States

XL  
1995

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Made ... .. 14th December, 1995.  
Coming into operation ... .. 1st January, 1996.

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### **The Health Service (Ophthalmic Benefit) Ordinance, 1995.**

**THE STATES**, in pursuance of their Resolution of the 29th day of June, 1995(a), and in exercise of the powers conferred upon them by sections 4 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990(b), hereby order:-

#### **Ophthalmic benefit to be available under Law of 1990.**

1. For the purposes of section 4(d) of the Health Service (Benefit) (Guernsey) Law, 1990 ("the Law") there shall be a further category of benefit under the Law which shall be known as ophthalmic benefit.

#### **Modifications to Law of 1990 in relation to ophthalmic benefit.**

2. The provisions of the Law shall apply in relation to ophthalmic benefit subject to the exceptions, adaptations and modifications set out in the Schedule to this Ordinance.

#### **Citation.**

3. This Ordinance may be cited as the Health Service (Ophthalmic Benefit) Ordinance, 1995.

#### **Commencement.**

4. This Ordinance shall come into force on the 1st January, 1996.

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(a) Billet d'État No. XIII of 1995.

(b) Ordre en Conseil No. XXIV of 1990; Ordinance No. XIV of 1993.

SCHEDULE

Section 2

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO LAW OF 1990  
IN ITS APPLICATION TO OPHTHALMIC BENEFIT.

1. After section 1(3)(d) insert the following paragraph-

"(e) any sums payable by the States pursuant to the provisions of the Ophthalmic Contract."

2. After Part III insert the following Part-

"PART IIIA  
OPHTHALMIC BENEFIT

**Right to ophthalmic benefit.**

5A. (1) A person who satisfies the conditions as to residence and presence specified in section 3(1) shall, subject to the provisions of this Law, be entitled to ophthalmic benefit.

(2) Ophthalmic benefit, in relation to any person, comprises the provision of all such ophthalmic consultations, treatment, procedures and ancillary entitlements as may be prescribed and as may be requisite in the case of that person for the diagnosis, treatment, management, prevention or control of ophthalmic disease or otherwise by reason of that person's ophthalmic condition.

**Conditions subject to which ophthalmic benefit is available.**

5B. A person shall not be entitled to ophthalmic benefit-

- (a) unless the consultation, treatment, procedure or entitlement in question is provided by an approved ophthalmic practitioner or approved ophthalmic nurse pursuant to the provisions of the Ophthalmic Contract; and

- (b) unless, except in such cases as may be prescribed, he is initially referred for the consultation, treatment, procedure or entitlement in question by a medical practitioner or by an ophthalmic optician.

**Regulations as to information and overpayments.**

**5C. Regulations may make provision for-**

- (a) requiring claimants for ophthalmic benefit or persons in receipt thereof to furnish to the Administrator, as a condition of their right to be provided with ophthalmic benefit, any information and evidence (at such times, and verified in such manner, as the Administrator thinks fit) required for the determination of the claim or of any question arising in relation to the claim or the benefit;
- (b) the repayment of the value of ophthalmic benefit provided to any person who, it is subsequently decided, was not entitled to it, and the recovery thereof, by deduction from benefit properly due to him or otherwise;
- (c) treating ophthalmic benefit provided to any person who, it is subsequently decided, was not entitled to it, as having been properly provided or as having been provided on account of benefit properly due to him."

**3. In section 39(1) of the Law-**

- (a) after the definition of "approved nurse" insert the following definitions-

**"approved ophthalmic nurse" means a nurse-**

- (i) whose name is included in the list of nurses maintained by the States Board of Health pursuant to paragraph 4 of the Resolution of the States dated 31st January 1990(c);
- (ii) who is employed by or contracted to the partners of the Ophthalmic Group; and
- (iii) who, pursuant to the provisions of the Ophthalmic Contract, provides ophthalmic benefit;

**"approved ophthalmic practitioner"** means a medical practitioner-

- (i) whose name is included in either of the lists of medical practitioners maintained by the States Board of Health pursuant to paragraph 1(1) of the said Resolution; and
  - (ii) who, pursuant to the provisions of the Ophthalmic Contract, provides ophthalmic benefit;";
- (b) in the definition of "benefit" after "section 4" insert "including ophthalmic benefit";
  - (c) after the definition of "nurse" insert the following definitions-

**"ophthalmic benefit"** shall be construed in accordance with the provisions of section 5A;

**"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;

**"the Ophthalmic Group"** means the partners for the time being of the ophthalmic practice known as the Eye Clinic of 64a Hauteville, St Peter Port;".

K. H. TOUGH,  
Her Majesty's Greffier.