

AMENDMENT TO THE STATEMENT OF GENERAL OPHTHALMIC SERVICES REMUNERATION

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 Amendment to the Statement of General Ophthalmic Services Remuneration. It amends the Statement of General Ophthalmic Services Remuneration dated 27 August 2020.

(2) This determination comes into force on the 25 February 2021.

Part 2

Amendment to the Statement of General Ophthalmic Services Remuneration dated
27 August 2020

2. In the Statement of General Ophthalmic Services Remuneration, in paragraph 1(3), in the appropriate places, insert—

““GOSAM Top Up payment” means the General Ophthalmic Services Average Monthly Top Up payment a contractor may opt to receive in accordance with paragraph 3A;

“pre-Covid” means before 17 March 2020;”.

3. In the Statement of General Ophthalmic Services Remuneration, after paragraph 3 insert—

“General Ophthalmic Services Average Monthly Top Up Payment

3A. For the period beginning with 25 August 2020 and ending with 31 March 2021 a Local Health Board must offer a contractor the option to receive a General Ophthalmic Services average monthly top up payment for each month of that period as reimbursement for their provision of GOS, with such sum payable at the monthly rate that contractor received for the period beginning with 17 March 2020 and ending with 24 August 2020 calculated in accordance with the determination of the Minister for Health and Social Services which came into force on 23 May 2020 relating to the remuneration of contractors during the COVID-19 pandemic⁽³⁾.

(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.

(3) <https://gov.wales/statement-nhs-eye-care-services-payments-during-covid-19-pandemic>

3B. Payment of a contractor's GOSAM 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 a contractor for any month in the period beginning 25 August 2020 and ending with 31 March 2021 exceeds the sum of the GOSAM Top Up payment payable in accordance with paragraph 3A, will be paid in the sum of the GOSAM Top Up payment and the contractor will not be paid any amount claimed for which exceeds that sum.”.

4. In the Statement of General Ophthalmic Services Remuneration, after paragraph 4 insert—

“Conditions attached to the payment of the GOSAM Top Up Payment

4A. If a contractor opts to receive the GOSAM Top Up payment in accordance with paragraph 3A, the GOSAM Top Up payment, or any part thereof, is only payable if the contractor satisfies the following conditions—

- (a) the contractor must provide the Local Health Board with evidence that—
 - (i) service delivery is adhering to that contractor's pre-Covid contractual opening hours, and
 - (ii) the contractor is maintaining, as a minimum, that contractor's pre-Covid ratio of NHS appointments to private appointments;
- (b) the contractor must, no later than 9 April 2021, submit to the Local Health Board—
 - (i) all claims for payment of their provision of GOS 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 contractor must maintain accurate records of all GOS activity undertaken; and
- (d) 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.

4B. All GOSAM 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.”.

5. In the Statement of General Ophthalmic Services Remuneration, in paragraph 5—

- (a) after “4” insert “or 4A”, and
- (b) after “fee” insert “or GOSAM Top Up payment”.



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: 24 February 2021