

HEALTH ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 4 CHAPTER 2

Ophthalmic Services

Section 38: General ophthalmic services contracts

General Ophthalmic Services contracts: other required terms

203. Provisions around General Ophthalmic Services contracts and other required terms are provided in section 28WE.
204. *Subsection (1)* allows general ophthalmic services contracts to contain such provision as may be prescribed in addition to those already specified in this Part.
205. *Subsection (2)* specifies that regulations may make provision as to standards of provision of service, who may perform the service and who the service may be provided to, variation and termination of contracts, rights of entry and inspection and adjudication of disputes. These powers allow for regulations to be made to ensure that primary ophthalmic services are properly regulated, as at present: by, for example (as now) allowing for PCTs to have the right to inspect premises of contractors and for ending contracts if a contractor is found to be unsuitable for any reason.
206. *Subsections (3) and (4)* allow for regulations which make provision for Primary Care Trusts to impose a variation of terms in a contract. The regulations may also suspend or terminate a duty under the contract to provide services of a prescribed description; in such a case the regulations may prescribe services by reference to the manner or circumstances in which they are provided. This allows a PCT to act in cases of sub-standard performance not meriting termination of the contract.
207. *Subsection (5)* requires that regulations must make provision as to patients choosing the person from whom they are to receive services which ensures that eligible patients have an appropriate choice.