

Framework for managing performer concerns:

NHS (Performers Lists) (England) Regulations 2013

Annex 7: elements of the framework specifically applicable to optometry performers



## **Annex 7: elements of the framework specifically applicable to optometry performers**

### **Terminology**

For the purposes of consistency, the terminology used to describe those on the ophthalmic performers list will be referred to as:

Contractors – Contractors contract with the NHS to provide an agreed range of treatments for patients. Their name is on the contract as a party and contractors cannot treat patients unless they are also ophthalmic performers. Contractors are responsible to the NHS for the treatment and all claims in relation to their patients' treatment under the contract. Contractors employ/contract for services with performers to carry out the work under the contract. A Contractor can also be a Performer.

Performers – Only performers can treat patients under the NHS on behalf of a contractor. Performers must be on the National Performers List. Performers cannot make NHS claims unless they also hold a contract with the NHS to provide General Ophthalmic Services.

### **Returners/Induction**

There is currently very little available in the way of induction or refresher courses to support optometrists returning to work. Contact could be made with the College of Optometrists and optometry educational providers to seek advice and guidance on returners to work.

Currently all costs associated with the requirements under any Returners/Induction program would have to be met by the applicant.

### **Accessing Patient Records - GOS Contract Regulations 2008, Regulation 14**

This regulation sets out the requirement of a contractor to allow NHS England to access data in relation to GOS claims and includes the patient records. The reason for this regulation is to allow probity checks on the claims made by NHS Contractors and in order to undertake this work, records of patients supplied with GOS services need to be accessed.

Access means allowed to go into the practice (subject to the usual notice being given as per the regulations), review the originals and to take copies of those documents but not to remove and withhold those original records.

It would be appropriate to make an arrangement with the individual contractor to remove the originals to photocopy and to return the original records within a short time frame; within 2 to 5 working days – the exact time scale to be agreed with the individual contractor. It is vital for the ongoing patient care for a contractor to have the original records.

Clauses 188.2 to 188.4 of the GOS contract state that when a contract terminates, the contractor must co-operate with the Board (AT) to enable any outstanding matters under the contract to be "... concluded satisfactorily, including delivering patient records to such other appropriate person or persons as the Board specifies".

### **Newly Qualified Optometrists – ability to join the performers list and definition of 'Intention to Work'**

Optometrists are permitted to apply to the NHS Ophthalmic Performers List up to a maximum of 3 months prior to the expected date of successful completion of their pre-registration year. It is noted that many practitioners await completion of their exams before applying. This means that though qualified and legally permitted to carry out private eye examinations, they may not perform NHS sight tests until included on the performers list.

Applicants should not be refused entry onto the performers list solely as a consequence of their not having secured a job offer. A job offer would be reliant on the applicant having a performer's list number and therefore cannot secure a job offer until they are included on the performers list.

### **National Clinical Assessment Service (NCAS)**

It should be noted that NCAS do not currently provide advice and support to optometrists.