



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

Feidhmeannacht na Seirbhíse Sláinte  
Seirbhís Aisíoca Príomhchúraim  
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An Bóthar Thuaidh  
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Baile Átha Cliath 11

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**Circular No. 010/11**

13<sup>th</sup> June 2011

Dear Optometrist,

I wish to advise that the Minister for Health, with the consent of the Minister for Finance, made Regulations on the 1<sup>st</sup> June 2011 to reduce payments to Optometrists in respect of certain services rendered to or on behalf of the Health Service Executive under the Community Optometric Services Scheme, the Community Spectacle Dispensing Services Scheme or the Health Amendment Act Card Scheme. In accordance with section 9 (3) of the FEMPI Act 2009, the Regulations are effective from the 1<sup>st</sup> of June 2011. A copy of the Regulations is attached.

I would draw your attention to the provisions of section 9 (8) of the Financial Emergency Measures in the Public Interest Act, 2009. Section 9 (8) allows a contracting Optometrist who does not wish to continue to render services on behalf of the HSE on the basis of the new payment arrangements to withdraw his/her services if he/she so wish, following 30 days written notice of his/her intention to do so. In any such event, Section 9 (9) of the Act allows the HSE to engage the services of another professional to ensure that services continue to be available.

I hope the foregoing and attached clarify matters in relation to the revised fee schedules for the above mentioned schemes.

Yours sincerely,

Patrick Burke  
Primary Care Reimbursement Service



STATUTORY INSTRUMENTS.

**S.I. No. 261 of 2011**

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HEALTH PROFESSIONALS (REDUCTION OF PAYMENTS TO  
OPTOMETRISTS FOR CERTAIN SERVICES) REGULATIONS 2011

**(Prn. A11/0919)**

## HEALTH PROFESSIONALS (REDUCTION OF PAYMENTS TO OPTOMETRISTS FOR CERTAIN SERVICES) REGULATIONS 2011

I, JAMES REILLY, Minister for Health and Children, in exercise of the powers conferred on me by section 9 of the Financial Emergency Measures in the Public Interest Act 2009 (No. 5 of 2009), having complied with subsections (4), (7) and (13) of that section, with the consent of the Minister for Finance, hereby make the following regulations:

1. These Regulations may be cited as the Health Professionals (Reduction of Payments to Optometrists for Certain Services) Regulations 2011.

2. In these Regulations—

“residential setting” means any of the following:

- (a) a nursing home within the meaning of section 2 of the Health (Nursing Homes) Act 1990;
- (b) a home, centre or institution or a part of a home, centre or institution at which residential services are provided to—
  - (i) persons with disabilities, in relation to their disabilities, or
  - (ii) other dependent persons, in relation to their dependencies,

by the Health Service Executive, a person who enters into an arrangement under section 38 of the Health Act 2004 to provide a health or personal social service on behalf of the Health Service Executive or a person who receives assistance under section 39 of the Health Act 2004;

- (c) a centre within the meaning of section 62 of the Mental Health Act 2001;

“disability” means disability as defined in section 2 of the Disability Act 2005 and the term “substantial restriction” in that definition shall be construed as meaning a restriction as described in paragraphs (a) and (b) of section 7(2) of that Act.

3. These Regulations shall apply to payments in respect of domiciliary eye examination services, and dilation services, rendered by an optometrist in one or more residential settings to or on behalf of the Health Service Executive under the Community Optometric Services Scheme, the Community Spectacle Dispensing Services Scheme or the Health Amendment Act Card Scheme.

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 7th June, 2011.*

4. The payments that shall be made to an optometrist in respect of the services referred to in Regulation 3 from the date of the making of these Regulations shall be those specified in the Schedule.

5. The Health Professionals (Reduction of Payments to Ophthalmologists, Optometrists and Dispensing Opticians) Regulations 2009 (S.I. No. 195 of 2009) are amended in Table 1 by—

(a) substituting “Domiciliary eye examination by optometrist (other than a domiciliary eye examination carried out by an optometrist in a residential setting within the meaning of the Health Professionals (Reduction of Payments to Optometrists for Certain Services) Regulations 2011) including any subsequent visits to fit appliances” for “Domiciliary visit by optometrist”, and

(b) inserting the following after the matter referred to in paragraph (a):

“

|   |        |
|---|--------|
| Dilation by optometrist in connection with a domiciliary eye examination (other than dilation in connection with a domiciliary eye examination carried out by an optometrist in a residential setting within the meaning of the Health Professionals (Reduction of Payments to Optometrists for Certain Services) Regulations 2011) | €22.51 |
|---|--------|

”.

#### SCHEDULE

| <b>Services rendered by an optometrist in one or more residential settings under the Community Optometric Services Scheme, the Community Spectacle Dispensing Services Scheme or the Health Amendment Act Card Scheme</b> |   |                            |
|---|---|----------------------------|
| Reference Number<br>(1)   | Service<br>(2)  | Amount<br>(3)              |
| 1.  | Domiciliary eye examination or examinations carried out by an optometrist in one or more residential settings on a particular day including any subsequent visits to fit appliances:<br><br>(a) 1 <sup>st</sup> patient<br>(b) 2 <sup>nd</sup> patient<br>(c) Each additional patient up to a maximum of 15 patients on the day concerned | €67.53<br>€45.02<br>€22.51 |
| 2.  | Dilation carried out by an optometrist in one or more residential settings on a particular day in connection with a domiciliary eye examination:<br><br>(a) 1 <sup>st</sup> patient<br>(b) 2 <sup>nd</sup> patient<br>(c) Each additional patient up to a maximum of 15 patients on the day concerned                                     | €22.51<br>€15.00<br>€7.50  |

The Minister for Finance consents to the foregoing Regulations.



GIVEN under my Official Seal,  
31 May 2011.

MICHAEL NOONAN,  
Minister for Finance.



GIVEN under my Official Seal,  
1 June 2011.

JAMES REILLY,  
Minister for Health and Children.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations provide for a reduction in payments to optometrists in respect of certain services under the Community Optometric Services Scheme, the Community Spectacle Dispensing Services Scheme and the Health Amendment Act Card Scheme.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
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