
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 352

NATIONAL HEALTH SERVICE

**The National Health Service (General Dental Services)
(Scotland) Amendment (No. 2) Regulations 2000**

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| <i>Made</i> | - - - - | <i>4th October 2000</i> |
| <i>Laid before the Scottish Parliament</i> | - - - - | <i>6th October 2000</i> |
| <i>Coming into force</i> | - - | <i>13th November 2000</i> |

The Scottish Ministers, in exercise of the powers conferred upon them by sections 2(5), 25(1) and (2), 28A, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Dental Services) (Scotland) Amendment (No. 2) Regulations 2000 and shall come into force on 13th November 2000.

(2) In these Regulations “the principal Regulations” means the National Health Service (General Dental Services) (Scotland) Regulations 1996(2).

Amendment of regulation 2 of the principal Regulations

2.—(1) Regulation 2(1) of the principal Regulations (interpretation) is amended as follows.

(2) After the definition of “practice premises” there is inserted—

““practice record form” means a form supplied by the Health Board or primary care NHS trust and completed in accordance with paragraph 27 of Schedule 1 for the purpose of obtaining general dental services in circumstances where the dentist intends to use a computer to send an estimate to the Board;”.

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- (1) 1978 c. 29; section 25(2) was amended by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), Schedule 2, paragraph 11 and by the National Health Service and Community Care Act 1990 (c. 19), section 40(2) and Schedule 9, paragraph 19(6) and was extended by the 1988 Act, section 17; section 28A was substituted by the Health Act 1999 (c. 8), section 57(1); section 105(7) which contains provisions relevant to the making of regulations, was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24, and by the Health Act 1999 (c. 8), Schedule 4, paragraph 60; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
- (2) S.I. 1996/177, relevant amending instruments are S.I. 1999/724 and S.S.I. 1999/51.

(3) In the definition of “vocational training” after the words “approved trainer” there is inserted “or, where the approved trainer is a salaried dentist(3), under a contract of service with a Health Board or primary care NHS trust”.

Amendment of regulation 22 of the principal Regulations

3.—(1) Regulation 22(1) of the principal Regulations (statement of dental remuneration) is amended as follows.

(2) In the Table—

- (a) in column 1, after the entry “VIII” there is inserted “IX”; and
- (b) in column 2, after the entry “Reimbursement of non-domestic rates” there is inserted “Commitment payments”.

Amendment of regulation 23 of the principal Regulations

4.—(1) Regulation 23 of the principal Regulations (approval of payments) is amended as follows.

(2) In paragraph (4)(b)(4) for “and VIII” there is substituted “, VIII and XI”.

Amendment of Schedule 1 to the principal Regulations

5.—(1) Schedule 1 to the principal Regulations (terms of service for dentists) is amended as follows.

(2) In paragraph 25 (records)(5)—

(a) in sub paragraph (1)—

- (i) before the word “record” in the first place where it occurs, there is inserted “complete, accurate and up to date”; and
- (ii) after the words “for the purpose of securing and maintaining oral health)” there is inserted “, any practice record form”;

(b) in sub-paragraph (2) after the word “records” there is inserted “forms,”;

(c) for sub-paragraph (3) there is substituted—

“(3) The dentist shall, during the period in which he holds any records, forms, radiographs, photographs and study models referred to in sub paragraph (1)—

- (i) produce them on request to the dental officer, or any authorised officer of the Agency(6), the Health Board or the primary care NHS trust; or
- (ii) send them to the Board, the dental officer, or any authorised officer of the Agency, the Health Board or the primary care NHS trust within 14 days of being required to do so by one of those persons.”; and

(d) in sub paragraph (4) after the word “records” there is inserted “(other than the practice record form) and the form recording recalled attendance in accordance with paragraph 27B”.

(3) For paragraph 27 (completion of estimate)(7) there is substituted—

(3) The definition of “salaried dentist” in the principal Regulations was amended by S.I. [1999/724](#).

(4) Paragraph 4 was amended by S.I. [1999/724](#).

(5) Paragraph 25 was amended by [S.I. 1999/51](#).

(6) A definition of “the Agency” was inserted by S.I. [1999/724](#).

(7) Paragraph 27 was amended by [S.I. 1999/51](#).

“Completion of estimate

27.—(1) Subject to sub paragraphs (2) and (3), when submitting an estimate to the Board for approval in accordance with paragraph 26(1), (2), (3), (4), (8) or (9), a dentist shall in all cases, in addition to the information specified in those sub paragraphs, provide to the Board the following information—

- (a) his name and address and the number by which his arrangement with the Health Board or primary care NHS trust is identified;
- (b) the patient’s name and address and date of birth; and
- (c) details of the care and treatment proposed and the reasons why the dentist considers such care and treatment is necessary.

(2) A dentist when submitting an estimate to the Board for approval as mentioned in sub paragraph (1) may, by arrangement with the Board, use a computer to submit that estimate to the Board.

(3) A dentist who, in accordance with sub paragraph (2), uses a computer to submit an estimate to the Board shall—

- (a) at the appropriate time secure the completion, so far as applicable, by the patient or by any person acting on behalf of the patient, of the practice record form;
- (b) use only such computer programme as the Board has approved as suitable for the purpose; and
- (c) include with that estimate—
 - (i) all the information specified in sub paragraph (1)(a), (b) and (c) except his name and address; and
 - (ii) the personal identification number allocated to him by the Board for that purpose.”.

(4) After paragraph 27 there is inserted—

“Completion of claim forms

27A.—(1) Subject to sub-paragraph (2), where a person declares that he or a person for whom he is responsible does not have to pay the charges prescribed by the National Health Service (Dental Charges) (Scotland) Regulations 1989⁽⁸⁾ by virtue of either—

- (a) entitlement to exemption under sub-paragraph (4) of paragraph 2 or sub-paragraph (4) of paragraph 3 of Schedule 11 to the Act; or
- (b) entitlement to remission of such charges under regulation 3 or 5 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988⁽⁹⁾,

the dentist shall ask that person to produce to him satisfactory evidence in support of that declaration and where that person does not produce such evidence the dentist shall record that fact in his form claiming remuneration for the treatment of that person or the person for whom that person is responsible.

(2) Where, at the time of the declaration there is already available to the dentist satisfactory evidence of an entitlement to exemption from the charges on the grounds that the person in

⁽⁸⁾ S.I. 1989/363 amended by S.I. 1990/1772, 1991/569, 1992/458, 1993/523, 1994/636, 1995/703, 1996/472, 1997/585, 1998/610 and 2258, 1999/724 and by S.S.I. 2000/44.

⁽⁹⁾ S.I. 1988/546, 1989/393 and 616, 1990/551, 917 and 1665, 1991/575, 1992/754, 1993/642 and 2049, 1995/700 and 2381/1996/429 and 2391, 1997/1012 and 2455, 1998/2772 and S.S.I. 1999/63 and 2000/79.

respect of whom the declaration is made is under 18 years of age, the obligations on the dentist specified in sub-paragraph (1) shall not apply.

(3) The dentist may appoint a member of his staff to undertake the task set out in sub-paragraph (1) on his behalf, and where he does so he shall ensure that that staff member is given sufficient instruction to enable him to perform that task.

Recalled attendance

27B. Where a dentist is recalled to his practice premises at a time when he does not normally provide general dental services, in order to provide treatment in an emergency, he shall, on each occasion he does so, at the time of that recalled attendance—

- (a) complete a form supplied by the Health Board or the primary care NHS trust for the purpose of supporting his claim to an allowance for that recalled attendance; and
- (b) obtain the signature on that form of the patient who he has been recalled to treat, or of a person acting on behalf of that patient.”.

(5) After paragraph 37 there is inserted—

“**37A.** Where care and treatment is given by an assistant, the dentist or assistant shall complete a claim for remuneration in respect of that care and treatment which—

- (a) is separate from any claim form in respect of care and treatment given by the dentist personally; and
- (b) identifies the assistant by whom the care and treatment was given and his status as an assistant.”.

St Andrew’s House,
Edinburgh
4th October 2000

SUSAN C DEACON
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Dental Services) (Scotland) Regulations 1996 (S.I.1996/177) (“the principal Regulations”), which provide for arrangements under which dentists provide general dental services as part of the National Health Service in Scotland.

Regulation 2 amends regulation 2 of the principal Regulations (interpretation) to insert a new definition of “practice record form” and add to the definition of “vocational training”.

Regulation 3 amends the Table set out in regulation 22 of the principal Regulations (statement of dental remuneration) to add a new matter, namely “commitment payments”, to the list of matters on which Scottish Ministers shall make provision in a determination published in the Statement of Dental Remuneration.

Regulation 4 amends regulation 23 of the principal Regulations (approval of payments) to make a consequential amendment in relation to payments to dentists, following the amendment made by regulation 3 of these Regulations.

Regulation 5 amends Schedule 1 to the principal Regulations which contains dentists' terms of service. Regulation 5(2) amends the circumstances in which records must be produced for inspection under paragraph 25.

Regulation 5(3) amends paragraph 27, which deals with the completion of estimates to the Scottish Dental Practice Board (“the Board”) for approval of treatment. The amendment allows dentists to use computers to send estimates to the Board. It also provides that dentists who do use computers to send estimates must ensure that a practice record form is completed, that only a computer programme approved by the Board is used for the purpose and that certain information is included with the estimate.

Regulation 5(4) inserts a new paragraph 27A, which requires a dentist to ask to see evidence in support of a patient’s claim that he is entitled to exemption from, or remission of, dental charges and to record in his claim for remuneration when he does not see such evidence. It also requires a dentist to complete a form and obtain a signature from the patient, when he makes a claim for remuneration following his recall to his practice for an emergency outside usual practice hours.

Regulation 5(5) inserts a new paragraph 37A, which requires that a separate claim form be completed for treatment given by assistants.