

1990 No. 381

HEALTH AND PERSONAL SOCIAL SERVICES

**General Dental Services (Miscellaneous Amendments)
(No. 2) Regulations (Northern Ireland) 1990**

Made 24th October 1990

Coming into operation 1st November 1990

The Department of Health and Social Services, in exercise of the powers conferred by Articles 61, 98, 106 and 107 of and Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(a) and with the approval of the Department of Finance and Personnel(b) in so far as they relate to Schedule 15 of that Order and in conjunction with the Department of Finance and Personnel in so far as they relate to Article 61 of that Order and of every other power enabling it in that behalf, and after consultation with such organisations as appear to the Department to be representative of the dental profession as required by Article 61(4) of the said Order, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the General Dental Services (Miscellaneous Amendments) (No. 2) Regulations (Northern Ireland) 1990 and shall come into operation on 1st November 1990.

Amendment of the General Dental Services Regulations (Northern Ireland) 1975

2.—(1) The General Dental Services Regulations (Northern Ireland) 1975(c) shall be amended in accordance with the following paragraphs:—

(2) In regulation 11 (application for services) there shall be substituted the following regulation:—

“Application for Services

11.—(1) Any person ordinarily resident in Northern Ireland or Great Britain, or being a person to whom the provisions of the Health Services (Persons not Ordinarily Resident in Northern Ireland) Regulations (Northern Ireland) 1970(d) apply, requiring general dental services may apply to a dentist whose name appears on the dental list. The person shall produce to the dentist his medical card bearing his health service number

(a) S.I. 1972/1265 (N.I. 14) as amended by S.I. 1978/1907 (N.I. 26), S.I. 1981/432, S.I. 1984/1158 (N.I. 8), S.I. 1986/2229 (N.I. 24) and S.I. 1988/2249 (N.I. 24)

(b) Formerly Department of Finance: see S.I. 1982/338 (N.I. 6) Art. 3

(c) S.R. 1975 No. 227. The relevant amending regulations are S.R. 1990 No. 342

(d) S.R. & O. (N.I.) 1970 No. 56

and shall complete so far as applicable that part of the estimate together with such declaration as may be required by the Agency relating to eligibility for (a) general dental services or (b) general dental services without charge.

(2) A person aged 18 or over to whom the provisions of paragraph (1) apply may apply to any dentist whose name appears in the dental list for general dental services by way of—

- (a) care and treatment under a continuing care arrangement;
- (b) treatment on referral; or
- (c) occasional treatment.

(3) Subject to paragraph (4) a person under the age of 18 to whom the provisions of paragraph (1) apply may apply to any dentist whose name appears in the dental list for general dental services by way of—

- (a) care and treatment under a capitation arrangement;
- (b) treatment on referral; or
- (c) occasional treatment.

(4) A dentist may not enter into a capitation arrangement with a person during the month before he attains the age of 18.

(5) A person under the age of 18 to whom the provisions of paragraph (1) apply may apply to a dentist for general dental services by way of care and treatment under a continuing care arrangement at any time during the month before he attains the age of 18 provided that he is not immediately before that date receiving care and treatment under a capitation arrangement with that dentist.

(6) A person who is receiving care and treatment under a capitation arrangement with a dentist may at any time after he attains the age of 17 apply for general dental services by way of care and treatment under a continuing care arrangement with that dentist from the date he attains the age of 18.

(7) Application under this regulation shall be made in person at the practice premises unless a person is unable to attend those premises owing to illness or any other reasonable cause.”.

(3) In Schedule 1 (terms of service for dentists)—

(a) in paragraph 3—

(i) there shall be substituted for sub-paragraph (c) the following sub-paragraph:—

(c) for a person who is receiving dental services from another dentist (whether or not pursuant to the Order), treatment on referral;”;

(ii) in sub-paragraph (d)—

(a) at the end of head (iii) after the semi-colon there shall be inserted the word “or”; and

(b) after head (iii) there shall be inserted the following head:—

“(iv) who is referred to him under paragraph 16A(1);”;

(b) in paragraph 13(1) for the words “under paragraph 12(1)” there shall be substituted the words “by another dentist who is providing dental services to that patient (whether or not pursuant to the Order) otherwise than under Part III”; and

(c) after paragraph 16 there shall be inserted the following paragraph:—
“*Referral for occasional treatment*

16A.—(1) Where a patient requires any occasional treatment and the dentist does not have the necessary facilities, experience or expertise to provide that occasional treatment, he shall, if the patient agrees, refer him in accordance with sub-paragraph (2) for the provision of that occasional treatment by another dentist under general dental services or by a hospital or other service provided under Part II of the Order.

(2) In referring a patient under sub-paragraph (1) to another dentist or to a hospital or other service for that occasional treatment, the dentist shall—

(a) give details of the oral condition of the patient and the reason for the referral to that other dentist or, as the case may be, that hospital or other service, either at the time of referral or as soon as practicable afterwards;

(b) include with those details a statement of the amount paid to him by the patient under the Dental Charges Regulations (Northern Ireland) 1989(a) in respect of any occasional treatment already provided in the course of the occasional treatment during which the referral is made; and

(c) indicate in his claim for remuneration in respect of that course of occasional treatment that the patient has been referred for the required occasional treatment.

(3) A dentist who accepts a patient referred to him under sub-paragraph (1) shall provide only the occasional treatment which, in the opinion of the dentist, it is necessary for him to provide having regard to the reason for referral.”.

Amendment of the Services Committee Regulations (Northern Ireland) 1973

3.—(1) The Services Committee Regulations (Northern Ireland) 1973(b) shall be amended in accordance with the following paragraph.

(2) In regulation 2(1) (interpretation) the following definition shall be inserted after the definition of “Drug Tariff”:—

“ “estimate has the same meaning as in the General Dental Regulations;”.

(a) S.R. 1989 No. 111

(b) S.R. & O. (N.I.) 1973 No. 416

Amendment of the General Dental Services (Miscellaneous Amendments) Regulations (Northern Ireland) 1990

4. In regulation 15(4) of the General Dental Services (Miscellaneous Amendments) Regulations (Northern Ireland) 1990(a) for the words from “a complaint” to the end of the paragraph there shall be substituted the words “a complaint or a reference which relates to treatment, as part of general dental services, begun before 1st October 1990 except to the extent that such treatment is orthodontic treatment and is provided after the dentist in question has accepted the patient for care and treatment as mentioned in paragraph (1), those regulations shall apply to the investigation, referral or determination of that matter as if these regulations had not been made.”

Sealed with the Official Seal of the Department of Health and Social Services on 24th October 1990.

(L.S.)

F. Green

Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel in so far as the foregoing regulations relate to Article 61 of the Order on 24th October 1990.

(L.S.)

R. Miller

Assistant Secretary

The Department of Finance and Personnel hereby approves the foregoing regulations in so far as they relate to Schedule 15 to the Order.

Sealed with the Official Seal of the Department of Finance and Personnel on 24th October 1990.

(L.S.)

R. Miller

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975, which regulate the terms on which general dental services are provided under the Health and Personal Social Services (Northern Ireland) Order 1972, so as to correct the omission, from regulation 11 and paragraphs 3, 13 and 16 of the dentists' terms of service, of provision for the treatment under general dental services of a patient on referral by another dentist who has been providing occasional treatment or who has been treating the patient otherwise than under general dental services.

Regulation 11 is also amended to re-instate references to persons ordinarily resident in Northern Ireland or Great Britain or persons to whom the provisions of the Health Services (Persons not Ordinarily Resident in Northern Ireland) Regulations (Northern Ireland) 1970 apply and to the requirement of persons applying for general dental services to produce a medical card and complete as far as possible the appropriate part of the estimate, which were removed in error by the General Dental Services (Miscellaneous Amendments) Regulations 1990 ("the 1990 Regulations"). (Regulation 2(2)).

These Regulations also further amend the Services Committee Regulations (Northern Ireland) 1973 ("the 1973 Regulations") to include in regulation 2(1) a definition of "estimate".

These Regulations also amend the transitional provision in regulation 15(4) of the 1990 Regulations as it relates to the application of the 1973 Regulations to dental treatment begun before 1st October 1990.