

## EXECUTIVE NOTE

### **The National Health Service (General Dental Services) (Scotland) Amendment Regulations 2007 SSI/2007/191**

The above instrument is made in exercise of the powers conferred by sections 25(2), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978. The instrument is subject to negative procedure.

#### **Policy Objective**

The purpose of this instrument is to amend the National Health Service (General Dental Services) (Scotland) Regulations 1996 (S.I 1996/177) (“the 1996 Regulations”) to:

- insert new definitions of “the dental care professionals register“, “dental nurse” and “dental therapists” into the 1996 Regulations;
- remove the age limit at which the names of dentists must be removed from the dental lists of Health Boards;
- provide that a dental nurse or dental therapist may accept a child under 3 years of age into a capitation arrangement for care and treatment and place a duty on them when doing so to provide at least one of the parents, guardians or other person having control of the child with a programme of education, advice and care related to the oral health needs of the particular child in addition to the capitation registration form and the information routinely provided on registration, including arrangements for emergencies and for cancellation of appointments; and
- provide that a dentist who accepts a patient into a capitation arrangement must himself or herself provide, depending on the ability of the patient to understand, either to the patient or to at least one of the parents, guardians or other person having control of the patient with education, advice and a care programme related to the oral health needs of the patient.

At present, at the beginning of April each year, Health Boards must remove from their dental list the name of any dentist who has reached the age of 70 in the previous 12 months. Removal of an age limit will bring dental lists into line with other family health service lists in having no upper age limit.

The insertion of a new sub-paragraph (1A) into paragraph 5 of Schedule 1 to the 1996 Regulations enables a dental nurse or therapist to register a child under 3 years of age for capitation and provide at least one of the child’s parents, guardians or other person having control of the child with oral health advice, education and a tailored oral care programme. Enabling dental nurses or therapists to perform this task will free up dentists’ time, help to encourage registration of very young children (even where no teeth have yet erupted) and allow the relevant adult(s) to receive useful advice at a stage which should have a beneficial influence on the child’s future oral health. At present, the dentist must accept children under 3 years old into capitation.

Wording is substituted in paragraph 5(1)(b) of Schedule 1 to the 1996 Regulations to place a duty on dentists, after he has given a patient his or her first dental examination, to similarly provide either the patient or at least one of the parents, guardians, person having control of the patient or child himself/herself with education, advice and a care programme suitable to the patient's oral health needs where the dental nurse or therapist has not already performed these tasks.

At present, on accepting a patient into a capitation arrangement, a dentist must examine the patient and chart his or her decayed, missing or filled teeth. The additional wording inserted into paragraph 5(1)(a) places a duty on the dentist to chart the decayed etc teeth in child patients under 3 years of age when he or she give the patient his or her first dental examination, rather than when the child is accepted into capitation.

### **Consultation**

The dental profession's representative body has been consulted.

### **Consolidation**

A consolidation of the National Health Service (General Dental Services) (Scotland) Regulations 1996 is being prepared by the Executive at present and it is intended that the draft consolidation will be sent to the professional representative body later this year.

### **Financial Effects**

There will be no additional costs to Health Boards.

SCOTTISH EXECUTIVE HEALTH DEPARTMENT  
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