

## EXECUTIVE NOTE

### THE NATIONAL HEALTH SERVICE (GENERAL DENTAL SERVICES) (SCOTLAND) AMENDMENT REGULATIONS 2009 SSI/2009/96

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

#### **Policy Objective**

Under the National Health Service (General Dental Services) (Scotland) Regulations 1996 (“the 1996 Regulations”) a dentist can accept an adult into a continuing care arrangement or a child into a capitation arrangement. During the period of the continuing care or capitation arrangement the dentist is required to provide the patient with the care and treatment necessary to secure and maintain their oral health. This arrangement lasts currently for 36 months and is extended for a further 36 months each time the patient receives care and treatment from the dentist. However, if a patient does not attend the dentist at least once during the 36 month period the arrangement will not be extended and will lapse, which will result in the patient no longer being registered with the dentist. The dentist will no longer be responsible for the patient’s care and treatment.

One of the commitments in the *Action Plan for Improving Oral Health and Modernising NHS Dental Services in Scotland*, which was published in March 2005, was to make registration with a dentist under NHS arrangements a continuing and not time limited system, with defined responsibilities for both dentists and patients. Extension of the registration period from 16 to 36 months with effect from 1 April 2006 was the first step in the move towards a continuing registration period. A further two step change will be put in place to fully implement this commitment. These regulations provide that from 1 April 2009 the duration of a continuing care and capitation arrangement for patients registered with a dentist at that date will be extended to 48 months. Continuing care and capitation arrangements for new patients accepted on or after 1 April 2009 will also last for 48 months. It is the intention that future regulations will provide that all patients under a continuing care and capitation arrangement with a dentist on 1 April 2010 and any arrangements entered into for new patients on or after that date will be made non-time limited.

Regulation 2 of the instrument extends the period at which a continuing care and capitation arrangement will lapse from 36 months to 48 months.

#### **Consultation**

The British Dental Association Scotland and the Scottish Dental Practice Committee have been consulted on this issue.

## **Financial Effects**

There would be a financial impact in the financial year 2009-10, given that dentists would continue to receive full capitation and continuing care payments in that year. This cost is estimated at £2.8m which would be met from the General Dental Services budget.

## **Consolidation**

Work is currently underway to consolidate the National Health Service (General Dental Services) (Scotland) Regulations 1996 and the consolidated regulations will be laid in due course.

Scottish Government Health Directorates  
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