
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 208

The National Health Service (General Dental Services) (Scotland) Regulations 2010

PART V

PRIOR APPROVAL (PATTERNS OF TREATMENT) AND SURVEYS

Prior approval - patterns of treatment

27.—(1) Where in the opinion of the SDPB a dentist's pattern of treatment in respect of all or any particular description of treatment provided as part of general dental services in the area of any Health Board, differs so substantially from the local or national pattern of treatment of other dentists as to warrant further investigation, the SDPB may, after consulting the Agency about the matter, write to the dentist and any person by whom that dentist is employed or engaged in the provision of, or assistance with the provision of, general dental services ("the employer")—

- (a) giving details of the dentist's pattern of treatment in respect of all or any particular description of treatment and stating the extent to which it differs from the local or national pattern of treatment of other dentists;
- (b) inviting the dentist to submit to the SDPB in writing the reasons why the dentist's pattern of treatment differs from that local or national pattern; and
- (c) giving notice to the dentist and, where relevant, the employer that if—
 - (i) the dentist fails to reply within 28 days; or
 - (ii) the dentist's reply discloses no reasonable grounds, in the opinion of the SDPB, for the dentist's pattern of treatment to differ from that local or national pattern of treatment;

the SDPB may give a direction as mentioned in paragraph (2).

(2) Where the dentist fails—

- (a) to reply within 28 days; or
- (b) to disclose the reasonable grounds as mentioned in paragraph (1)(c)(ii),

the SDPB may direct the dentist not to provide or assist in the provision of treatment, or a description of treatment specified in the direction, for a period between 3 months and 9 months as specified in the direction, without obtaining prior approval of an estimate from the SDPB, but nothing in any such direction shall prevent the dentist, without such approval, from providing or assisting in the provision of treatment following trauma or in an emergency, any private treatment or, in the course of any single consultation, treatment of a patient consisting of one examination and the taking of no more than 2 small radiographs, each of a size not exceeding 16 square centimetres.

(3) Where the SDPB gives a direction under paragraph (2), the direction shall inform the dentist of the dentist's right to appeal under regulation 29 and the direction shall have no effect until the expiry of the period allowed by that regulation for the bringing of an appeal and, if such an appeal is brought, until the determination of the appeal.

(4) The SDPB shall not give a direction to a dentist under paragraph (2) in consequence of having written to him under paragraph (1) more than 12 months previously.

(5) Where the SDPB gives a direction to a dentist under paragraph (2), it shall not give a further direction under that paragraph in relation to that dentist in respect of any treatment specified in the earlier direction for a period of 9 months beginning with the expiry of the period specified in the earlier direction or, where the dentist appeals that earlier direction and the appeal is allowed, the date on which the appeal is allowed.

(6) Paragraphs (1) and (2) shall not apply to any treatment for which a contractor is remunerated in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration and for which the contractor receives no remuneration other than a capitation payment.

(7) Where, on the date on which the SDPB gives a direction under paragraph (2), the name of the dentist in respect of whom the direction is given is not included in any dental list, the period specified in the direction shall not begin until the day after the dentist's name is again included in a dental list.

(8) For the purpose of computing the date on which the period specified in any direction given under paragraph (2) comes to an end, no account shall be taken of any day on which the dentist's name is not included in any dental list.

(9) In this regulation—

(a) “pattern of treatment” means—

- (i) the number of instances in which an item or items of treatment are provided by or on behalf of a dentist; or
- (ii) the ratio which the number of instances relating to one such item bears to the number of instances relating to another such item;

(b) “local”, in relation to pattern of treatment, means in the Health Board's area; and

(c) “national”, in relation to pattern of treatment, means throughout Scotland.