
 STATUTORY INSTRUMENTS

1984 No. 1491 (S. 121)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (General Dental Services) (Scotland)
Amendment Regulations 1984

Made - - - -	17th September 1984
Laid before Parliament	19th September 1984
Coming into Operation	1st October 1984

In exercise of the powers conferred on me by section 25(1) and (2) of the National Health Service (Scotland) Act 1978 **(a)** and of all other powers enabling me in that behalf, I 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 Regulations 1984 and shall come into operation on 1st October 1984.

(2) In these regulations “the principal regulations” means the National Health Service (General Dental Services) (Scotland) Regulations 1974 **(b)**.

Amendment of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation) the following definitions shall be inserted:—

(a) after the definition of “assistant”—

“ ‘associateship agreement’ means an agreement between two parties not being partners of each other—

(a) where each party consists of one or more dentists each practising as a principal, and

(b) where the one party undertakes for financial consideration to provide for the other party, the use of some or all premises and some or all facilities for the provision of general dental services;”;

(b) after the definition of “the Board”—

“ ‘capitation arrangements’ means arrangements whereby a dentist is remunerated in accordance with Section X of Determination I of the Statement of Dental Remuneration;”;

(c) after the definition of “dental fitness”—

“ ‘dental health’ means such a reasonable standard of oral health as is consistent with safeguarding general health;”.

3. In regulation 3(1) of the principal regulations (terms of service) sub-paragraph (a) shall be deleted and the following sub-paragraph substituted:—

(a) 1978 c.29.

(b) S.I. 1974/505; relevant amending instruments are S.I. 1974/2048, 1980/1220, 1981/900.

- “(a) insofar as a dentist undertakes to provide general dental services otherwise than as a salaried dentist—
- (i) in relation to those patients for whom he has not undertaken to provide general dental services under capitation arrangements, the terms of service contained in Schedule 1 Parts I and II to these regulations,
 - (ii) in relation to those patients for whom he has, with the approval of the Secretary of State, undertaken to provide general dental services under capitation arrangements, the terms of service contained in Schedule I Part IV to these regulations; and”.

4. The following regulation shall be inserted after regulation 5 of the principal regulations:—

“Information about associateship agreements

5A.—(1) Where an associateship agreement subsisted immediately before 1st November 1984, written notice of the parties thereto shall be given to the Health Board before 30th November 1984.

(2) Where an associateship agreement is made on or after 1st November 1984, written notice of the parties thereto and of the date on which the agreement was made shall be given to the Health Board within 7 days of the latter date.

(3) Written notice of any change in the parties to, or of the termination of, any agreement to which paragraph (1) or (2) applies shall be given to the Health Board within 7 days of such change or termination.

(4) Any notice required by this regulation shall be given by the party undertaking by virtue of the associateship agreement to provide the use of premises and facilities, except that where the said party comprises more than one dentist, any one such dentist shall give that notice.”

5. In regulation 8 of the principal regulations (arrangements to complete treatment), the following paragraph shall be inserted after paragraph (3):—

“(4) Where a dentist who is providing care and treatment for patients under capitation arrangements ceases to be included in the dental list, or is prohibited by virtue of paragraph 35 in Part IV of Schedule 1 to these regulations from providing such care and treatment, the Health Board may, after consultation with the area dental committee and with the agreement of the patients concerned, make arrangements with one or more dentists, on such terms and conditions as the Board may approve, for the care and treatment, or the treatment of such patients.”.

6. In Part I of Schedule 1 to the principal regulations (terms of service), paragraph 3 shall be deleted and the following paragraph substituted:—

“General anaesthesia

3. Provision of the services of a doctor or another dentist in respect of the administration of a general anaesthetic in connection with any treatment shall be the responsibility of the dentist who provides the treatment.”.

7. In Part II of Schedule 1 to the principal regulations (additional terms of service for dentists other than salaried dentists), that heading shall be deleted and the following substituted:—

“Additional terms of service”.

8. After Part III of Schedule 1 to the principal regulations there shall be inserted the following Part:—

PART IV

TERMS OF SERVICE FOR DENTISTS PROVIDING GENERAL DENTAL SERVICES UNDER CAPITATION ARRANGEMENTS

Standard of service

31. In providing general dental services under capitation arrangements to a patient, a dentist shall—

- (a) employ a proper degree of skill and attention;
- (b) provide the care and treatment necessary to secure dental health which the patient is willing to undergo;
- (c) regularly provide the care and treatment necessary to maintain dental health which the patient is willing to undergo;
- (d) where the dentist provides treatment for which a fee, other than a capitation fee, or other remuneration is payable and which the patient is willing to undergo, subject to the provisions of paragraph 10, satisfactorily complete that treatment;
- (e) save as is provided in paragraphs 3, 5, 14 and 22 give all care and treatment personally;
- (f) comply with any requirements as to the materials to be used and any restrictions on the purpose for which or any conditions subject to which materials may be used, as set out in Determination III of the Statement of Dental Remuneration.

Application of paragraphs of Parts I and II of this Schedule

32.—(1) The provisions of paragraphs 1, 4, 13, 15, 16, 20, 21 and 23 shall have effect as if they were contained in this Part of this Schedule.

(2) The provisions of paragraphs 3, 5, 6(1), 8(5) and (6) (a) , 11, 12, 14, 17, 19 and 22 shall have effect as if—

- (a) they were contained in this Part of this Schedule and
- (b) there were substituted for the word “treatment”, wherever it appears, the words “care and treatment”.

(3) The provisions of paragraphs 8(1), (2), (3)(a), (3)(b), (4) and 10 shall, in relation to the provision of treatment for which a fee, other than a capitation fee, or other remuneration is payable, have effect as if they were contained in this Part of this Schedule.

Records

33.—(1) A dentist shall retain all films taken or obtained by him as part of care and treatment and all records referred to in paragraph 6(1) (which films and records shall be the property of the dentist) for a period of 12 months from the end of the last month in respect of which a capitation fee is payable.

(2) The dentist shall during the period of retention described in sub-paragraph (1) above submit the said films and records to the Board or to a dental officer as required, and that within 14 days of such requirement.

Use of dental forms

34.—(1) In accepting a person for care and treatment under capitation arrangements and upon providing such care and treatment, a dentist shall at the appropriate time complete or secure the completion of each relevant part of the following as the case may require:—

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- (a) Paragraph 8(5) was substituted by and paragraph 8(6) inserted by S.I. 1980/1220.

- (a) the acceptance form as set out in Determination V of the Statement of Dental Remuneration;
- (b) the initial or other claim form for claiming capitation fees, as set out in the said Determination V, in accordance with instructions for the completion of such forms;
- (c) the dental estimate form, in accordance with instructions for the completion of such form;
- (d) the certificate of dental fitness as set out in Determination V of the Statement of Dental Remuneration;

and, where treatment is or is to be provided for which a fee, other than a capitation fee, or other remuneration is payable, the dentist shall set out in accordance with instructions for the completion of such form all such treatment necessary to maintain dental health and, if the patient is not willing to undergo the whole of such treatment, shall further set out in accordance with the instructions the particulars of such part as the patient is willing to undergo.

(2) A dentist shall after completion of the acceptance form give it to the appropriate person.

- (3) A dentist shall send to the Board—
 - (a) not later than 31st December 1984, the initial claim form;
 - (b) within one month of its completion by the dentist, the certificate of dental fitness;
 - (c) within one month of completion of the treatment, any form which includes details of treatment for which a fee, other than a capitation fee, or other remuneration is payable;
 - (d) within one month of the visit to which it relates, any other form required under sub-paragraph (1).

Provision of care and treatment

35. A dentist who is subject to a requirement mentioned in paragraph 8(3)(c) shall not during the period for which the requirement is in force provide care and treatment or undertake to provide general dental services under capitation arrangements.

Withdrawal from capitation arrangements

36.—(1) A dentist who wishes to discontinue care and treatment for a patient under capitation arrangements shall—

- (a) give written notice to the Health Board and the appropriate person not later than three months before the date from which no further fees will be payable under capitation arrangements;
- (b) give written notice to the Health Board and the appropriate person not later than three months before the date on which he wishes to discontinue such care and treatment.

(2) A dentist who gives notice under paragraph (1)(a) shall discontinue care and treatment for the patient on the date referred to in paragraph (1)(a).

(3) Where a dentist gives notice under paragraph (1)(b) the Health Board may, after considering any representations made by the appropriate person, authorise the dentist to discontinue such care and treatment, and, subject to the receipt of such authorisation, the dentist shall discontinue care and treatment for the patient on the date referred to in paragraph (1)(b).

(4) A Health Board which gives an authorisation under paragraph (3) shall so inform the appropriate person and the Board.

(5) Where authorisation is given under paragraph (3) the Board shall authorise, without prejudice to the provisions of Part V of the regulations, such payments as it may consider appropriate in respect of care and treatment already provided.

Interpretation

37. In this Part of this Schedule, "appropriate person" means the person who would be the appropriate person were the case one to which the provisions of regulation 20 applied."

George Younger,
One of Her Majesty's Principal
Secretaries of State.

St Andrew's House,
Edinburgh.
17th September 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the National Health Service (General Dental Services) (Scotland) Regulations 1974 ("the principal regulations").

Regulation 2 inserts various new definitions in the principal regulations.

Regulation 3 inserts a revised sub-paragraph (a) in principal regulation 3(1) specifying which Parts of Schedule 1 (Terms of service) apply to different categories of general dental practitioner.

Regulation 4 inserts a new regulation 5A requiring that notification be given to the Health Board of a new or subsisting associateship agreement or of any subsequent change in the parties to, or of the termination of, such an agreement.

Regulation 5 inserts a new paragraph (4) in principal regulation 8 to cover the making of alternative arrangements to complete dental treatment.

Regulation 6 inserts a revised paragraph 3 (which relates to the administration of a general anaesthetic in treatment) in Schedule 1 to the principal regulations.

Regulation 8 inserts a new Part IV in Schedule 1 and thereby provides new terms of service for general dental practitioners who enter into arrangements with Health Boards to provide general dental services under capitation arrangements. Such arrangements involve payment to a general dental practitioner of an annual fee for providing care and treatment to patients as necessary.

Regulation 7 makes a minor consequential amendment to the principal regulations.

SI 1984/1491
ISBN 0-11-047491-0



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