
STATUTORY INSTRUMENTS

1996 No. 177

The National Health Service (General Dental Services) (Scotland) Regulations 1996

PART VII

prior approval (patterns of treatment) and surveys

Prior approval— patterns of treatment

33.—(1) Where it appears to the Board that 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, in the opinion of the Board, further investigation, the Board may write to the dentist—

- (a) giving details of his 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 him to submit to the Board in writing the reasons why his pattern of treatment differs to the extent identified by the Board under sub-paragraph (a) of this paragraph, from that local or national pattern; and
- (c) giving notice to him that if—
 - (i) he fails to reply within 28 days; or
 - (ii) his reply discloses no reasonable grounds, in the opinion of the Board, for his pattern of treatment to differ, to the extent identified by the Board under sub-paragraph (a) of this paragraph, from that local or national pattern of treatment,

the Board 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 Board may direct the dentist that he may not, for a period of not less than 3 months nor more than 9 months specified in the direction, carry out treatment, or a description of treatment specified in the direction, without first obtaining approval of an estimate from the Board, but nothing in any such direction shall prevent the dentist, without such approval, from giving 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 Board gives a direction under paragraph (2), the direction shall inform the dentist of his right of appeal under regulation 20 of the National Health Service (Service Committees and Tribunal)(Scotland) Regulations 1992 and 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 Board 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 Board gives a direction to a dentist under paragraph (2), the Board 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 dentist is remunerated in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration and for which he receives no remuneration other than a capitation payment.

(7) Where, on the date on which the Board 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 next day on which his 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 throughout the area of a Health Board; and

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

Surveys

34. The Board may conduct or commission surveys or other research relating to the provision of general dental services.